



FEDERAL REGISTER

VOLUME 29 NUMBER 21
 1934

Washington, Thursday, January 30, 1964

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Announcing: Volume 76A

UNITED STATES STATUTES AT LARGE

Containing THE CANAL ZONE CODE

Enacted as Public Law 87-845 during the Second Session of the Eighty-seventh Congress (1962)

Price: \$5.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402

Rules and Regulations

Title 7—AGRICULTURE

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 127]

PART 1127—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the San Antonio, Texas, marketing area (7 CFR Part 1127), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of February:

(1) Section 1127.65(a); and

(2) In § 1127.65(b) the provision "during the months of August and January"

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order would make effective for the month of February a rate of compensatory payment at the difference between the Class I milk price and the blend price to producers rather than a rate of payment at the difference between the Class I and Class II milk prices as now provided in the order. This action is corollary to that taken by the Assistant Secretary on February 28, 1963 (28 F.R. 1983) which similarly lowered the rate of compensatory payment on unpriced other source milk for the months of March through July. A hearing at which evidence was received on this issue was held at Denver, Colorado, January 14-18, 1963, for this and 24 other orders. Final action on the record of this hearing cannot be effected for the month of February 1964. This suspension order will assure the continuance of orderly marketing of milk in this area.

Therefore, good cause exists for making this order effective February 1, 1964.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of February.

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

Effective date. February 1, 1964.

Signed at Washington, D.C., on January 24, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-929; Filed, Jan. 29, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture.

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Miscellaneous Amendments

On July 18, 1963, there was published in the FEDERAL REGISTER (28 F.R. 7348) a notice with respect to proposed amendments to Part 78, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such Notice and pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111-113, 114a-1, 120, 121, 125, 134b), the regulations in Part 78, as amended, restricting the interstate movement of domestic animals because of brucellosis, are hereby further amended in the following respects:

1. The title of said part is amended to read: Part 78—Brucellosis.

2. Paragraph (a) of § 78.1 is amended to read:

§ 78.1 Definitions.

(a) *Brucellosis*. The infectious and communicable disease of animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

* * * * *

3. Paragraph (c) of § 78.3 is amended to read:

§ 78.3 Certificates pertaining to movement of animals.

* * * * *

(c) The person issuing a certificate required for the interstate movement of cattle under paragraph (d) or (e) of § 78.12, or of bison under § 78.20, shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the cattle or bison.

4. Section 78.4 is amended to read:

§ 78.4 General restriction.

Domestic animals (other than bison) affected with brucellosis may not be moved interstate except in compliance

with the regulations in this subpart. Bison may not be moved interstate except as provided in Subpart E of this part.

5. Paragraph (b) of § 78.15 is amended to read.

§ 78.15 Slaughtering establishments.

* * * * *

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of § 78.5; paragraphs (b) and (c) of § 78.12; and §§ 78.18 and 78.19 are published in the FEDERAL REGISTER. Information with respect to these slaughtering establishments may also be obtained from the Division and from the Federal Inspectors and State Inspectors.

6. A new subpart E is added, reading as follows:

Subpart E—Restrictions on Movement of Bison Because of Brucellosis

Sec.	
78.17	General restriction.
78.18	Movement of brucellosis reactor bison.
78.19	Movement of bison for immediate slaughter.
78.20	Movement of bison for purposes other than slaughter.
78.21	Movement of bison from public zoo to public zoo.
78.22	Handling of bison in transit.
78.23	Other movements.

AUTHORITY: The provisions of this Subpart E issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125, 134 b and f; 19 F.R. 74, as amended; 9 CFR 78.16.

§ 78.17 General restriction.

Bison may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.18 Movement of brucellosis reactor bison.

Bison which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart, in accordance with the requirements of § 78.5(a), (b), and §§ 78.7 through 78.9, for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.16 (b) for the purposes of § 78.5.

§ 78.19 Movement of bison for immediate slaughter.

Bison not known to be affected with brucellosis may be moved interstate under this subpart for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.16(b).

§ 78.20 Movement of bison for purposes other than slaughter.

(a) Bison steers and spayed heifers may be moved interstate without restriction under this subpart.

(b) Bison of the following classes, from herds not known to be affected with brucellosis, may be moved interstate under this subpart if accompanied by a certificate issued by a State or Federal Inspector or an accredited veterinarian showing (1) the brucellosis status of the herd of origin (brucellosis-free or unknown); (2) whether or not the animals have been officially vaccinated against brucellosis; (3) the eartag number, brand or other positive identification of each animal; (4) the name and address of the consignor and that of the consignee of the animals; and (5) the destination of the animals:

(i) Bison which have been subjected to a blood agglutination brucellosis test or other brucellosis test recognized by the Secretary of Agriculture, under the supervision of a Federal or State veterinary official or an accredited veterinarian, within 30 days prior to the date of movement interstate, and found negative. If reactors to the test are found among animals so tested, the exposed animals may be moved interstate only under the provisions of § 78.19.

(ii) Officially vaccinated bison under 30 months of age which are not parturient (springers) or post-parturient.

(iii) Bison from a herd which has been declared free of brucellosis by the cooperating State and Federal livestock sanitary officials of the State in which the herd is located.

(iv) Bison calves under 4 months of age.

§ 78.21 Movement of bison from public zoo to public zoo.

Bison originating in a zoo owned by the public moving to another such zoo and handled in accordance with § 78.22 may be moved interstate without further restriction under this subpart.

§ 78.22 Handling of bison in transit.

Bison moving under §§ 78.19, 78.20, or 78.21 of this subpart shall be moved interstate only in clean vehicles, and, if unloaded in the course of such movement, shall be handled only in clean pens at stockyards, or good, water, and rest stations.

§ 78.23 Other movements.

The Director of the Division may provide for the movement, not otherwise provided for in this subpart, of bison not known to have reacted to a test for brucellosis, under such conditions as he may prescribe to prevent the spread of brucellosis. The Director of the Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125, 134 b and f; 19 F.R. 74, as amended; 9 CFR 78.16)

The amendment includes bison within the applicable provisions of the regulations in this part. The amendment is considered necessary as many bison

herds in this country are known to be affected with brucellosis. It is believed, therefore, that there is a definite need for restrictions to be placed on the interstate movement of these animals.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1964.

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

[F.R. Doc. 64-930; Filed, Jan. 29, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 3060; Amdt. 1, Reg. No. SR-450A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

Special Civil Air Regulation; Airspeed Operation Limitation for Transport Category Airplanes

Special Civil Air Regulation No. SR-450A, effective August 31, 1962, requires, in part, that on or before February 1, 1964, all turbine-powered transport category airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962, be equipped with an aural speed warning device.

A number of operators of turboprop airplanes affected by SR-450A have requested further extension of this compliance date, contending that in some cases unforeseen delays occurred in the development of a satisfactory device and in others difficulties in production caused a high rate of rejection. These operators state that the necessary parts cannot be obtained in time to permit completing the installation and checking by the February 1, 1964, compliance date. A few of these operators requested, and were granted, individual extensions of the compliance date until April 1, 1964, which

they considered a sufficient time in which to comply. However, a majority of the operators have found that a longer extension is necessary to comply with the provisions of section 1(b) of SR-450A.

The Agency has determined that, for the aforementioned reasons and despite diligent efforts on their part, many persons affected by SR-450A will not be able to comply with the provisions of section 1(b) before the specified date of February 1, 1964. The requirements of section 1(a), governing the airplane flight manual and airspeed instrument marking, have been complied with, and will permit an indication of the V_{mo} speed limit on these turboprop airplanes. In view of this, a further period of relief may be granted to operators of turboprop airplanes without adversely affecting safety. In general, operators of other turbine-powered airplanes have not experienced the same difficulty in meeting the February 1, 1964, compliance date and no generally applicable extension is necessary for such airplanes. Accordingly, SR-450A is being amended to change the February 1, 1964, compliance date to August 1, 1964, for turboprop airplanes.

Since this amendment provides relief from a previous regulation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, effective February 1, 1964, section 1(b) of Special Civil Air Regulation No. SR-450A is hereby amended by deleting the words "On or before February 1, 1964," and inserting in lieu thereof, "On or before August 1, 1964, for turboprop airplanes and on or before February 1, 1964, for all other turbine-powered airplanes."

This amendment is made under the authority of sections 313(a), 601, 603, 604; 72 Stat. 752, 775, 776, 778, (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on January 27, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-954; Filed, Jan. 29, 1964; 8:50 a.m.]

[Airspace Docket No. 63-WA-94]

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

Alteration of Continental Control Area

The purpose of this amendment to § 71.151 of the Federal Aviation Regulations is to add Restricted Area R-5104, Melrose, N. Mex., to the continental control area for the purpose of air traffic control.

Restricted Area R-5104 is presently designated from the "Surface to 23,000 feet MSL" during the hours of "Sunrise to sunset," and is a joint use area with the Albuquerque ARTC Center acting as the controlling agency. The Commander, Cannon AFB is the using agency.

The inclusion of R-5104 in the continental control area will provide for air traffic control in this airspace from 14,500

feet MSL to 23,000 feet MSL when it can be released on a joint use basis by the using agency.

Since this amendment is minor in nature, compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon public publication.

In consideration of the foregoing, the following action is taken: In § 71.151 (27 F.R. 220-54, November 10, 1962), "R-5104 Melrose, N. Mex." is added.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on January 22, 1964.

CLIFFORD P. BURTON,
*Acting Director,
Air Traffic Service.*

[F.R. Doc. 64-903; Filed, Jan. 29, 1964;
8:45 a.m.]

[Airspace Docket No. 61-FW-24]

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

Postponement of Effective Date

On October 18, 1963, there were published in the FEDERAL REGISTER (28 F.R. 11185) amendments to Part 71 [New] of the Federal Aviation Regulations which realigned VOR Federal airways Nos. 157, 243, 819, 839 and 881 via a new VOR to be installed in the vicinity of Waycross, Ga. These amendments were to become effective December 12, 1963. On December 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12925) an amendment to Airspace Docket No. 61-FW-24 which postponed the effective date until February 6, 1964. This was necessary due to a delay in the commissioning date of the Waycross VOR. Because of an additional delay in the commissioning of the Waycross VOR, action is taken herein to further amend Airspace Docket No. 61-FW-24 by postponing the effective date until April 2, 1964.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following action is taken: In Airspace Docket No. 61-FW-24, "effective 0001 e.s.t., February 6, 1964" is deleted and "effective 0001 e.s.t., April 2, 1964" is substituted therefor.

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

Issued in Washington, D.C., on January 23, 1964.

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

[F.R. Doc. 64-904; Filed, Jan. 29, 1964;
8:45 a.m.]

[Airspace Docket No. 64-EA-12]

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

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Federal Airways, Control Area Extension, Control Zone, Reporting Point, Jet Routes and Jet Advisory Areas

On December 24, 1963, the New York International Airport was renamed the John F. Kennedy International Airport in honor of our late President.

The purpose of these amendments to the Federal Aviation Regulations is to change the name of Idlewild to Kennedy wherever it appears in Parts 71 [New] and 75 [New].

Since these amendments are editorial in nature and impose no additional burden on any person, compliance with Section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 71.123 (29 F.R. 1009) wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

2. In § 71.143 (29 F.R. 1049) wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

3. Section 71.163 (29 F.R. 1068) is amended as follows: In the text of Control 1169 wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

4. Section 71.165 (29 F.R. 1073) is amended as follows:

a. In the text of Harrisburg, Pa., "Idlewild, N.Y., VORTAC" is deleted and "Kennedy, N.Y., VORTAC" is substituted therefor.

b. In the text of New York, N.Y., wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

5. Section 71.171 (29 F.R. 1101) is amended as follows: New York, N.Y. (International Airport), is amended to read:

New York, N.Y., (International Airport)
Within a 5-mile radius of John F. Kennedy International Airport (latitude 40°38'29" N., longitude 73°46'41" W.); within a 5-mile radius of NAS New York, N.Y., (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles either side of the 121° bearing from the Kennedy RBN extending from the RBN to 10 miles SE of the RBN; within 2 miles either side of the 211° bearing from the Kennedy RBN extending from the John F. Kennedy International 5-mile radius zone to 19 miles SW of the RBN; and within 2 miles either side of the 010° bearing from the Scotland, N.J., RBN extending from the NAS New York 5-mile radius zone to the RBN.

6. In the text § 71.207 (29 F.R. 1223) "Idlewild, N.Y.," is deleted and "Kennedy, N.Y.," is substituted therefor.

7. In § 75.100 (29 F.R. 1287) wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

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

Issued in Washington, D.C. on January 24, 1964.

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

[F.R. Doc. 64-938; Filed, Jan. 29, 1964;
8:49 a.m.]

[Airspace Docket No. 63-CE-99]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On October 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11074) stating that the Federal Aviation Agency was considering an amendment to § 73.42 of the Federal Aviation Regulations which would alter the dimensions of the Mount Clemens, Mich., (Selfridge AFB), Restricted Area/Military Climb Corridor R-4203.

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

The substance of the proposed amendment having been published and for the reasons stated in the Notice, the following action is taken:

In § 73.42 Michigan, (28 F.R. 19-26, January 26, 1963), R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor, is amended to read:

R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 42°39'35" N., longitude 82°50'05" W., the area centered on a bearing therefrom of 008°, extending to a point 30 nmi N., having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes.
Surface to flight level 240 from the point of beginning to 3 nmi N.

2,000 feet MSL to flight level 240 from 3 nmi to 6 nmi N of the point of beginning.
5,000 feet MSL to flight level 240 from 6 nmi to 10 nmi N of the point of beginning.

9,000 feet MSL to flight level 240 from 10 nmi to 15 nmi N of the point of beginning.
14,000 feet MSL to flight level 240 from 15 nmi to 21 nmi N of the point of beginning.

17,000 feet MSL to flight level 240 from 21 nmi to 26 nmi N of the point of beginning.
20,000 feet MSL to flight level 240 from 26 nmi to 30 nmi N of the point of beginning.

Time of designation. Continuous.
Using agency. Selfridge AFB Approach Control.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

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

Issued in Washington, D.C., on January 22, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64-905; Filed, Jan. 29, 1964;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-678]

PART 13—PROHIBITED TRADE PRACTICES

Glotzer and Glotzer, Inc., et al.

Subpart—Advertising falsely and misleadingly: § 13.155 *Prices*; § 13.155-40 *Exaggerated as regular and customary*. Subpart—Concealing, obliterating or removing, law required and informative marking: § 13.512 *Fur products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40(b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Glotzer and Glotzer, Inc., et al., Hartford, Conn., Docket C-678, Jan. 13, 1963]

In the Matter of Glotzer and Glotzer, Inc., a Corporation, Isadore Glotzer, Sara Glotzer, and William B. Glotzer, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Hartford, Conn., to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing and advertising, to show the true animal name of fur and to use the term "natural" where required; failing to show the registered identification of the manufacturer on labels and the country of origin of imported furs on invoices; invoicing "Spotted Cat" falsely as "Leopard Cat"; advertising prices as reduced from usual retail prices which were fictitious; failing to keep adequate records as a basis for pricing claims; substituting non-conforming labels for those originally affixed to fur products and failing to comply in other respects with requirements of the Act.

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

It is ordered, That respondents Glotzer and Glotzer, Inc., a corporation, and its officers, and Isadore Glotzer, Sara Glotzer and William B. Glotzer, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Represents, directly or by implication, that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That Glotzer and Glotzer, Inc., a corporation and its officers and Isadore Glotzer, Sara Glotzer and William B. Glotzer individually and as officers of the said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

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

manner and form in which they have complied with this order.

Issued: January 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-916; Filed, Jan. 29, 1964;
8:46 a.m.]

[Docket No. 8525 o.]

PART 13—PROHIBITED TRADE PRACTICES

Great Western Distributing Co. et al.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 46) [Cease and desist order, Great Western Distributing Company et al., Lewiston, Idaho, Docket 8525, Dec. 31, 1963]

In the Matter of Great Western Distributing Company, a Corporation, and Earl C. Jasper, Individually and as an Officer of Said Corporation, and Edward J. Carr, an Individual

Order requiring Lewiston, Idaho, distributors of punchboards and a variety of items of general merchandise to jobbers and retail dealers for resale, to cease selling punchboards or other devices, either with or without merchandise, which are designed to be used in ultimate sale of the merchandise by means of a lottery scheme.

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

It is ordered, That the respondents Great Western Distributing Company, a corporation, and its officers, and Earl C. Jasper, individually and as an officer of said corporation, and Edward J. Carr, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punch boards or other devices, either with merchandise or separately, which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the initial decision as supplemented to conform to the views expressed in the accompanying opinion be adopted as the decision of the Commission.

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

Issued: December 31, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-917; Filed, Jan. 29, 1964;
8:46 a.m.]

[Docket No. C-638]

PART 13—PROHIBITED TRADE PRACTICES

Harry Hutt and Harry Hutt Fur Co.

Subpart—Invoicing products falsely: § 13.1108. *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40(b) *Place*. Subpart—Using misleading name—Goods: § 13.2280 *Composition*; § 13.2280-30 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Harry Hutt trading as Harry Hutt Fur Co., New York, N.Y., Docket C-638, Dec. 27, 1963]

In the Matter of Harry Hutt, an Individual Trading as Harry Hutt Fur Co.

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to show, on labels and invoices, the true animal name of furs; to disclose, on labels, when fur was artificially colored and to identify the manufacturer, etc.; to show, on invoices, when fur products contained used fur and the country of origin of imported furs; to set forth the terms "Persian Lamb", on labels and invoices, and "Dyed Broadtail-processed Lamb", on invoices; invoicing dyed rabbit as "Coney" and "Sealine"; and failing to comply in other respects with labeling and invoicing requirements.

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

It is ordered, That respondent Harry Hutt, an individual, trading as Harry Hutt Fur Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly

legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

D. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth on labels the item number or marks assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products any false and deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

E. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

F. Failing to disclose that fur products contain or are composed of second-hand used fur.

G. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

H. Failing to set forth on invoices the item number or mark assigned to fur products.

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

and form in which he has complied with this order.

Issued: December 27, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-918; Filed, Jan. 29, 1964;
8:46 a.m.]

[Docket No. C-677]

PART 13—PROHIBITED TRADE PRACTICES

Irving-Frederick, Inc., et al.

Subpart—Concealing, obliterating, or removing law required and informative marking: § 13.512 *Fur products tags or identification*; § 13.525 *Wool products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1845-80 *Wool Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40(b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Irving-Frederick, Inc., et al., San Francisco, Calif., Docket C-677, Jan. 9, 1964]

In the Matter of Irving-Frederick, Inc., a Corporation, and Irving Bartel and Mrs. Joseph Nagel, Individually and as Officers of Said Corporation, Irving Bartel, Inc., a Corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, Individually and as Officers of Said Corporation

Consent order requiring two associated retailers of fur products in San Francisco, Calif., to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing, to show the true animal name of fur and when fur was bleached or dyed; failing to disclose, in invoicing, the country of origin of imported furs; failing to use the term "natural" in labeling, invoicing, and advertising to describe fur products which were not artificially colored; substituting nonconforming labels for those affixed by the manufacturer or distributor; and failing in other respects to comply with provisions of the Act; and to cease violating the Wool Products Labeling Act by failing to label wool products as required and removing labels or other identification prior to ultimate sale.

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

It is ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or identification of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information on labels affixed to fur products.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder, to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product and which:

Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

It is further ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

It is further ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers, of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or delivery for shipment, in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of any stamp, tag, label or other means of identification affixed to any wool product subject

to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of the said Act.

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

Issued: January 9, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-919; Filed, Jan. 29, 1964;
8:47 a.m.]

[Docket No. C-674]

PART 13—PROHIBITED TRADE PRACTICES

Milton Kastil et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40(b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Milton Kastil et al., trading as Milton Kastil Furs, Etc., Chicago, Ill., Docket C-674, Jan. 7, 1964]

In the Matter of Milton Kastil and Edward Kastil Individually and as Copartners Trading as Milton Kastil Furs and Irving Kastil, Individually and as an Employee of the Partnership

Consent order requiring manufacturing furriers in Chicago, Ill., to cease violating the Fur Products Labeling Act by failing to use the term "natural" on labels to describe fur products which were not artificially colored; failing, in invoicing, to show the true animal name of furs and the country of origin of imported furs, to disclose when fur was bleached or dyed, and to use the terms "Persian Lamb" and "natural" where required, and invoicing furs improperly as "Broadtail"; substituting nonconforming labels for those attached by the manufacturer or distributor; and failing in other respects to comply with labeling and invoicing requirements.

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

It is ordered, That respondents Milton Kastil and Edward Kastil, individually and as copartners trading as Milton Kastil Furs or under any other trade name and Irving Kastil, individually and as an employee of the partnership and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

6. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Milton Kastil and Edward Kastil, individually and as copartners trading as Milton Kastil Furs, or under any other name and Irving Kastil, individually and as an employee of the partnership, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

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

Issued: January 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-920; Filed, Jan. 29, 1964;
8:47 a.m.]

[Docket No. 8489 o.]

PART 13—PROHIBITED TRADE PRACTICES

Papercraft Corp.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1720 *Quantity*.

(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, The Papercraft Corporation, Pittsburgh, Pa.; Docket 8489, Dec. 24, 1963]

Order requiring a Pittsburgh, Pa., manufacturer of gift wrappings, ribbons and related products, to cease misrepresenting the size of rolls of gift wrapping papers by such practices as packaging the rolls in display boxes with two inches of empty space at either end, thus creating the false impression that the rolls were as wide as the containers.

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

It is ordered, That respondent, The Papercraft Corporation, a corporation, and its officers, directors, agents, representatives, employees, successors and assigns, directly or indirectly, under any name or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce, of rolls of gift wrapping papers, do forthwith cease and desist from:

(1) Packaging rolls of gift wrapping paper in oversized boxes or other containers so as to create the appearance or impression that the width or other dimensions or quantity of the gift wrapping paper contained in the box or container is appreciably greater than is the fact; but nothing in this order shall be construed as forbidding respondent to use oversized containers if respondent justifies the use of such containers as necessary for the efficient packaging of the rolls contained therein and establishes that respondent has made all reasonable efforts to prevent any misleading appearance or impression from being created by such containers;

(2) Providing wholesalers, retailers or other distributors of respondent's rolls of gift wrapping papers with any means or instrumentality with which to deceive the purchasing public in the manner described in paragraph (1) above.

It is further ordered, That respondent shall, within sixty (60) days of receipt of this order, file with the Commission a report in writing setting forth in detail the manner in which respondent has complied with the terms of this order.

Issued: December 24, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-921; Filed, Jan. 29, 1964;
8:47 a.m.]

[Docket No. C-676]

PART 13—PROHIBITED TRADE PRACTICES

Prentice-Hall, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; § 13.15-25 *Concealed subsidiary, fictitious collection agency, etc.*; § 13.60 *Earnings and profits*; § 13.75 *Free goods or services*; § 13.125 *Limited offers or supply*; § 13.143 *Opportunities*; § 13.155 *Price*; § 13.155-100 *Usual as reduced, special, etc.*; § 13.250 *Success, use or standing*; § 13.280 *Unique nature or advantages*. Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(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, Prentice-Hall, Inc., et al., Englewood Cliffs, N.J., Docket C-676, Jan. 7, 1964]

In the Matter of Prentice-Hall, Inc., a Corporation, Parker Publishing Company, Inc., a Corporation, and Institute for Business Planning, Inc., a Corporation

Consent order requiring three associated corporate publishers with a common place of business at Englewood Cliffs, N.J., to cease representing falsely in advertising that certain publications were given free of cost when, in fact, persons accepting such "free" offers obligated themselves to examine and either return or pay for another publication or to subscribe to a publication, and that the supply of certain advertised publications was limited and the offer must be accepted immediately; and representing falsely in letters and materials sent to delinquent customers, some on letterheads of purported collection agencies, that delinquent accounts would be, or had already been turned over to a credit rating agency or an independent collection agency or attorney; and requiring the parent corporation to cease representing falsely that the sales techniques described in its "Prentice-Hall Miracle Sales Guide"—actually a compilation by its editors—were based on a broad individual case study of successful salesmen, were new and unique, assured mediocre salesmen of large incomes and had been used with success by prominent, named companies and individuals, and that the book was offered at a special reduced price.

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

It is ordered, That:

I. Respondents Prentice-Hall, Inc., Parker Publishing Company, Inc., and Institute for Business Planning, Inc., corporations, and their respective officers, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, periodicals, publications, tax or business reports or other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Using the terms "free", "At no cost or obligation * * *" " * * * With our compliments:", "Free of cost" or any other word or words of similar import or meaning, to designate or describe any publication, book, service or other product, in advertising or in other offers to the public, when all of the conditions, obligations, or other prerequisites to the receipt and retention of the said free publication, book, report or other product, are not clearly and conspicuously explained or set forth at the outset so as to leave no reasonable probability that the terms of the advertisements or offer might be misunderstood.

B. Representing, directly or by implication, that the supply of publications, books or other products is limited when

adequate supplies are available or will be obtained.

C. Representing, directly or by implication, that:

1. Delinquent customers' general or public credit ratings will be adversely affected unless where payment is not received, respondents in fact refer the information of said delinquency to a separate, bona fide credit rating agency or bureau;

2. Delinquent accounts will be or have been turned over to an independent, bona fide collection agency or outside attorney unless respondents in fact turn or have turned said accounts over to such agencies or persons;

3. "The Mail Order Credit Reporting Association, Inc." and "Gresham Collection Agency" are independent, bona fide collection agencies; or that any other organization or trade name owned in whole or in part by respondents or over which respondents exercise any direction or control are independent collection agencies;

4. Any employee of respondents is an independent, outside attorney; or that any person or firm is an outside, independent attorney or firm of attorneys representing respondents for collection purposes unless a bona fide attorney-client relationship exists for purposes of collecting delinquent accounts;

5. Notices or other communications, which have been prepared, written or mailed by respondents, have been sent by "The Mail Order Credit Reporting Association", the "Gresham Collection Agency", or any other person, firm or organization;

6. Delinquent accounts have been turned over to "The Mail Order Credit Reporting Association, Inc.", "Gresham Collection Agency", or to any attorney, or to any other person, firm, or organization with instructions to take legal steps to collect the amount purportedly due, unless respondents establish that such is the fact.

II. Respondent Prentice-Hall, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, periodicals, publications, tax or business reports, or other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That the sales methods and techniques described in the "Prentice-Hall Miracle Sales Guide" are derived from an individual case study of sales methods and techniques of individual salesmen;

2. That the techniques or methods contained in said "Prentice-Hall Miracle Sales Guide" are new, unique or have not heretofore been known or available;

3. That the use of the sales methods and techniques described in said "Prentice-Hall Miracle Sales Guide" will assure mediocre salesmen of incomes in excess of \$40,000 a year or enable all salesmen to earn ten times their present incomes.

B. Misrepresenting, in any manner, the method or basis by or upon which said "Prentice-Hall Miracle Sales Guide" or any other book or publication was compiled or written.

C. Misrepresenting, in any manner, that any book or publication is the only one of its kind, or that its contents are current, or that the techniques or methods of its preparation have never before been utilized: provided, however, that it shall be a defense hereunder, involving any book or publication not prepared by respondent's editorial staff, that respondent did not know and had no reason to know of the falsity of such representation.

D. Representing, directly or by implication, that the amount of income or increase in income which will be derived by persons applying the methods or techniques described in said "Prentice-Hall Miracle Sales Guide" or any other book or publication will be in excess of the amounts of income or increases in income typically and usually received by others contemporaneously using or applying the methods or techniques of the aforesaid sales guide or other book or publication.

E. Representing, directly or by implication, that said "Prentice-Hall Miracle Sales Guide" or any other publication, book or service has been used or is being used by stated persons or organizations or that said persons have experienced gains in income, sales or other benefits from the use of said "Prentice-Hall Miracle Sales Guide" or other publications, book or service, unless respondent establishes that such is the fact.

F. Representing, directly or by implication, that the price of any publication, book or service is a reduced price, unless it constitutes a reduction from the price at which the publication, book or service referred to has been usually and regularly sold by the respondent at retail in the recent, regular course of its business or a reduction from the price at which said product or service is generally sold in the trade area or areas where the representation is made; or otherwise misrepresenting the amount of savings afforded purchasers of respondent's publications, books or services.

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

Issued: January 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-922; Filed, Jan. 29, 1964;
8:47 a.m.]

[Docket No. C-675]

PART 13—PROHIBITED TRADE PRACTICES

Sidney Wolff et al.

Subpart—Invoicing products falsely;
§ 13.1108 *Invoicing products falsely*;

§ 13.1108-90 *Wool Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; § 13.1185-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Sidney Wolff trading as Wolfson Yarn Company, et al., New York, N.Y., Docket C-675, Jan. 7, 1964]

In the Matter of Sidney Wolff, an Individual Trading as Wolfson Yarn Company and Em-Gee-Ess Knitwear Company

Consent order requiring a New York City importer of wool products to cease violating the Wool Products Labeling Act by such practices as labeling and invoicing as "100% Mohair", yarns which contained substantially different amounts of woolen fibers than thus represented and also contained other fibers, and failing to disclose on labels on certain yarns the percentages of the different fibers contained therein.

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

It is ordered, That Sidney Wolff, an individual trading as Wolfson Yarn Company and Em-Gee-Ess Knitwear Company, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool yarn or other wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

- Misbranding such products by:
1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.
 2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Sidney Wolff, an individual trading as Wolfson Yarn Company and Em-Gee-Ess Knitwear Company, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

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

Issued: January 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-923; Filed, Jan. 29, 1964;
8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-232]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Interim Accounting Treatment of Investment Tax Credit by Public Utilities, Licensees, and Natural Gas Pipeline Companies; Continuation of Effectiveness

JANUARY 23, 1964.

The Commission has under consideration in this docket¹ an order prescribing the accounting treatment to be accorded under the Commission's Uniform Systems of Accounts to the investment tax credit provided by the Revenue Act of 1962.²

The Commission has reached the conclusion that on the basis of existing law the accounting treatment to be prescribed should be to flow through the credit to income. We recognize, however, that legislation is pending in the Congress dealing with the investment credit and that it is not now possible to determine whether such legislation as might be adopted would require a different accounting treatment for the credit.

In order to enable affected companies to close their books of account for the year 1963, the Commission hereby notifies all public utilities, licensees, and natural gas companies that the interim accounting prescribed for the investment tax credit under Order No. 261, Docket No. R-231, issued January 9, 1963,³ continues in effect for calendar year 1963 and in accounting for income taxes until

¹ Notice issued January 15, 1963, published in 28 F.R. 528 of January 19, 1963.

² 76 Stat. 960, Public Law 87-834, section 2, adding new sections 38, 46-48, 181, to and amending certain existing sections of the Internal Revenue Code of 1954.

³ 29 FFC 62, 28 F.R. 402.

further notice or order of the Commission.

By the Commission.⁴

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-915; Filed, Jan. 29, 1964;
8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T.D. 56098]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1963 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

	Net amount of bounty per 2,240 lbs. of sugar content
1963	
July	A\$0.00
August	0.00
September	4.14
October	0.00
November	30.00
December	30.00

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, except those commodities covered by T.D. 55716, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New Rates" in the column headed "Action."

⁴ Commissioners O'Connor and Woodward dissent as to the statement of the accounting treatment which is appropriate under existing law. Commissioner O'Connor believes decision should be deferred until Congress has acted on the pending legislation. Commissioner Woodward favors deferred tax accounting.

(R.S. 251, secs. 303, 624, 46 Stat. 637, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: January 21, 1964.

JAMES A. REED,
Assistant Secretary of the
Treasury.

[F.R. Doc. 64-945; Filed, Jan. 29, 1964;
8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 751—NAVY PERSONNEL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. The amendments are intended (a) to indicate the settlement authority of the Officer in Charge, U.S. Sending State Office for Australia, for certain types of claims, (b) to update the authority note of Part 753, (c) to update certain mailing addresses, and (d) to clarify in §§ 753.18(b) and 753.21 (c) without substantial change the reviewing authority of the commanding officer for claims exceeding \$2,500 but not exceeding \$15,000, the finality of his approval for claims exceeding \$2,500 but not exceeding \$5,000, and the requirement of approval by the Judge Advocate General (or Officer in Charge, U.S. Sending State Office for Australia or Italy) for claims exceeding \$5,000 but not exceeding \$15,000. Corresponding changes to the Manual of the Judge Advocate General will be distributed to Navy and Marine Corps commands in due course.

1. Section 750.41(b) (9) is revised to read as follows:

§ 750.41 Approval of claims.

(b) *Military Claims Act cases.* * * * (9) The Officer in Charge, U.S. Sending State Office for Italy, and the Officer in Charge, U.S. Sending State Office for Australia.

2. Section 750.44 is revised to read as follows:

§ 750.44 Payment of claims.

Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Litigation and Claims Division, Office of the Judge Advocate General, or the Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General as provided in § 750.41 shall be forwarded to the U.S. Navy Finance Center, Washington, D.C., 20390, for payment from appropriations designated for that purpose. Claims approved by the Officer in Charge, U.S.

Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, the Legal Officer, U.S. Naval Base, Newport, Rhode Island, the Legal Officer, U.S. Naval Submarine Base, New London, Groton, Connecticut, or a commandant or commander or district or staff legal officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Bureau of Supplies and Accounts for payment from appropriations designated for that purpose.

3. Section 751.21(c) (2) (iii)–(3) is revised to read as follows:

§ 751.21 Action of Claims Investigating Officer in transportation losses.

(c) *Approval or denial of concurrent claim by carrier or insurer.* * * *

(2) *Approval of claim by carrier or insurer.* * * *

(iii) If the claimant has received settlement from the Government he will be advised to pay the proceeds received from the carrier or insurer to the United States by endorsing the check to the Commanding Officer, U.S. Navy Finance Center, Washington, D.C., 20390, or Disbursing Officer, Marine Corps Disbursing Office, Arlington, Va., 22206, as appropriate and turning it over to the commanding officer or his representative. The remittance may be made by personal check or money order if the amount to be refunded as determined according to § 751.13 is less than the amount received from the carrier or insurer. The commanding officer will forward the endorsed check to the Navy or Marine Corps Disbursing Officer, as appropriate, by speedletter shown in subparagraph (3) of this paragraph using the optional speedletter paragraph 5.

(3) *Form of notification to activity paying claim.* Notification to the appropriate disbursing officer of a payment or denial to the claimant by a carrier or insurer should contain the following:

AIR MAIL SPEEDLETTER

From: Commanding Officer
To: Commanding Officer
U.S. Navy Finance Center
Washington, D.C., 20390
or
Disbursing Officer
Marine Corps Disbursing Office
Arlington, Va., 22206

Re Claim For Reimbursement Household Goods:

1. (Full name of claimant).
2. (Grade).
3. (Service number).
4. (Date claim forwarded to adjudicating authority).
5. Claimant has retained (amount paid) settlement from carrier/insurer. Request deduction from Government settlement or checkage as appropriate.
- or
5. Attached carrier/insurer settlement check endorsed for redeposit to appropriate claims allotment.
- or
5. Claim with carrier/insurer denied; considered (justified/unjustified*).

*Requires additional action specified in paragraph (e) of this section.

4. Section 751.24(c) is revised to read as follows:

§ 751.24 Navy service personnel adjudicating authority.

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U.S. Navy Finance Center, Washington, D.C., 20390, from such appropriation as may be designated, or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel.

5. Section 751.26(b) is revised to read as follows:

§ 751.26 Civilian personnel adjudicating authority.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U.S. Navy Finance Center, Washington, D.C., 20390, from such appropriation as may be designated for this purpose, or by reimbursement in kind, as provided in instructions issued by the Judge Advocate General of the Navy.

6. Part 753 is amended by revising the authority note to read as follows:

AUTHORITY: §§ 753.1 to 753.31 issued under R.S. 161, secs. 2734, 5031, 70A Stat. 154, 278, as amended, sec. 2736, 75 Stat. 488, secs. 133(d), 2734a-b, 2736, 76 Stat. 512, 517, 767, 5 U.S.C. 22, 10 U.S.C. 133(d), 2734, 2734a-b, 2736 (as added by Pub. Law 87-212), 2736 (as added by Pub. Law 87-769), 5031.

7. Section 753.18(a)-(b) is revised to read as follows:

§ 753.18 Creation.

(a) *Appointing power and composition.* All commanding officers are hereby granted authority to appoint Foreign Claims Commissions. For the purposes of the Foreign Claims Act and this part, the Officer in Charge, U.S. Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, Chiefs of Naval Missions (including chiefs of the naval section of military missions), Chiefs, Military Assistance Advisory Groups (including Chiefs, Naval Section, MAAGS), Senior Naval Advisor to Argentina and naval attaches are to be considered commanding officers. Commissions may be appointed to consider each claim as presented, or to constitute a standing claims commission to consider all claims presented to it. The commanding officer to whom a claim is presented has the duty of referring the claim to a commission, and of appointing a commission himself where necessary or expeditious. Each Foreign Claims Commission will be composed of one or more officers.

(b) *Composition of commission and review in relation to amount of claims.* Claims may be considered by a commission of not more than one member when the amount claimed is not in excess of \$1,000; claims may be considered by a commission consisting of three members

when the amount claimed exceeds \$1,000. The findings of a claims commission are final and not subject to review where the amount awarded is not in excess of \$2,500. Where the amount which the commission recommends be paid exceeds \$2,500 but does not exceed \$15,000, the findings and opinion of the claims commission are subject to the review of the commanding officer; claims as to which the amount the commission recommends be paid exceeds \$2,500 but does not exceed \$5,000 may be paid only when the commanding officer has approved the action of the commission in allowing such claim. Claims as to which the amount the commission recommends be paid exceeds \$5,000 but does not exceed \$15,000 may be paid only when the Judge Advocate General or, with respect to claims which arose in Italy, the Officer in Charge, U.S. Sending State Office for Italy, or, with respect to claims which arose in Australia, the Officer in Charge, U.S. Sending State Office for Australia, has approved the action of the commission in allowing such claims. As to claims exceeding \$15,000, see §§ 753.24(b) and 753.27.

8. Section 753.21(c) is revised to read as follows:

§ 753.21 Report of proceedings.

(c) *Submission to convening authority.* The original report, together with three copies, will be submitted to the convening authority. When the findings of fact of such commission are received by the convening authority, they shall in each case be final and conclusive. This procedure applies to claims where the amount to be paid does not exceed \$2,500. Where the amount which the commission recommends be paid exceeds \$2,500 but does not exceed \$5,000, the findings of the commission are transmitted to the convening authority for his consideration and approval; upon receiving such approval, the findings shall in such cases be final and conclusive. See § 753.18(b) for claims as to which the amount the commission recommends be paid exceeds \$5,000 but does not exceed \$15,000. For claims which the commission considers meritorious in an amount exceeding \$15,000, see §§ 753.24(b) and 753.27.

(R.S. 161, secs. 2671-2680, 62 Stat. 982-984, secs. 2732, 2733, 2734, 5031, 70A Stat. 152, 153, 154, 278, as amended, sec. 2736, 75 Stat. 488, secs. 133(d), 2734a-b, 2736, 76 Stat. 512, 517, 767; 5 U.S.C. 22, 10 U.S.C. 2732, 2733, 2734, 2734a-b, 2736 (as added by Pub. Law 87-212), 2736 (as added by Pub. Law 87-769), 5031)

Dated: January 22, 1964.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 64-901; Filed, Jan. 29, 1964; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 64-6]

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

SUBCHAPTER L—SECURITY ON WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Vessel's Advance Notice of Time of Arrival in Commonwealth of Puerto Rico; and Handling Vehicles With Gasoline in Tanks on Waterfront Facilities

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other causes of similar nature to vessels, ports, and waterfront facilities in the United States and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-3 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof when within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility on waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of a vessel's estimated time of arrival at a United States port-of-call to the Captain of the Port. The purpose for amending § 124.10(a)(7) is to provide a means whereby the Commander, 7th Coast Guard District, may prescribe conditions under which the many small cargo vessels voyaging between the Lesser Antilles and the Commonwealth of Puerto Rico may be considered to be in constructive compliance with the advance notice of time of arrival requirement. Although the general pattern of this tramp cargo activity is well known, frequently the individual schedules are not known 24 hours in advance. Other changes in wording have been made which are editorial in nature.

The provisions of 33 CFR 126.15 set forth the conditions for a designated waterfront facility, and in § 126.15(d) are the conditions governing the han-

RULES AND REGULATIONS

Chapter II—Corps of Engineers,
Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE
REGULATIONSSt. Johns River, Fla., and Block Island
Sound, N.Y.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.430a is hereby prescribed to govern the operation of the Florida State Road Department bridge across St. Johns River near Sanford, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.430a St. Johns River, Fla.; Florida State Road Department bridge between Sanford and Osteen.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in attendance or to open the drawspan between the hours of 7:00 p.m. and 7:00 a.m. except on 12 hours' advance notice to be given to the authorized representative of the owner of the bridge. Regular draw tender service will be maintained between 7:00 a.m. and 7:00 p.m.

(b) The owner of or the agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that they can easily be read at any time, signs setting forth the salient features of the regulations and stating exactly how the authorized representative specified in paragraph (a) of this section may be reached for opening the bridge.

[Regs., January 16, 1964, 1507-32 (St. Johns River, Fla.)—ENG CW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.12 governing the use and navigation of a danger zone in Block Island Sound, N.Y., is hereby revoked, effective on publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.12 Block Island Sound in vicinity of Gardiners Point, N.Y.; naval bombing, rocket firing, and strafing area.

[Revoked.]

[Regs., January 15, 1964, 1507-32 (Block Island Sound, N.Y.)—ENG CW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 64-900; Filed, Jan. 29, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce
CommissionSUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[S.O. No. 953]

PART 95—CAR SERVICE

Free Time on Unloading Box Cars at
Ports

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 24th day of January A.D. 1964.

It appearing, that there is a critical shortage of box cars, that such cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.953 Service Order 953.

(a) *Free time on unloading box cars at ports.* (1) No Common Carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of seven (7) days' free time on any box car held for unloading at the point of transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this order.

(2) Section 22 quotations: Common carrier or carriers by railroad, subject of the Interstate Commerce Act, who have entered or may enter into Section 22 agreements with the United States, providing for waiver of storage and/or demurrage charges at port areas where shipments are held for transfer to vessels or storage or where held short of such transfer or storage point shall, upon expiration of the combined total of 7 days' time, provided by this order, unload and release the car or cars for transportation service within 24 hours thereafter.

(b) *Computation of free time.* (1) All Saturdays, Sundays and holidays listed in Item 25 of Agent Hinsch's Demurrage Tariff 4-F, I.C.C. H-11 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7:00 a.m., after notice of arrival or constructive placement is sent or given to the party entitled to receive same until final release of the

dling and storage of trucks and other motor vehicles. The provisions in § 126.15(d) (4) are amended by deleting the requirement that vehicles handled and stored as cargo on a waterfront facility must have empty gasoline tanks since the dangerous cargo regulations (46 CFR 146.27-30) now allow such vehicles to be transported with gasoline in the tanks.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352 I hereby prescribe the following amendments, which shall become effective upon the date of publication in the FEDERAL REGISTER:

1. Section 124.10(a) (7) is amended to read as follows:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) * * *

(7) For that vessel which is engaged in operations in and out of the same port to sea and return without entering any other port, or on coastwise voyages between ports in the same Coast Guard District, or on voyages between ports in the First, Ninth, Thirteenth, or Seventeenth Coast Guard Districts and adjacent Canadian ports, or between ports in the Commonwealth of Puerto Rico and ports in the Lesser Antilles, the Coast Guard District Commander having jurisdiction may, when no reason exists which renders such action prejudicial to the rights and interests of the United States, prescribe conditions under which such vessels may be considered by the Captains of the Port as being in constructive compliance with the requirements of this section without the necessity for reporting each individual arrival.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E. O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

2. Section 126.15(d) (4) is amended to read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

(d) *Trucks and other motor vehicles.*

(4) When a vehicle is handled and stored as an item of cargo.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 101, E. O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: January 27, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-944; Filed, Jan. 29, 1964; 8:49 a.m.]

car, less time required to move a constructively placed car from hold point to point of unloading.

(3) Any detention beyond the seventh day of free time provided in paragraph (a) of this section shall not be offset by credits earned under any average detention basis for settlement.

(c) *Definition of boxcars.* The term "boxcars" as used herein means freight equipment having a mechanical designation in the Official Railway Equipment Registered prefixed by "X" or "V".

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions.

(e) *Regulations suspended—announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(f) *Effective date.* This order shall become effective at 12:01 a.m., February 1, 1964, and the provisions of this order shall apply to all cars on which the free time provided herein has not expired on the effective date and hour herein stated.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(h) This order shall not change Demurrage Rule 8 of Tariff I.C.C. H-11 as amended or as reissued, or similar rules in other tariffs adjusting, cancelling, or refunding demurrage charges arising from the unusual conditions or circumstances described in said Rule 8 or similar rules in other tariffs.

It is further ordered, That a copy of this order and direction shall be served

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

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

By the Commission, Division 3.

[SEAL] HAROLD D. McCox,
Secretary.

[F.R. Doc. 64-932; Filed, Jan. 29, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, North Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the areas desig-

nated by signs as open to fishing. This open area, comprising 40,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, white perch, pan fish (crappie, yellow perch, pickerel, sunfish), and other minor species permitted by State regulations.

(b) Open season: January 28, 1964, through the day before the opening of the waterfowl hunting season.

(c) Daily creel limits: Black bass—8; white perch—no limit; pan fish—25 (in aggregate); other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live bait permitted.

(2) Boats and motors, without size limitations, permitted.

(3) Guide services are available.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to December 1, 1964.

WALTER A. GRESE,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

JANUARY 22, 1964.

[F.R. Doc. 64-924; Filed, Jan. 29, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[33 CFR Parts 67, 80, 84, 95, 124, 126]

[46 CFR Parts 2, 12, 25, 30-35, 43-46, 55, 57, 70-78, 90, 91, 93-98, 111-113, 146, 157, 160, 162, 164, 176, 180, 187]

[CGFR 63-88]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

Public Hearing on Proposed Changes

1. The Merchant Marine Council will hold a public hearing on Monday, March 23, 1964, commencing at 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed changes in the navigation and vessel inspection rules and regulations as set forth in Items I to XI, inclusive, in Volume I, Item XII in Volume II, and Items XIII and XIV in Volume III of the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 23, 1964. The Agenda contains the specific changes being proposed to the navigation and vessel inspection regulations, and for certain items the present and proposed regulations are set forth in comparison form, together with reasons for the changes.

2. This document contains general descriptions of the proposed changes in the regulations together with appropriate references to statutes authorizing such requirements governing:

- (a) Navigation and vessel inspection;
- (b) Security of vessels and waterfront facilities;
- (c) Private aids to navigation on structures on the Outer Continental Shelf, Gulf of Mexico, and adjacent waters;
- (d) Rules of the Road; and
- (e) Implementation of the 1960 Safety of Life at Sea Convention.

The complete text of proposed changes and additions to regulations is set forth in three volumes of the "Merchant Marine Council Public Hearing Agenda" (CG-249), dated March 23, 1964. Copies of this Agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the Agenda will be furnished, upon request, to the Commandant (CMC), United States Coast Guard, Washington, D.C., 20226, so long as they are available. After the supply of extra copies is exhausted copies will be available, for reading purposes only, in Room 4211, Coast Guard Headquarters or at the

offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. Written comments containing constructive criticism, suggestions, or views are welcomed. However, acknowledgement of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. Each oral or written comment is considered and evaluated. If it is believed the comment, view or suggestion clarifies or improves a proposed regulation or amendment, such proposal is changed accordingly and, after adoption by the Commandant, the regulations as revised are published in the FEDERAL REGISTER.

4. Each person or organization who desires to submit comments, data or views in connection with the proposed regulations set forth in this Agenda should submit them in duplicate so that they will be received by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D.C., 20226, prior to March 20, 1964. Comments, data or views may be presented orally or in writing at the Public Hearing before the Merchant Marine Council on March 23, 1964. In order to insure consideration of written comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG-3287, showing the section number (if any), the name, the proposed change, the reason or basis, and the business firm or organization (if any) and the address of the submitter. A small quantity of Form CG-3287 is attached to this Agenda. Additional copies may be reproduced by typewriter or otherwise, or may be obtained upon request from the Commandant (CMC).

5. Each item in the Agenda has been given a general title, intended to encompass the specific proposals presented. It is urged that each item be read completely because the application of proposals to specific employment or types of vessels may be found in more than one item. For example, Item I contain proposals regarding bulk dangerous chemicals and is applicable to tank vessels and cargo and miscellaneous vessels and manning of such vessels while Item III applies to tank vessels, cargo and miscellaneous vessels and small passenger vessels.

ITEM I—BULK DANGEROUS CARGOES

A—TANK BARGES CARRYING CERTAIN BULK INFLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES

6. It is proposed to add to the rules and regulations for tank vessels new regulations designated 46 CFR 32.63-1 to 32.63-25, inclusive, in a new Subpart 32.63 entitled "Hull and Cargo Tank Require-

ments for Tank Barges Carrying Certain Dangerous Cargoes, Constructed or Converted on or after July 1, 1964," as well as a new section governing operating requirements designated 46 CFR 35.01-50 and entitled "Special operating requirements for tank barges carrying certain dangerous bulk cargoes after July 1, 1964—B/ALL."

7. The use of barges for bulk shipments of petroleum products and liquid chemical commodities has been growing rapidly and steadily. It is estimated that, in the years since the end of World War II, the production of chemicals has tripled. Not only has overall production increased, but products which were unknown, at the most were laboratory curiosities a few short years ago, are being produced by the thousands of tons today. This increased production has resulted in the growth of another problem; that of transportation of large quantities of these products from producer to consumer. Shipment by carboy, drum, and tank car has successively given way to bulk shipment by barge.

8. For a good many years, the Coast Guard has regulated the shipment of inflammable and combustible liquids in bulk by means of tank barges and tank vessels. In 1936, when the governing Tank Vessel Regulations (46 CFR Parts 30 to 38) were enacted, petroleum products were the principal hazardous liquids shipped in bulk. For these liquid cargoes, fire and explosion were the principal hazards to be guarded against. Today, a great many of the dangerous commodities shipped by water possess additional hazards to operating personnel and to the general public. To the danger of fire may be added the toxic or asphyxiating properties of the material, or the reactivity or instability of the material as manifested by decomposition or polymerization. To make the hazard more serious, it can be seen that, as the size of the shipments of these products grows progressively larger, the potential danger to the public increases as well.

9. The Coast Guard has studied a number of marine casualties involving open hopper type barges. These casualties resulted in such barges sinking because of swamping or diving. A review of the marine casualties involving barges carrying dangerous cargoes disclosed an urgent and immediate need for positive action in the public interest to prevent similar future barge sinkings. A special Coast Guard Committee on Dangerous Cargoes has recommended corrective action be taken to minimize the possibility of future casualties. The Committee recommended that this action be in separate phases; namely, (1) operating requirements for open hopper type barges, (2) changes in the regulations covering the design, construction and operation of new barges, and (3) a study of existing open hopper type barges to determine to what extent such barges

should be modified to meet the revised safety standards for new barge design and construction.

10. The first phase, the operation of existing open hopper type barges, is now in effect. The special regulations were published in the FEDERAL REGISTER of February 6, 1963 (28 F.R. 1150, 1511), with an effective date of March 1, 1963 (46 CFR 35.01-45). The second phase, proposed safety standards and operating requirements for new barges, is set forth for consideration in this item.

11. In general, the proposed regulations outline the construction requirements and certain operating procedures for barges carrying certain dangerous cargoes in bulk. It is intended to designate three types of barges, which will be given numerical designations. The types will differ by strength and stability.

12. A given bulk liquid cargo will be considered by the Commandant from the standpoint of fire hazard, danger to health, and chemical reactivity and stability involved. As the hazards inherent in the product increase in severity, the strength and stability required of the barge in which the product is to be carried will become more stringent. This is considered necessary in order to prevent, insofar as possible, the uncontrolled release of hazardous products into the water and/or the atmosphere. However, at this time it is not intended to specifically designate what categories of commodities shall be carried in a particular designated type of barge, but to leave this matter to administrative discretion after consideration of facts presented by barge owner and/or operator.

13. It is proposed that a barge carrying dangerous inflammable or combustible liquids in bulk have cargo transfer operations supervised or handled by a certificated tankerman especially qualified to handle the particular cargo involved. In the case of an unmanned barge under tow, or while such barge is moored, a certificated tankerman especially qualified to handle such cargo or a licensed officer specifically instructed and capable to have maintained conditions governing such commodities, including emergency procedures to be followed, must be on duty.

14. The posting of certain signs and information boards has been proposed in order that, in the event of an emergency, persons rendering assistance will be apprised of the nature of the cargo, and of any special considerations which should be noted as, for example, the reactivity of certain cargoes with water.

15. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, and 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and E.O. 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-14, November 26, 1954, 19 F.R. 8026.

B—BARGES CARRYING CERTAIN OTHER BULK DANGEROUS CARGOES

16. It is proposed to amend the rules and regulations for cargo and miscellaneous vessels by amending 46 CFR 98.03-1 and 98.03-5 to extend the scope of application to include all barges which carry certain dangerous cargoes in bulk as specified in 46 CFR Part 98 and to show the effective dates for various requirements, and to add new regulations designated 46 CFR 98.03-7, 98.03-8, 98.03-15, 98.03-20, 98.03-25, 98.03-30, 98.03-35, and 98.03-40 to outline the construction requirements and certain operating procedures for barges carrying certain dangerous cargoes in bulk, including such commodities as elemental phosphorous in water, sulfuric acid, hydrochloric acid, liquid chlorine, anhydrous ammonia, etc.

17. The chemical industry has been growing rapidly and steadily since the beginning of the current century. It is estimated that the production of chemicals has tripled on a yearly basis since the end of World War II. Not only has overall production increased, but products, which were then unknown or at the most were laboratory curiosities a few short years ago, are being produced by the thousands of tons today. This increased production has resulted in the growth of another problem; that of transportation of large quantities of these products from producer to consumer. Shipment by carboy, drum, and tank car has successively given way to bulk shipment by barge.

18. For a good many years, the Coast Guard has regulated the shipment of inflammable and combustible liquids in bulk by means of tank barges and tank vessels. In 1936, when the governing Tank Vessel Regulations (46 CFR Parts 30 to 38) were enacted, petroleum products were the principal hazardous liquids shipped in bulk. For these liquid cargoes, fire and explosion were the principal hazards to be guarded against. Today, a great many of the dangerous commodities shipped by water possess additional hazards to operating personnel and to the general public. To the danger of fire may be added the toxic or asphyxiating properties of the material, or the reactivity or instability of the material as manifested by decomposition or polymerization. To make the hazard more serious, it can be seen that as the size of the shipments of these products grows progressively larger, the potential danger to the public increases as well. The recent sinking of a barge laden with 1,100 tons of chlorine in the Mississippi River necessitated a massive effort by Federal, State, and local authorities in order to prepare for the evacuation of the entire population of a large city. Fortunately, the four chlorine-filled tanks were recovered intact and the prepared-for evacuation was not necessary. Nevertheless, the danger to the city's population was real, and the elaborate preparations were necessary. The Coast Guard has studied a number of other marine casualties involving open hopper type barges. These

casualties resulted in such barges sinking because of swamping or diving. A review of the marine casualties involving barges carrying dangerous cargoes disclosed an urgent and immediate need for positive action in the public interest to prevent similar future barge sinkings. A special Coast Guard Committee on Dangerous Cargoes has recommended corrective action be taken to minimize the possibility of future casualties. The Committee recommended that this action be in separate phases; namely, (1) operating requirements for open hopper type barges, (2) changes in the regulations covering the design, construction and operation of new barges, and (3) a study of existing open hopper type barges to determine to what extent such barges should be modified to meet the revised safety standards for new barge design and construction.

19. The first phase, the operation of existing open hopper type barges, is now in effect. The special regulations were published in the FEDERAL REGISTER of February 6, 1963 (28 F.R. 1150, 1151), with an effective date of March 1, 1963 (46 CFR 98.03-1 to 98.03-10). The second phase, proposed safety standards and operating requirements for new barges is set forth for consideration in this item.

20. In general, the proposed regulations outline the construction requirements and certain operating procedures for barges carrying certain dangerous cargoes in bulk. It is intended to designate three types of barges, which will be given numerical designations. The types will differ by strength and stability.

21. A given bulk liquid cargo will be considered by the Commandant from the standpoint of fire hazard, danger to health and chemical reactivity and stability involved. As the hazards inherent in the product increase in severity, the strength and stability required of the barge in which the product is to be carried will become more stringent. This is considered necessary in order to prevent, insofar as possible, the uncontrolled release of hazardous products into the water and/or the atmosphere. However, at this time it is not intended to specifically designate what categories of commodities shall be carried in a particular designated type of barge, but to leave this matter to administrative discretion after consideration of facts presented by barge owner and/or operator.

22. It is proposed that a barge carrying dangerous inflammable or combustible liquids in bulk have cargo transfer operations supervised or handled by a certificated tankerman especially qualified to handle the particular cargo involved. In the case of an unmanned barge under tow, or while such barge is moored, a certificated tankerman especially qualified to handle such cargo or a licensed officer specifically instructed and capable to have maintained conditions governing such commodities, including emergency procedures to be followed, must be on duty.

23. The posting of certain signs and information boards has been proposed

in order that, in the event of an emergency, persons rendering assistance will be apprised of the nature of the cargo, and of any special considerations which should be noted as, for example, the reactivity of certain cargoes with water.

24. The authority to prescribe regulations governing cargo and miscellaneous vessels carrying specified dangerous cargoes in bulk is in R.S. 4495, as amended, 4462, as amended, 4472, as amended (46 U.S.C. 375, 416, 170). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198), and E.O. 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-14, November 26, 1954, 19 F.R. 8026.

C—VESSELS CARRYING LIQUID CHLORINE IN BULK

25. It is proposed to amend 46 CFR 98.20-30 regarding valves, fittings and accessories, and 98.20-35 regarding filling and discharge pipes, which are applicable to vessels carrying liquid chlorine in bulk. These changes have been proposed by the Chlorine Institute, Inc. The proposed changes delete certain alternative valve arrangements permitted by the regulations. These alternatives were originally included in this subpart to standardize tank valves and fittings used in the handling of compressed gases. Presently the alternatives are not applicable to chlorine tanks since the size of filling, discharge and vapor return lines are normally limited to two or two and one-half inches, permitting the use of manually operated shutoff and internal excess flow valves in these sizes. Where larger size cargo and vent lines are employed, such as in the case of propane and anhydrous ammonia, the alternative arrangements are considered necessary and will not be changed. By eliminating the alternatives for chlorine it is believed the proposed regulations will not, in fact, change the design and operating conditions of existing vessels.

26. The authority to prescribe regulations governing cargo and miscellaneous vessels carrying liquid chlorine in bulk is in R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and E. O. 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-14, November 26, 1954, 19 F.R. 8026.

D—QUALIFICATIONS FOR PERSONNEL AND MANNING OF VESSELS WHEN CARRYING CERTAIN BULK DANGEROUS CARGOES

27. It is proposed to amend 46 CFR 12.20-1, 30.10-71 and 157.10-80 and to add 46 CFR 90.10-41 to show that a holder of a valid license is limited to serve as a tankerman handling only petroleum products which are inflammable or combustible bulk liquid cargoes and to indicate that a tankerman's certificate may

have a specific dangerous cargo endorsement. It is proposed to amend 46 CFR 31.15-1, 31.15-5 and 35.35-1 to show that holders of current valid licenses or current "tankerman certificates" may handle bulk liquid cargo having inflammability or combustibility characteristics but will need a "tankerman's certificate" specifically endorsed to handle other specified dangerous commodities.

28. The "tankerman's certificate" issued pursuant to the Tank Vessel Act (Title 46, U.S. Code, Section 391a) is a special endorsement of efficiency on the Merchant Mariner's Document. In addition, by various regulations in the "Rules and Regulations for Licensing and Certificating of Merchant Marine Personnel" (CG-191), "Rules and Regulations for Tank Vessels" (CG-123), and "Rules and Regulations for Manning of Vessels" (CG-268) (46 CFR Parts 10-12, 20-40 and 157) the holding of a valid license as a master, mate, pilot or engineer permits such holder to serve as a "tankerman" where required by law or regulation without actually holding a separate "tankerman's certificate."

29. During the time from 1935 when the Tank Vessel Act (46 U.S.C. 391a) was passed until after World War II, the vast majority of bulk liquid cargoes carried on board tank vessels consisted of petroleum products, and the hazards requiring special consideration were primarily inflammability or combustibility. Since the end of World War II, however, conditions are changing rapidly and more diversified commodities are being offered as bulk liquid cargo for transportation by barge or ship. The chemical industry is manufacturing many commodities which can be now shipped in large bulk liquid quantities, which often only a few years ago were experimental items in research laboratories. Many of these bulk liquid commodities present hazards of inflammability or combustibility, as well as other hazards which need to be considered, while other commodities may present as primary hazards toxicity and/or reactivity and secondary hazards may be inflammability or combustibility.

30. To keep abreast of these changing conditions and to provide adequate safety control over the water transportation of specified dangerous bulk liquid cargoes, it is considered desirable and necessary to provide special qualifications for personnel handling the cargo transfer operations, as well as manning to provide for "in-transit" conditions and "idle" conditions when the vessel is underway, anchored or moored. It is recognized that the greatest chance for a serious casualty or accident may occur during the cargo transfer operations. Therefore, the persons performing such work should always meet minimum standards common to all tankermen and special requirements covering the specific bulk liquid being handled. For vessels "in-transit" or "idle" with specified dangerous bulk liquid cargoes on board, a minimum number of officers or others in the crew complement should hold appropriate licenses or documents as evidence of being qualified to maintain the conditions governing the transportation of such commodities, including necessary

emergency procedures to be followed, without necessarily being especially qualified to handle the cargo transfer operations. Therefore, the special operating requirements in the regulations and the manning required by the vessel's certificate of inspection will cover personnel for cargo transfer operations and for barges while "in-transit," moored or docked. The proposed changes are directed primarily at the problem of providing and requiring qualified personnel. First, by establishing minimum qualifications and identification of persons capable of safely handling the cargo transfer operations for certain dangerous bulk liquids and to have such facts evidenced by endorsement on the merchant mariner's document or by holding valid license as master, mate, pilot, or engineer. Second, by requiring qualified personnel to supervise or perform cargo transfer operations. Third, by requiring a licensed officer or other person specifically instructed and capable to have maintained conditions governing the movement of specified bulk liquids, including emergency procedures to be followed, when in a barge being towed or "in idle" condition (moored or docked). To illustrate the situations being considered, the Coast Guard published in the FEDERAL REGISTER of October 8, 1963 (28 F.R. 10778-10782) (46 CFR Part 40), special regulations governing the bulk shipment of ethylene oxide in tank vessels. In the manning of tank vessels carrying bulk ethylene oxide, as a part of the special cargo handling requirements in 46 CFR 40.05-83(g), the owner, master or person in charge of such vessel is responsible for having especially qualified persons in handling of ethylene oxide during cargo transfer operations. For such persons it is proposed to require that they have "tankerman's certificate" especially endorsed to handle ethylene oxide.

31. It must be realized that the present holders of "tankerman's certificates" or valid licenses as master, mate, pilot, or engineer have not presented evidence nor to date have they been examined to ascertain if they have or are necessarily qualified to handle the cargo transfer operations of all types of dangerous bulk liquids. In fact, to date these merchant mariners have been only required and have been determined to be qualified to handle the cargo transfer operations of petroleum products presenting primarily the hazard characteristics of inflammability or combustibility, as well as being qualified to maintain or have maintained the conditions governing the "in-transit" movement of such cargoes.

A. It is proposed to require that persons (including licensed officers) demonstrate to the satisfaction of the Officers in Charge, Marine Inspection, their ability and qualifications to handle the cargo transfer operations, etc., for certain dangerous bulk liquids subject to special regulations in 46 CFR Parts 30 to 40, inclusive, and 98. As a condition of employment in performing such work, the persons will have to be holders of merchant mariner's documents bearing specific tankerman's endorsements for such commodities. In effect, this means that the "tankerman's certificate" will

be used as identification of all persons found qualified to handle various dangerous bulk liquids, which naturally will include inflammable or combustible bulk liquids. The merchant mariner's documents will be appropriately endorsed to show scope of holders' qualifications in handling inflammable and combustible liquids, as always described in the tank vessel regulations (46 CFR Parts 30 to 35), and/or dangerous bulk liquids, including the following: Ethylene oxide, elemental phosphorous, sulfuric acid, hydrochloric acid, liquid chlorine, anhydrous ammonia, bulk liquids having lethal characteristics (class B or C poisons), elevated temperature cargoes, liquefied inflammable gasses, etc.

B. As many of the liquid commodities now subject to special regulations (46 CFR Parts 30 to 40, inclusive, and 98) have been shipped in bulk quantities for years, it is realized that many competent persons may currently be performing the cargo transfer operations at terminals and other places who may or may not be holders of "tankerman's certificates." Those persons who are currently holding merchant mariner's documents endorsed as tankermen or who hold valid licenses will only need to present to the nearest Officer in Charge, Marine Inspection, documentary evidence showing extent of experience from present and former employers together with current document or license and completed application so that the Officer in Charge, Marine Inspection, when satisfied as to the holders qualifications may issue replacement or new merchant mariner's documents bearing endorsements showing the holders qualifications to handle specified dangerous bulk liquids. Those persons who are currently performing the cargo transfer operations of specified dangerous bulk liquids and who do not hold current "tankerman's certificates" or valid licenses will be required to submit applications for the appropriate ratings desired together with the required documentary evidence, etc., as set forth in the regulations and the proposals.

C. It is proposed to limit by proposed changes in the regulations the scope of current "tankerman certificates" and valid licenses as master, mate, pilot or engineer so that such holders will be authorized to handle those petroleum products which have primary hazard characteristics of inflammability or combustibility. This proposed limitation, which will not require the surrender or reissuance of merchant mariner's documents with tankerman endorsements or valid licenses, will serve a very useful purpose and prevent or minimize the happening of serious casualties by not authorizing personnel who have no knowledge and/or experience with specific dangerous bulk liquids to perform cargo transfer operations.

32. The authority to issue "tankerman's certificates" is in R.S. 4417a, as amended (46 U.S.C. 391a), and applies to handling all bulk inflammable or combustible liquids. The authority to require special endorsements for handling other specific dangerous cargoes is in R.S. 4472, as amended (46 U.S.C. 170). The provisions in R.S. 4551, as amended,

section 13 of the Act of March 4, 1915, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 643, 672, 689), provide authority for merchant mariner's documents as certificates of identification and qualification. While the many statutes governing manning of vessels are given in 46 CFR Part 157, the principal authorities governing manning of vessels carrying inflammable or combustible liquids in bulk or dangerous cargoes are R.S. 4417a, as amended, 4421, as amended, 4453, as amended, 4463, as amended, 4472, as amended, Act of June 20, 1936, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 391a, 399, 435, 222, 170, 367, 689), and section 3 of the Act of August 9, 1954 (50 U.S.C. 198). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-14, November 26, 1954, 19 F.R. 8026.

ITEM II—QUALIFIED MEMBERS OF ENGINE DEPARTMENT RATING LIST AND TANKERMAN REQUIREMENTS

A—MERCHANT MARINER'S DOCUMENT ENDORSED AS QUALIFIED MEMBER OF ENGINE DEPARTMENT

33. The proposed amendment to 46 CFR 12.15-11 is to remove the ratings of "boilermaker" and "machinist" from the qualified member of engine department rating list since these ratings are not required on the certificate of inspection. Individuals holding merchant mariner's documents bearing endorsements as "boilermaker" and "machinist" may continue to hold such documents without being required to change such endorsements.

34. The authority for regulations governing merchant mariner's documents and endorsements thereon as qualified member of engine department is in section 13 of the Act of March 4, 1915, as amended and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 672, 689). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

B—EXAMINATION SUBJECTS FOR PUMPMAN

35. It is proposed to amend 46 CFR 12.15-9 by adding examination requirements for "pumpman," which is listed as a qualified member of engine department rating. The present regulations do not describe the examination subjects for "pumpman." Since this is an important rating on tank vessels and desirable in the interest of uniformity of administration of certification of merchant mariners, it is proposed to show the rating of "pumpman" and indicate subjects covered by the examination.

36. The authority for regulations governing merchant mariner's documents and endorsements thereon as qualified member of engine department is in section 13 of the Act of March 4, 1915, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 672, 689). The delegation of authority for the Commandant, U.S. Coast Guard, to

prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

C—QUALIFIED PUMPMAN AND RATING OF TANKERMAN

37. It is proposed to add a paragraph designated 46 CFR 12.20-1(e) so that a qualified "pumpman" who holds a merchant mariner's document endorsed as "pumpman" may have his document endorsed with the rating of "tankerman" if he so desires.

38. The authority for regulations governing merchant mariner's documents and endorsement thereon as "pumpman" as a qualified member of the engine department is in section 13 of the Act of March 4, 1915, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 672, 689). The authority for regulations governing merchant mariner's documents and endorsement thereon as "tankerman" is in R.S. 4417a, as amended (46 U.S.C. 391a). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

ITEM III—LOAD LINES

39. Within the last few years and particularly in recent cases involving offshore supply vessels, load line assignments made in accordance with the load line rules have been such as to permit a draft in excess of that which is safe from the viewpoint of stability. Since the load line is supposed to be a line of safety, this has indicated an evident weakness in the present regulations. The proposed new text for 46 CFR 43.01-32, 44.05-25(a) and 45.01-22 will prevent such erroneous assignments in the future. At the same time and except in the matter of administrative procedure, it will have no effect on the majority of load line assignments, since the number of cases where stability is a limiting factor is small. 46 CFR 46.10-10, which already refers to the applicable requirements of Part 73 of Subchapter H (Passenger Vessels), is also amended to make it clear that the stability provisions of Part 74 of Subchapter H (Passenger Vessels) must also be taken into consideration in those cases where the stability requirements limit the safe draft. This proposal is in accordance with presently established procedure followed in administration of load line requirements.

A—STABILITY CONSIDERATION IN LOAD LINE ASSIGNMENTS

40. The proposed amendments to 46 CFR Parts 43, 44, and 45 are necessary to insure that load line assignments will, in no case, permit a deeper draft than permissible as a result of stability considerations. While these changes have been found to be necessary, the proportion of cases in which they will result in any physical change in the load line assignment is small. It is proposed to add 46 CFR 43.01-34 and 45.01-22 and amend 46 CFR 44.05-25 regarding stability of vessels. The text of this proposal is based on the note preceding 46 CFR 43.05-1 and 45.05-1. There is also added additional language necessary to

deal with conflicts which have occurred in administration of stability limitations for merchant vessels. It is proposed to cancel the notes preceding 46 CFR 43.05-1 and 45.05-1 since the requirements are covered in the proposed 46 CFR 43.01-32 and 45.01-22. The amendments proposed to 46 CFR 43.10-10, 44.05-35 and 45.25-5 will revise the forms of the various load line certificates by adding statements regarding the owner's responsibility to furnish the master of the vessel with stability information and instructions when this is necessary. Other editorial amendments are proposed to 46 CFR Subpart 45.25, such as the changing of heading and renumbering sections therein.

41. The authority to prescribe regulations governing load lines for merchant vessels of 150 gross tons and over is in section 2 of the Act of March 2, 1929, as amended, and section 2 of the Act of August 27, 1935, as amended (46 U.S.C. 85a, 88a), and Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-48, October 19, 1962, 27 F.R. 10504.

B—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

42. The proposed amendment to 46 CFR 46.10-10(b) revises requirements regarding marks to indicate subdivision load lines for passenger vessels. This proposal eliminates the proviso at the end of the first sentence in 46 CFR 46.10-10(b) because it is considered to be adequately covered by 46 CFR Parts 73 and 74 in the Passenger Vessel Regulations (Subchapter H).

43. The authority to prescribe regulations governing subdivision load lines for passenger vessels is in section 2 of the Act of March 2, 1929, as amended, and section 2 of the Act of August 27, 1935, as amended (46 U.S.C. 85a, 88a). These regulations also interpret or apply R.S. 4490, as amended, section 3 of Act of July 9, 1886, as amended, Act of October 25, 1919, as amended, section 5 of Act of May 27, 1936, as amended, Act of June 20, 1936, as amended, section 3 of Act of June 12, 1940, as amended, and section 3 of Act of August 9, 1954 (46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198), and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; and 167-48, October 19, 1962, 27 F.R. 10504.

ITEM IV—INSPECTION AND CERTIFICATION OF VESSELS

A—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIRS OF TANK VESSEL

44. A recent incident, which involved the issuance of a "Permit to Proceed to Another Port for Repairs" (Form CG-948) to a tank vessel, emphasized the need for clarification of the regulation regarding the issuance of such permits. The proposed change to 46 CFR 31.10-35 provides that a "Permit to Proceed to Another Port for Repairs" will only be issued upon written application of the master, owner or agent of the vessel.

This provision is presently included in 46 CFR 2.01-15(b) of Subchapter A (Procedures Applicable to the Public).

45. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply R.S. 4453, as amended (46 U.S.C. 435), and section 3 of the Act of August 9, 1954 (50 U.S.C. 198), and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-14, November 26, 1954, 19 F.R. 8026.

B—PUMPROOMS ON TANK VESSELS

46. The proposed amendments to 46 CFR 32.60-20, regarding pumprooms on tank vessels, are editorial in order to clarify application of requirements. When 46 CFR 32.60-20 was amended on September 11, 1962 (27 F.R. 9083), it was not intended to require cargo pumps to be isolated from sources of vapor ignition by gastight bulkheads when vessels are carrying only Grade E cargo. Therefore, this amendment will reinstate this exemption.

47. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-14, November 26, 1954, 19 F.R. 8026.

C—DRYDOCKING REQUIREMENTS FOR TANK, CARGO AND MISCELLANEOUS VESSELS

48. There has been considerable confusion and a variety of interpretations resulting from the words "exclusively in fresh water" as related to drydocking barges in 46 CFR 31.10-20 (tank vessels) and 91.40-1 (cargo and miscellaneous vessels). This has been particularly true for barges operating on rivers with intermittent operation on the Intra-coastal Waterways which may or may not include trips across Galveston Bay. These proposed changes to 46 CFR 31.10-20 and 91.40-1 will permit drydocking intervals to be:

(a) 60 months when operation in salt water does not exceed an aggregate of one month in each 12-month period since last drydocking.

(b) 48 months when operation in salt water exceeds an aggregate of one month but does not exceed 3 months in each 12-month period since last drydocking.

(c) 36 months when operation in salt water exceeds an aggregate of 3 months but does not exceed 6 months in each 12-month period since last drydocking.

(d) 18 months when operation in salt water exceeds an aggregate of more than 9 months in the 18-month period since it was last drydocked.

49. The authority for regulations regarding inspection of vessels is in R.S.

4405, as amended, 4462, as amended, R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, the Act of June 20, 1936, as amended, section 3 of the Act of June 12, 1940, as amended and section 3 of the Act of August 9, 1954 (46 U.S.C. 375, 416, 391, 391a, 392, 367, 1333, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 6569; and 167-38, October 26, 1959, 24 F.R. 8857.

D—CERTIFICATE OF INSPECTION AMENDMENT FOR SMALL PASSENGER VESSELS

50. This proposed regulation change to 46 CFR 176.01-35 (b) will require that the operator, owner, or agent of a vessel notify the Officer in Charge, Marine Inspection, having jurisdiction over the vessel, any time there is a change in the character of a vessel or in her route, equipment, ownership, etc., as specified in her "Certificate of Inspection" previously issued and currently valid. The major reason for this change is to enable the Officer in Charge, Marine Inspection, to "keep track" of the vessels within his jurisdiction, thus facilitating the locating of vessels, the scheduling of required inspections, the maintenance of required records and enabling the Officer in Charge, Marine Inspection, to keep the vessels' "Certificates of Inspection" correct and current as required by regulation.

51. The authority to prescribe regulations regarding small passenger vessels is in section 3 of the Act of May 10, 1956 (46 U.S.C. 390b), and generally in R.S. 4405, as amended, 4462, as amended, 4426, as amended, 4488, as amended, 4491, as amended, section 3 of the Act of June 12, 1940, as amended, and section 3 of the Act of August 9, 1954 (46 U.S.C. 375, 416, 404, 481, 489, 1333, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; and 167-38, October 26, 1959, 24 F.R. 8857.

ITEM V—MARINE ENGINEERING

A—FUEL OIL AND CARGO OIL SYSTEMS

52. The amendment to 46 CFR 55.10-35, regarding fuel oil and cargo oil systems, is proposed in order to permit gage glasses, of an acceptable type with heat resistant materials, adequately protected from mechanical damage and fitted with self-closing devices at the tank connections, to be installed on fuel oil tanks independent of the ship's structure. Also this change is necessary to bring this regulation into agreement with the proposed amendment to 46 CFR 55.10-65.

B—MEANS OF SOUNDING OIL AND WATER TANKS

53. The amendment to 46 CFR 55.10-65, regarding sounding devices, is pro-

posed to permit other manual means of sounding for ship's service oil and water tanks when separate from the ship's hull. This change will allow remote or direct reading liquid level indicating gages, provided they were of an acceptable type, adequately protected against breakage and fitted at the tank connections with devices which will automatically close in case of rupture of the gage when installed on tanks containing lubricating oil, fuel oil and other inflammable liquids. Sounding tubes will still be required for all tanks integral with the hull in order to provide a positive means of sounding tanks for damage control purposes. Sounding tubes will also be required on all cargo tanks, including those of the portable type. Objections have been received from designers and builders indicating that in some new vessel designs the location of tanks, their shape and boundary bulkheads make conventional manual means of sounding ineffectual or hazardous. Improved techniques and systems for tank filling and the increased reliability of gaging equipment has reduced the need for manual sounding.

C—STEERING APPARATUS

54. The changes to 46 CFR Subpart 57.25 regarding steering apparatus, are proposed to clarify certain areas and to require duplicate means of controlling the rudder from the pilothouse where the alternative steering station is not located on the after weather deck. The proposed changes will also eliminate the requirement for a steering control station (in addition to the bridge) when the alternative steering station is in the steering gear room. These changes will apply to new vessels and to new systems when installed on existing vessels.

55. The proposed amendments to 46 CFR 57.25-1 are to eliminate the requirements that the emergency steering wheel be located on the after weather deck. In 46 CFR 57.25-35, regarding rudder stops and "followup", it is proposed to delete "followup" requirements and transfer them to the proposed regulations designated 46 CFR 57.25-45 and 57.25-50. In order to rearrange the rules in a more orderly fashion and to modify requirements for the alternative steering station and control station, it is proposed to revise the requirements in 46 CFR 57.25-45, 57.25-47, 57.25-50, 57.25-55 and 57.25-60. These proposals will also specify that duplicate pilothouse steering control means will be required if the alternative steering station is not located on the after weather deck. The duplicate control systems will improve the safety of vessels by reducing the time required to restore steering means and by reducing the possibility of incorrect action in case of steering control failure. By having two selector means in the pilothouse, it should facilitate the selection of the other steering control system in an emergency with very little time delay. With two separate and independent steering systems, a complete steering means is available if the one in use should fail, whether the failure is in the control system, the main steering gear, cable, linkage, piping, etc.

No determination of what steering component has failed need be made in order to restore steering capability. The helmsman can restore steering by means of only one operation, such as moving a lever or throwing a switch. The number of combinations of arrangements of steering power units, control systems, and power supplies has been reduced to two. This should decrease the chance of taking incorrect action following a steering failure. These proposals will apply to new vessels.

D—ELECTRICAL STEERING AND STEERING CONTROL SYSTEMS

56. These proposed changes to 46 CFR 111.45-5, 111.45-10, 111.45-20 and 111.50-5, and by adding 111.65-55 concern the requirements pertaining to electric powered or electric controlled steering gears. The proposals are intended to simplify the regulations by locating most of the steering gear requirements under one section. Included in these proposed changes are new requirements for duplicate pilothouse steering gear control systems that are based on proposed changes to 46 CFR 57.25-1 to 57.25-60 in Subchapter F (Marine Engineering) concerning steering apparatus. The requirement for duplicate pilothouse steering gear control systems is an increase over the present requirements. These proposed changes will also modify the requirements for overcurrent protection for steering gears by specifying new protection requirements for control, alarm, and indicating circuits. The proposed regulations designated 46 CFR 111.65-55, regarding special requirements for electrical steering gear, will contain additional requirements concerning duplicate pilothouse control systems and place in one section the revised existing requirements. These proposals apply to new vessels.

57. The authority to prescribe regulations concerning marine engineering and electrical engineering is set forth generally in R.S. 4405, as amended, and 4462, as amended, while other provisions of law interpreted or applied are in 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4472, as amended, 4488, as amended, 4491, as amended, section 14 of the Act of March 3, 1897, as amended, the Act of October 25, 1919, as amended, sections 1 and 2 of the Act of June 20, 1936, as amended, section 17 of the Act of April 25, 1940, as amended, section 3 of the Act of June 12, 1940, and section 3 of the Act of August 9, 1954 (46 U.S.C. 375, 416, 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 170, 481, 489, 366, 363, 367, 526p, 1333, and 50 U.S.C. 198), and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.).

ITEM VI—ELECTRICAL ENGINEERING

A—ELECTRICAL POWER-OPERATED WATERTIGHT DOORS

58. The proposed change to 46 CFR 73.35-20(c) is a clarification in wording of the requirements pertaining to the power supplies for electric power-operated watertight doors. This change is

intended to clarify the requirements of Subchapter H (Passenger Vessels) and to bring it into agreement with Subchapter J (Electrical Engineering). The wording proposed to be deleted is copied directly from the 1960 Safety of Life at Sea Convention. This language is considered to be ambiguous and under some interpretations would be almost impossible to accomplish electrically. The revised wording would substitute the requirements of Subchapter J (Electrical Engineering), which represents the Coast Guard interpretation of the wording in the Convention.

B—POWER SUPPLIES FOR ELECTRICAL POWER-OPERATED WATERTIGHT DOORS

59. It is proposed to revise 46 CFR 111.65-30(c), regarding special requirements for electric power-operated watertight door systems, so that electrical requirements will agree with Subchapter H (Passenger Vessels). It is proposed to require that the total time for all doors to be closed shall not exceed 60 seconds.

60. The authority to prescribe regulations governing electrical equipment is in R.S. 4418, as amended, and other laws interpreted or applied are R.S. 4405, as amended, 4462, as amended, 4417, as amended, 4426, as amended, 4490, as amended, section 3 of the Act of July 9, 1886, as amended, section 10 of the Act of May 28, 1908, as amended, Act of October 25, 1919, as amended, section 2 of the Act of March 2, 1929, as amended, section 2 of the Act of August 27, 1935, as amended, section 5 of the Act of May 27, 1936, as amended, Act of June 20, 1936, as amended, section 3 of the Act of June 12, 1940, as amended, section 3 of the Act of May 10, 1956, and section 3 of the Act of August 9, 1954 (46 U.S.C. 392, 375, 416, 391, 404, 482, 483, 395, 363, 35a, 38a, 369, 367, 1333, 390b, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8357.

C—MULTI-SPEED MOTORS, OVERCURRENT PROTECTION FOR MOTORS, DIRECT-CURRENT EXCITERS, GROUND DETECTION AND HOOK-UP WIRE

61. In recent years the use of multi-speed motors has increased on merchant vessels. The existing Electrical Engineering Regulations (CG-259) do not provide adequate overcurrent protection in many multi-speed motor installations. The proposed changes to 46 CFR Part 111 concerning multi-speed motors will provide overcurrent protection that is in keeping with the intent of the present overcurrent protection requirements of the National Electrical Code as well as Electrical Engineering Regulations. The proposed change to 46 CFR Part 111 concerning exciters merely recognizes that exciters do not necessarily have to be of the D.C. generator type. The Coast Guard is now requiring that ground detection means for grounded A.C. systems

be in accordance with requirements specified by American Institute of Electrical Engineers (A.I.E.E.). The proposed change to 46 CFR Part 111 concerning ground detection, which will require a ground detection ammeter, is based on the A.I.E.E. recommended practices. The changes proposed do not represent any substantial increase over the existing regulations, but are intended to include in the regulations requirements that reflect current Coast Guard practices and policy in these areas. These changes will apply only to new construction vessels and vessels undergoing major alterations. The proposed changes to 46 CFR Parts 111 and 113 concerning hook-up wire permits the use of hook-up wire which conforms with certain Military Standards for low power equipment. The changes are in 46 CFR 111.05-15(g), 111.10-10(a), 111.25-5(b), 111.25-35(a), 111.45-5, 111.45-20(b), and 111.60-5. It is proposed to add 46 CFR 113.05-10 to specifically permit smaller wire within components of low power consumption.

D—RECEPTACLE OUTLETS

62. The present regulations concerning receptacle outlets for crew's accommodations do not permit receptacle outlets to be installed in or adjacent to berth lights. This proposed change to 46 CFR 111.50-15(f), regarding receptacle outlets, would eliminate this limitation and would be a decrease from the existing requirements. The prohibition of receptacle outlets in or adjacent to berth lights has not increased safety. Radios may be used in such a manner that the radio and cord may be in contact with the bedding in the berth. In addition, this prohibition could result in the use of cords of excessive length.

E—FEEDER AND BRANCH CIRCUIT CABLES

63. In many recent cases of vessel alteration, particularly the "jumboizing" of vessels, the Coast Guard has considered it to be unreasonable to require the renewal of entire cable runs which could be extended safely by splicing. Where the extending of cables has been permitted there has often been the question as to the method which should be employed. This proposed change to 46 CFR 111.60-15, regarding general requirements for wiring methods, will specify that certain cables may be extended and will also specify how it must be done. The proposed requirements will apply only to existing vessels that are undergoing major alteration.

F—EMERGENCY ELECTRICAL SYSTEMS

64. The application of requirements for emergency source of power to passenger, cargo and miscellaneous vessels is proposed to be set forth in greater detail in order that the electrical engineering regulations will be in agreement with requirements in the 1960 Safety of Life at Sea Convention and to reflect recognition of current industry practices. The change consists of prohibiting the locating of the emergency source of power forward of the collision bulkhead. Also added is the phrase "uppermost continuous deck" in the subparagraph applicable to cargo and miscellaneous

vessels. The proposed change to 46 CFR 112.55 is intended to bring regulations into agreement with current industry practices determined to be satisfactory from a safety standpoint. These changes are in 46 CFR 112.05-5(d) (emergency source of supply), 112.55-5 and 112.55-15 (storage battery installation), and by adding a new section designated 46 CFR 112.55-20 (diesel engine cranking batteries).

G—SOUND-POWERED TELEPHONE AND VOICE TUBE SYSTEMS

65. The existing regulations for sound-powered telephones permit the system to be extended to cover stations where necessary or desirable, provided such extension does not interfere with the communications required by the regulations. This has led to a wide variation in interpretations as to what is "necessary or desirable," and has been the cause of disagreement between the Coast Guard and ship designers and builders. This proposed change should eliminate a point of contention by specifying the stations that may be included on the circuit for the required stations. The proposed changes to 46 CFR 113.30-5 and 113.30-20 clarify the requirements for steering station telephones and delete unnecessary requirements.

H—INTRINSICALLY SAFE EQUIPMENT AND CIRCUITS

66. The concept of intrinsically safe equipment is widely recognized in industry. A recent need for this type of equipment has been generated by the development and use of automated liquid cargo systems and by the increased carriage of low temperature cargoes and chemical cargoes, for which the present standard marine methods of measuring liquid levels, pressures, and temperatures are not adequate. Intrinsic safety is based on the concept that, for explosive mixtures, there is an experimentally determinable level of energy needed from an ignition source below which a particular mixture cannot be made to explode. Intrinsically safe equipment and circuits are designed to prevent energy levels of this magnitude from being generated or stored under both normal and abnormal conditions of operation. The proposed changes would first of all define intrinsic safety, outline the approval and installation requirements for acceptance of devices and circuits on inspected vessels, and specify minimum standards. This would be done by inserting a new Subpart 113.80, consisting of 46 CFR 113.80-1 to 113.80-15, in 46 CFR Part 113 Subchapter J (Electrical Engineering). Additional changes are proposed for 46 CFR 111.60-40 and 111.70-1 by which the use of intrinsically safe equipment and circuits are recognized for Class I hazardous areas and for tank vessels by amendment to 46 CFR 32.45-1 to introduce the concept of intrinsic safety. In the proposed changes to 46 CFR Parts 111 and 113 of Subchapter J concerning intrinsically safe equipment, it is required that such equipment shall be approved by a testing laboratory recognized by the Commandant before it can be considered for use on merchant vessels

in hazardous locations. In order to provide means to enable a laboratory to be recognized by the Commandant, it is proposed to add 46 CFR 2.75-35 to Subchapter A (Procedures Applicable to the Public).

67. The authority to prescribe regulations concerning electrical engineering is in R.S. 4418, as amended, while the other provisions of law interpreted or applied are R.S. 4405, as amended, 4462, as amended, 4399, as amended, 4490, as amended, 4417, as amended, 4417a, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, section 14 of the Act of March 3, 1897, as amended, section 10 of Act of May 28, 1908, as amended, Act of October 25, 1919, as amended, section 5 of Act of May 27, 1936, as amended, Act of June 20, 1936, as amended, section 17 of Act of April 25, 1940, as amended, section 3 of Act of June 12, 1940, as amended, section 3 of Act of May 10, 1956, and section 3 of Act of August 9, 1954 (46 U.S.C. 392, 375, 416, 361, 362, 391, 391a, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, and 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.).

ITEM VII—REQUIREMENTS AND SPECIFICATIONS FOR LIFESAVING DEVICES, EXTINGUISHERS AND BACKFIRE FLAME ARRESTERS

A—SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

68. The use of buoyant devices for special purposes has raised questions concerning how such devices may be accepted in lieu of presently required lifesaving equipment on uninspected motorboats and as additional equipment on inspected motorboats. The proposals include a new specification for special purpose water safety buoyant devices designated 46 CFR Subpart 160.064 in Subchapter Q (Specifications), consisting of §§ 160.064-1 to 160.064-9, along with regulation amendments to 46 CFR 25.25-5, 25.25-10 and 180.05-5 to provide for their use and to add 46 CFR 2.75-30 to recognize laboratories for listing and labeling them. These devices include water ski vests, motorboat racing vests, white water vests, buoyant hunter's style jackets, folding type vests, etc. The present Coast Guard specifications for standard buoyant vests do not allow sufficient latitude for new designs of special purpose water safety devices which are being developed in connection with increased water sports activities. The purposes of these proposals are to:

a. Provide an avenue for the recognition and acceptance of special purpose water safety devices which, in addition to having characteristics valuable for a designated purpose, will have desirable performance characteristics as a buoyant device.

b. Establish minimum safety standards for evaluating these devices to assure they are and will be acceptable for the special purposes as designated on their labels and to provide that such devices (such as water ski vests, hunter's buoyant jackets, etc.) may be used

for their designated purposes on both inspected and uninspected motorboats as well as for general use as buoyant devices on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

c. Recognize industry standards for special purpose buoyant devices. This will permit more latitude in design while, at the same time, maintain accepted minimum standards for designs, materials, and construction.

d. Provide for the recognition of non-profit laboratories which have established standards, factory inspection, listing and labeling programs for special purpose water safety buoyant devices.

e. Revise various regulations to authorize use of special purpose water safety devices. In this connection, these special purpose water safety devices are intended to qualify under 46 CFR 180.05-5 for use as additional safety equipment which may be carried as excess equipment on inspected small passenger motorboats. These devices would be permitted and accepted as excess lifesaving devices when used for the special purposes designated on their labels.

69. The proposed procedures respecting the approval of special purpose water safety buoyant devices and the specification in 46 CFR Subpart 160.064 set forth in this item will apply as follows:

(1) On and after the date of publication of regulations and specifications in the FEDERAL REGISTER, special purpose water safety buoyant devices listed and labeled with the combination "Laboratory/USCG" labels will be accepted as approved for the special purpose use designated on the labels on or with all motorboats and small passenger vessels not more than 65 feet in length subject to the provisions of 46 CFR Subchapter C (Uninspected Vessels) and Subchapter T (Small Passenger Vessels), and for general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

(2) On and after the date of publication of the regulations and specification in the FEDERAL REGISTER, applications from manufacturers or others for specific Commandant's approvals of special purpose water safety buoyant devices will not be accepted, but such manufacturers will be referred to recognized laboratories authorized to list and label such devices under the provisions of the specification in 46 CFR Subpart 160.064 (§§ 160.064-1 to 160.064-9).

(3) A recognized laboratory's authority will be limited and will issue its "Laboratory/USCG" labels to manufacturers whose devices the laboratory has found to be qualified under the requirements of 46 CFR Subpart 160.064.

(4) A recognized laboratory must meet the following requirements:

(a) Operate as a nonprofit public service;

(b) Be regularly engaged in the examination, testing, and evaluation for safety of materials, installations, and devices used aboard motorboats;

(c) Shall have an established factory inspection, listing, and labeling program;

(d) Maintain standards acceptable to the Coast Guard for evaluating, listing

and labeling special purpose water safety buoyant devices;

(e) Be located in either the United States, the Commonwealth of Puerto Rico, or the District of Columbia, as well as all of its laboratory facilities, etc.; and,

(f) Have its principal officers and a majority of its managing directors residing in the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

70. The authority to prescribe regulations for special lifesaving devices is in R.S. 4488, as amended, 4491, as amended, sections 6 and 17 of the Act of April 25, 1940, as amended and other provisions interpreted or applied are in section 632 of Title 14, U.S. Code, R.S. 4405, as amended, 4462, as amended, 4426, as amended, and section 3 of the Act of May 10, 1956 (46 U.S.C. 481, 489, 526f, 526p, 375, 416, 404, 390b). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-20, June 18, 1956, 21 F.R. 4894; and 167-38, October 26, 1959, 24 F.R. 8857.

B—UNICELLULAR POLYETHYLENE FOAM BUOYANT VESTS

-71. In accordance with 46 CFR Subpart 160.052 in Subchapter Q (Specifications), the Coast Guard has been approving buoyant vests which use unicellular polyvinylchloride foam as a buoyant material. Another buoyant material has now been developed. It is unicellular polyethylene foam and is proposed as an alternate buoyant material. The Coast Guard has been requested to provide for the approval of adult and child buoyant vests containing unicellular polyethylene foam as a buoyant material. The new specification designated 46 CFR 160.060, consisting of §§ 160.060-1 to 160.060-9, is proposed for this purpose.

72. Authority to prescribe regulations governing buoyant vests for motorboats of Classes A, 1 and 2 not carrying passengers for hire is in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 6 and 17 of Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 481, 489, 526e, 526p). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

C—UNICELLULAR POLYETHYLENE FOAM MATERIAL

73. The Coast Guard for several years has approved buoyant vests, 46 CFR Subpart 160.052, which use unicellular polyvinyl-chloride (PVC) foam as a buoyant material. The material specification for the PVC is MIL-P-15280: "Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape." As an alternate to the PVC foam, a unicellular polyethylene foam has been developed. The proposal has been made to supply this material in slabs having a trigonal slitted pattern as a means of achieving the flexibility of PVC foam for use in a lifesaving device. At present there is no Federal or MIL specification for the pro-

posed foam. The proposed specification designated 46 CFR 164.013, consisting of §§ 164.013-1 to 164.013-5, in Subchapter Q (Specifications) provides for the unicellular polyethylene foam which may be used in connection with the proposed Subpart 160.060 for buoyant vests.

74. Authority to prescribe regulations governing materials for lifesaving devices is in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, and sections 6 and 17 of Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 481, 489, 526e, 526p). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

D—PRESSURE GAGE OR DEVICE ON DRY CHEMICAL EXTINGUISHERS

75. Several types of dry chemical stored pressure type portable fire extinguishers having a disposable non-refillable chamber which contains both the dry chemical powder and the expellant gas have been accepted during the past several years. Some models were not fitted with a gage or visual device to show the presence of the expellant gas inside the chamber. These models are intended to be checked for the expellant gas by weighing to a small ($\frac{1}{8}$ -oz., $\frac{1}{4}$ -oz., etc.) tolerance. This weight check to such small tolerances has not been found possible on boats boarded by Coast Guard Boarding Officers or Merchant Marine Inspectors. A survey of more than 360 agents and dealers by Officers in Charge, Marine Inspection, throughout the United States disclosed that purchased units were generally not brought back for the required semi-annual weight checks.

76. The purpose of the proposed amendment to 46 CFR 162.028-3(j) in specification for portable fire extinguishers is to require that all such extinguishers manufactured after January 1, 1965, shall be fitted with visual means for checking whether or not the expellant pressure inside the chamber is in the operating range. A separate Navigation and Vessel Inspection Circular is also being proposed to furnish substitute inspection instructions for interim acceptance of units not having a pressure gage or indicator until January 1, 1968. These substitute instructions provide for certain visual checks of such units, which have not been found acceptable to the National Fire Protection Association or Underwriters' Laboratories, Inc., but are believed to be the best which can be done aboard boats in the water until boat owners can have time to obtain units having a pressure gage or indicator.

77. The authority to prescribe regulations regarding marine type fire extinguishers generally is in R.S. 4405, as amended, 4462, as amended (46 U.S.C. 375, 416). The provisions interpreted or applied are in R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, Act of June 20, 1936, sections 8 and 17 of the Act of April 25, 1940 as amended, section 3 of Act of June 12, 1940, as amended, section 3 of Act of May 10, 1956, and section 4 of the Act of August 7, 1953 and section 3 of Act

of August 9, 1954 (46 U.S.C. 391a, 404, 481, 489, 367, 526g, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-20, June 18, 1956, 21 F.R. 4894; 167-32, September 23, 1958, 23 F.R. 7605; and 167-38 October 26, 1959, 24 F.R. 8857.

E—BACKFIRE FLAME CONTROL ON UNINSPECTED VESSELS (MOTORBOATS)

78. The purpose of the proposals to amend 46 CFR 25.35-1 regarding backfire flame control, is to make the regulations clear to all concerned and to facilitate enforcement. The heading of this Subpart 46 CFR 25.35 is changed from "Carburetor Backfire Flame Arrestors" to "Backfire Flame Control" to better describe the regulations which prescribe devices acceptable for controlling backfire. Also, present intentions are to change the heading of the specification in 46 CFR Subpart 162.015 to "Specification for Backfire Flame Control, Gasoline Engines" and to include requirements for testing and labeling of engines which do not require flame arrestors. The proposed amendment designated 46 CFR 25.35-1(b)(2) and (3) cover installations similar to those which have already been accepted under the provisions of 46 U.S.C. 5261, "carburetor flame arrestors and backfire traps," which permit "other similar devices" in lieu of flame arrestors. These provisions permit the Commandant to accept two-cycle, solid fuel injection and supercharged engines for use without flame arrestors where the air and fuel intake systems provide equivalent protection to that of an approved flame arrestor. Functionally describing "other similar devices" as those attachments or location of engine which disperses backfire flame to the atmosphere permits acceptance for use without a flame arrestor by the Coast Guard law enforcement officer.

79. The authority to prescribe regulations regarding backfire flame controls on uninspected motorboats is in R.S. 4405, as amended, 4462, as amended, and sections 8 and 17 of the Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 526g, 526p). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

ITEM VIII—DANGEROUS CARGOES

80. The proposed amendments to the dangerous cargo regulations in 46 CFR Part 146 are miscellaneous amendments intended to bring the regulations up to date.

81. The authority to prescribe regulations governing the transportation of dangerous cargoes is in R.S. 4472, as amended, while the general laws authorizing regulations are R.S. 4405, as amended, and 4462, as amended (46 U.S.C. 170, 375, 416). These regulations also interpret or apply section 3 of the

Act of August 9, 1954 (50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority to the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-14, November 26, 1954, 19 F.R. 8026.

A—HATCH COVERS

82. The proposed amendment to 46 CFR 146.03-34(e), which contains definition of stowage term "tween decks readily accessible," will provide that the hatch covers remain clear of any cargo when a dangerous cargo requiring this stowage is stowed in the hold below.

B—LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES AND COMBUSTIBLE LIQUIDS

83. It is proposed to amend 46 CFR 146.04-5, the commodity list, to reflect additions of dangerous articles, editorial changes, and to state the label required for each item.

C—SPECIAL STOWAGE PLAN FOR RECORDING DANGEROUS CARGO ABOARD

84. The proposed amendments to 46 CFR 146.06-12 through 146.06-19, containing requirements governing dangerous cargo manifests or plans, will provide for the use of a separate stowage plan as an alternate to a manifest or list for recording dangerous cargo being transported aboard a vessel. The proposals are intended to simplify the details required to be shown on a dangerous cargo manifest, list or plan, and will standardize the requirements applicable to various types of vessels and barges. These proposals are also in agreement with the requirements in Chapter VII, Regulation 5, of the 1960 Safety of Life at Sea Convention.

D—COMPATIBILITY OF DANGEROUS CARGOES WITHIN VEHICLES, VANS OR PORTABLE CONTAINERS

85. It is proposed to amend 46 CFR 146.07-40(b), which governs the dangerous articles stowed in vehicles, vans or portable containers, to clarify the prohibition that no dangerous article or substance may be stowed in the same vehicle, van or portable container with any other incompatible article or substance, according to the regulations in 46 CFR Part 146.

E—PORTABLE MAGAZINES FOR STOWAGE OF EXPLOSIVES

86. It is proposed to amend 46 CFR 146.09-6(a), which covers the requirements applicable to portable magazines, to clarify the regulation so that the word "gross" pertains to explosives and the size of magazine will be limited to not more than 100 cubic feet plus 10 percent of explosives (gross) stowed therein.

F—EXPLOSIVES

87. The proposed amendment to 46 CFR 146.20-15, which governs the stowage of explosives, will delete § 146.20-15(b) and transfer the revised requirements to a new section designated 46 CFR 146.20-16 to provide separate requirements for stowage of blasting caps and small quantities of other explosives.

These proposed amendments specifically provide for the stowage of blasting caps, ammonium nitrate and nitro carbo nitrate when these materials are handled as Class A explosives on board a vessel. It is also proposed to add certain specific requirements relating to the stowage of blasting caps with other explosives and dangerous articles. It is proposed to amend 46 CFR 146.20-23(g) and 146.22-15(b), regarding compatibility of certain explosives with nitro carbo nitrate, by including special provisions for the stowage of dynamites and ammonium nitrate and nitro carbo nitrate on board one vessel. These proposals are based on the type of container and the condition that the aggregates are handled as Class A explosives. It is proposed to amend 46 CFR 146.20-31, regarding the loading and unloading of explosives, so as to permit the handling of explosives simultaneously with other cargo under specified controlled conditions. It is proposed to amend 46 CFR 146.20-100 (Table A), which applies to Class A dangerous explosives, to clarify the exemptions applicable to the shipment of small quantities of certain dry high explosives.

G—INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

88. It is proposed to amend 46 CFR 146.22-15(b) and 146.20-23(g), regarding compatibility of certain oxidizing materials with explosives and other dangerous articles, by including special provisions for the stowage of dynamites with ammonium nitrate and nitro carbo nitrate on board one vessel when the aggregate is considered as Class A dangerous explosives. Regarding the authorization of loading or discharging ammonium nitrates and nitro carbo nitrate, it is proposed to amend 46 CFR 146.22-30 and 146.22-40 to clarify requirements regarding who are the proper issuing officers in the Coast Guard authorized to issue the required permits without any further special designation from the Commandant. It is also proposed to revise 46 CFR 146.22-30 to extend applicability of present provisions to ammonium nitrate in burlap bags now governing when such materials are packaged in paper bags. The proposed revision of 46 CFR 146.22-40, regarding nitro carbo nitrate, also will prescribe stowage conditions when such materials are packaged in paper bags as an ammonium nitrate formulation and subject to provisions in 46 CFR 146.22-30(f). It is proposed to amend 46 CFR 146.22-100 (Table E), regarding inflammable solids and oxidizing materials, to add provisions which should give additional safety protection for the handling of nitro carbo nitrate in bags and boxes, as well as to make other editorial changes in the various ammonium nitrate entries by adding specific references to sections of regulations which provide for special handling of a particular product under certain conditions.

H—CORROSIVE LIQUIDS

89. The proposed amendments to 46 CFR 146.23-100 (Table F), regarding corrosive liquids, are intended to provide stowage and labeling requirements and set forth a description of the physi-

cal characteristics for the new item "memtetrahydro phthalic anhydride."

I—HAZARDOUS MATERIAL

90. It is proposed to amend 46 CFR 146.27-5, which exempts certain liquids from the hazardous article classification, to agree with certain hazardous liquids proposed to be regulated by changes in regulations in this subpart. The proposed amendments to 46 CFR 146.27-100 (Table K), regarding hazardous articles, will specify the stowage and packing requirements and set forth descriptions of physical characteristics for new items "carbon tetrachloride," "chloroform," "tetrachloroethane," and "phosphoric acid."

J—MILITARY EXPLOSIVES

91. It is proposed to amend 46 CFR 146.29-35(e), regarding tools to be used when handling military explosives, so as to clarify the requirements by stating that tools of ferrous composition are the tools for which prior special permission is required from the Captain of the Port. The proposed amendments to 46 CFR 146.29-55, governing the stowage of military explosives with household or personal effects and/or mail, will require a buffer between the household goods, mail, or personal effects and any bulkhead having military explosives stowed up against it on the opposite side. This proposal will apply only to an adjacent hold stowage. It is proposed to cancel 46 CFR 146.29-97(b) (2) because "dinitrotoluene" is not classified as a high explosive. The proposed amendments to 46 CFR 146.29-100, regarding the classification, handling and stowage of military explosives, add new provisions for certain military explosives to provide for their correct classification.

ITEM—IX SECURITY OF VESSELS AND WATERFRONT FACILITIES

A—HOT WORK ON WATERFRONT FACILITY OR VESSEL

92. The proposed amendment to 33 CFR 126.15(c), regarding conditions for designation as a designated waterfront facility, will require a permit from the Captain of the Port before any welding or hot work is undertaken on a vessel alongside a waterfront facility whenever dangerous cargo is on the facility or on a vessel moored thereto. The purpose of requiring a permit for welding on vessels is to lessen the hazards of fires which may occur in the vicinity of dangerous cargoes, whether on the waterfront facilities or nearby vessels.

93. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp., 16 F.R. 7537, 3 CFR 1951 Supp., 17 F.R. 4607, 3 CFR 1952 Supp.).

B—POWER-OPERATED EQUIPMENT ON WATERFRONT FACILITY

94. It is proposed to amend 33 CFR 126.15(e), regarding conditions for designation as designated waterfront facility, to control use of power-operated equip-

ment. It is proposed to apply revised requirements to power-operated industrial equipment when used on waterfront facilities to handle dangerous cargo as one of the conditions for designation as a designated waterfront facility. It is proposed to govern the handling of dangerous cargoes on waterfront facilities by correcting problems affecting the safety of such facilities and the vessels in port. One of the dangers creating concern is the current use of power-operated industrial trucks, such as tractors, stackers, hoisters, fork lifts, etc., powered by electricity or by internal combustion engines. The Coast Guard believes there is a need to set forth minimum standards governing the use of power-operated industrial trucks when on waterfront facilities handling dangerous cargoes.

95. The proposals governing power-operated industrial trucks are based on the standards recommended by the Underwriters' Laboratories, Inc., P.O. Box 247, Northbrook, Illinois. They establish minimum safety requirements concerning construction, maintenance, performance, and operation.

96. It is proposed to require on waterfront facilities that each power-operated industrial truck which handles general items of dangerous cargo shall be a laboratory designated and approved type. However, each unit handling such special items as explosives, inflammable liquids, inflammable solids, oxidizing materials, inflammable compressed gases, bulk sulfur, or hazardous articles of a fibrous nature (not enclosed in vans or portable containers) shall be a designated type "EX," "EE," "LPS," "GS," or "DS." In the administration of these proposals, it is realized that present industry practices may need to be revised. Therefore, it is proposed to require that on and after a date in 1965 all trucks used on waterfront facilities for the handling of Classes A and B explosives shall be converted to or replaced by a laboratory designated and approved type meeting the specified requirements and on and after a date in 1966 all trucks used for handling other dangerous cargoes shall be either converted to or replaced by a laboratory designated and approved type meeting the specified requirements.

97. The regulations are deemed to be necessary for the protection of the waterfront facilities and the safety of the vessels moored thereto. Waterfront facilities are rated among the highest fire hazards of the nation. This is due not only to the hazardous conditions inherent in the normal structure of waterfront facilities but also in the character of the routine operations and the dangerous nature of the explosives and other materials being handled.

98. Fire losses for piers and wharves have averaged higher than most other structures. The National Fire Protection Association (NFPA) has reported that preceding January 1, 1945 some 1,314 pier and wharf fires averaged \$62,143 per fire. In 1953, National Bureau of Fire Underwriters (NBFU) reported that, in a two-year period under study, individual warehouse fire losses (which are illustrative of pier and wharf fire poten-

tial) ranged from \$100,000 to over \$5,000,000. In 1962, some 1,770 fire losses on piers (including shipyards) totaled \$15,230,000. What percentage of these fires were caused by power-operated industrial trucks can only be estimated. In reporting special causes of some 805 pier and wharf fires the NFPA in 1948 attributed 16 percent to defective handling equipment and 12 percent to hoisting and loading equipment. In 1962 9.7 percent of the fires reported in cotton warehouses were reported to be caused by lift trucks. The NBFU has stated: "It is necessary to recognize the fact that both the gasoline and electrical units (of power-operated equipment) possess inherent fire hazards in their operation as well as their maintenance." Individual accounts of fires involving power-operated industrial trucks and equipment are numerous enough to substantiate the need for uniform safety requirements.

99. On a waterfront facility in Tacoma, Wash., a fork lift backfired when the motor was started. The fire loss amounted to \$125,000. On another waterfront facility in Tacoma, Wash., a cargo crane started a fire by shorting its electrical feed cable. Damage loss was estimated at \$1,200,000. In a warehouse at Ryde, Calif., a fire originated in a fork lift truck with a loss of \$273,000. At a warehouse at Jeffersonville, Ind., a fire was started by careless operation of a fork lift truck. Damage was reported as \$272,000. In a warehouse in Oregon, sparks from a short circuit of the battery leads in an electric lift truck caused a loss of \$700,000. In Baltimore, Md., a backfire from a gasoline-powered lift truck caused a fire loss of \$26,000. In Lumberton, N.C., a backfire from a gasoline lift truck with a leaky carburetor started a fire which seriously threatened an adjoining warehouse containing \$7,000,000 worth of tobacco. In Shreveport, La., the backfire of one lift truck ignited the gasoline vapors of another which was being refueled and started a fire which destroyed a warehouse, 28 railroad box cars, 12 freight trailers, and 11 automobiles. In Merced, Calif., the turning on of an ignition switch of a fork lift truck ignited vapors from a gasoline spill and started a fire with a loss of \$154,000. In Berlin, N.H., careless operation of a fork lift truck started a fire which destroyed the building and its contents with a loss of \$500,000. In Henrietta, N.C., a fork lift truck backed into a pile of cotton bales and started a fire amounting to \$300,000. In Taylor Twp., Mich., an accidental collision of an electric lift truck with the valve of a 3,800 gallon LP-Gas container resulted in a fire which destroyed a truck terminal with estimated loss of \$718,000. In Highpoint, N.C., a gasoline lift truck was accidentally upset in a sisal warehouse. The resulting fire destroyed the contents of the building with a loss of \$57,000. A spark from an electric lift truck ignited vapors from a leaking drum of alcohol starting a fire which destroyed two storage houses with damage estimated at \$157,000.

100. One of the worst fires occurred in Brooklyn. A fork lift truck on board the

"USS Constellation" accidentally started a fire which resulted in property damage estimated at \$47,942,000.

101. The NFPA reported in 1962 that in a study of 129 fires originating in power-operated industrial trucks it was found that 62 percent were caused by mechanical failures which could be traced back to improper maintenance. The remaining 38 percent were caused by improper operation of the truck or improper fueling procedures. Approximately 66 percent of the fires started while the trucks were being operated. 14.7 percent started while the trucks were being refueled. The remainder of the fires started while the trucks were parked or undergoing maintenance work. In 70.5 percent of the cases studied, original ignition of the fire was in the truck itself and of these, 20 percent spread to the building or contents. In 29.5 percent of the cases, the fire started when sparks or heat from the truck ignited materials such as cotton, paper, vapors, or dust adjacent to the truck. Almost all of the fires caused by electric trucks were short circuits. Fires from liquefied petroleum gas units were caused mainly by leaking lines and connections and by short circuits. Fires in gasoline trucks were caused by electrical short circuits, sparks from exhaust systems, fuel leaks and hydraulic leaks. About 20 percent of the fires were caused by driver failure.

102. As early as 1951, NFPA recommended that pier and wharf power-operated equipment, such as mules, tractors, fork lifts and dock cranes should be of approved construction. And in 1953, the NBFU recommended that all gasoline or electric powered industrial trucks and tractors used in warehouses should be listed for acceptance by a recognized testing organization and should be operated only by trained drivers.

103. The safeguarding of waterfront facilities is of major importance to the welfare of the country. In time of peace these facilities are essential if commerce is to be carried on in a normal manner. In time of war their role becomes vital to the security of the nation itself. Under emergency conditions there is no time for replacement of port facilities destroyed by fire. Any recognized fire hazard which threatens the safety of port facilities should be promptly corrected. These proposed regulations are intended to control a known major cause of many high cost and extensively destructive fires. These regulations are considered a necessary and integral part of any responsible program for the prevention of fires at marine terminals.

104. These requirements will become effective for waterfront facilities handling Class A and B explosives one year after publication in the FEDERAL REGISTER and for waterfront facilities handling other dangerous cargoes two years after publication in the FEDERAL REGISTER.

105. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950

Supp.; 16 F.R. 7537, 3 CFR 1951 Supp.; 17 F.R. 4607, 3 CFR 1952 Supp.).

C—AMMONIUM NITRATE PRODUCTS HANDLED AND STORED ON WATERFRONT FACILITY

106. It is proposed to add a new section designated 33 CFR 126.28 covering general provisions for ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate. This proposal will provide for the handling of ammonium nitrate products on waterfront facilities to prevent or reduce fires, and should a fire occur to prevent serious explosions. The proposed measures for handling ammonium nitrate products are based on the recommendations originally submitted by the Interagency Committee on the Hazards of Ammonium Nitrate, Fertilizer Grade, in its report of November 10, 1947, and from the proposals of the Committee on Chemicals and Explosives of the National Fire Protection Association. The purpose of these proposed measures is to lessen the support ammonium nitrate products would give to combustion if involved in a fire on a waterfront facility and to prevent their becoming sensitized with carbonaceous, organic, or combustible material. When these products are contaminated with approximately six percent of some carbonaceous or organic substance, the resulting mixture may become as sensitive as a blasting agent.

107. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp.; 16 F.R. 7537, 3 CFR 1951 Supp.; 17 F.R. 4607, 3 CFR 1952 Supp.).

D—ADVANCE NOTICE OF ARRIVAL OF VESSEL WHEN LADEN WITH EXPLOSIVES (OR CERTAIN SPECIFIED DANGEROUS CARGOES) OR WHEN FIRE (OR OTHER HAZARDOUS CONDITIONS) EXISTS ON THE VESSEL

108. It is proposed to add new regulations designated 33 CFR 124.14 and 124.16 to require advance notice of arrival of a vessel under certain conditions which will affect the security of the port of arrival. The purpose of these proposed regulations is to increase the safety and security of certain ports vital to domestic and foreign commerce. Captains of the Port are normally unaware of the nature of the cargoes carried aboard vessels and sometimes have not been advised of hazardous conditions present on the vessels about to enter port. The Dangerous Cargo Regulations, 46 CFR 146.02-13, require a report of fire or hazardous condition by a vessel carrying dangerous cargo. However, it is desired that all vessels with or without dangerous cargo be required to report in advance any hazardous condition which might jeopardize the safety of the vessel or affect the safety of the port. This advance notice will give time to those vitally concerned to make such preparations and to coordinate such local assistance as the emergency may require. The carrying of explosives or certain specified types of dangerous cargoes requires prior emergency planning of the

Captain of the Port. The proposed regulation requiring this advance notice from such a vessel would materially aid the Captain of the Port in developing emergency preparations in providing for the safety of the port.

109. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277, and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp.; 16 F.R. 7537, 3 CFR 1951 Supp.; 17 F.R. 4607, 3 CFR 1952 Supp.).

ITEM X—STRUCTURES ON OUTER CONTINENTAL SHELF AND ADJACENT WATERS

110. It is proposed to revise and supplement 33 CFR Subparts 67.05, 67.10 and 67.50 in Part 67 regarding private aids to navigation. These revisions and additions concern the marking requirements for structures and artificial islands erected in the waters of the Outer Continental Shelf and adjacent waters of the United States. The proposals, initially prepared by the National Offshore Operations Panel to the Merchant Marine Council, have been under study and consideration by the Coast Guard for nearly two years. These changes and additions will remove an existing burden on the owners and operators of the structures and artificial islands to display multiple obstruction lights, depending on the size of the structure, in instances where not actually required for the safety of navigation, to the expense of synchronized operation of more than one fog signal from a single structure whose dimensions are such as to cause the signals to appear to originate at the same point, and to adjust lines of demarcation in certain areas where experience over the past five years since the regulations were originally promulgated indicates that the revision will not imperil the lives of persons employed on the structures or mariners plying the waters of the Gulf of Mexico.

A—LIGHTS TO MARK STRUCTURES

111. It is proposed to amend 33 CFR 67.05-1 regarding general requirements for lights and arrangement of obstruction lights. Tests made by the Coast Guard show that candlepower emitted from small drum lenses of the types commonly used for obstruction lights on the structures have a vertical divergence of from 65° above the focal plane to 65° below the focal plane and is such that the light will be visible at a distance of 50 feet, even though the light may be mounted as much as 100 feet above the water.

B—FOG SIGNALS ON STRUCTURES

112. It is proposed to cancel 33 CFR 67.10-1(d) regarding general requirements for fog signals. This requirement is to be cancelled because nearly all of the existing offshore structures and those which may be erected in the foreseeable future are of a size not to require more than one fog signal to mark them. In addition, where because of the physical layout of such a structure more than one fog signal is necessary to preclude shad-

ow zones in sound propagation, experience indicates that adequate marking of the structure for the benefit of marine commerce will be provided even when the signals are operated independently of each other.

C—LINES OF DELINEATION BETWEEN PRIMARY AND SECONDARY AREAS IN THE 8TH COAST GUARD DISTRICT (NEW ORLEANS)

113. It is proposed to revise and supplement 33 CFR 67.50-25(b) regarding the primary and secondary lines of demarcation located in the waters of the Gulf of Mexico within the 8th Coast Guard District. The proposed changes will modify the present lines of demarcation to correct certain inequalities in existing alignment, having due regard to the depths of water and traffic patterns, as well as the nature and volume of marine traffic in the coastal waters of the Gulf of Mexico from the Mississippi Delta area westward to the vicinity of Vermillion Bay, Louisiana.

114. The authority to prescribe regulations generally is in section 92 of Title 14, U.S. Code. These regulations also interpret or apply sections 83, 85 and 633 of Title 14, U.S. Code, and section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). The delegations of authority to the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 167-3, May 6, 1953, 18 F.R. 2961; 167-15, January 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; and 167-23, July 27, 1956, 21 F.R. 5852.

ITEM XI—RULES OF THE ROAD

A—TOWING OF BARGES—INLAND WATERS

115. This proposal amends several incorrect aids-to-navigation designations to conform with List of Lights. Further, the proposal presents the material in a more accurate and understandable format with no change in context. Definitions of "close-up" and "intermediate" towing have been relocated to the sections related to barge lights since this is the only place these terms are used. Presently the regulations use the terms in one section and define them in a separate and relatively unrelated second section. The proposal thus clarifies both the section on barge lights as well as the section on hawser length. The exception clause—33 CFR 84.15(b)—is relocated to come after the section to which it relates. As presently arranged the material is misleading in that the exception appears to apply to the specific locations where hawser lengths must be shortened.

116. It is proposed to amend 33 CFR 84.10, regarding hawser lengths for all tows on inland waters, to remove inaccuracies and improve clarity of presentation. Definitions of "close-up" and "intermediate towing," which relate to barge lights and not hawser lengths, are relocated to more appropriate regulations designated 33 CFR 80.16 and 80.17. The name Thimble Light is corrected to Thimble Shoal Light. The Brenton Reef Lightship has been dis-established and replaced by Brenton Reef Light in approximately the same location.

117. It is proposed to cancel 33 CFR 84.15, regarding hawser length exceptions, since this material is proposed to be included in a revised regulation designated 33 CFR 84.10 covering hawser lengths for all tows on inland waters.

118. It is proposed to amend 84.20 regarding bunching of tows, by transferring a portion thereof to the proposed 33 CFR 84.10 and to revise nomenclature to agree with the List of Lights.

119. It is proposed to revise 33 CFR 80.16a, regarding lights for barges, canal boats, scows, and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intercoastal Waterway to relate barge lights with the hawser length between vessels. It is proposed to amend 33 CFR 80.17, regarding lights for barges and canal boats on the Hudson River and adjacent waters and Lake Champlain, to relate barge lights with the hawser length between vessels. These additions have been transferred from 33 CFR 84.10 since they relate to barge lights rather than hawser lengths. Inasmuch as the terms "close-up" and "intermediate" only appear a few times, it is considered more appropriate to use their definitions directly rather than utilize a separate defining paragraph.

120. The authority to prescribe "Rules of the Road—Inland Waters" is in section 2 of the Act of June 7, 1897, as amended, and section 14 of the Act of May 28, 1908, as amended (33 U.S.C. 157, 152). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-33, September 23, 1958, 23 F.R. 7592.

D—TOWING OF BARGES—WESTERN RIVERS

121. It is proposed to amend 33 CFR 95.38, regarding hawser lengths for all tows, to improve the clarity of presentation and to transfer definitions relating to hawser lengths to 33 CFR 95.31 covering lights for barges towed astern.

122. It is proposed to amend 33 CFR 95.31, regarding lights for barges towed astern, to properly relate barge lights with hawser lengths. These additions have been transferred from 33 CFR 95.38 since they relate to required use of barge lights rather than to distances required between barges. Inasmuch as the terms "close-up" and "intermediate" appear only a few times in the Rules of the Road, it is considered more appropriate to use their definitions directly rather than have a separate paragraph defining these terms.

123. The authority to prescribe "Rules of the Road—Western Rivers" is in R.S. 4233A, as amended, 4233, as amended (33 U.S.C. 353, 316). The delegation of authority to the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 167-33, September 23, 1958, 23 F.R. 7795.

ITEM XII—IMPLEMENTING 1960 SAFETY OF LIFE AT SEA CONVENTION

124. The International Convention for Safety of Life at Sea, 1960 (SOLAS), was ratified by the United States and this Convention will replace the International Convention for Safety of Life at

Sea, 1948. The 1960 SOLAS Convention enters into force, as regards those countries depositing instruments of acceptance, 12 months after the date on which not less than 15 acceptances, including 7 by countries each with not less than 1,000,000 tons of shipping, have been deposited. Acceptances deposited after the date on which the Convention enters into force will take effect 3 months after the date of their deposit.

125. The 1960 SOLAS Convention was drafted at the Fourth International Conference on Safety of Life at Sea held in London from May 17 to June 17, 1960. This Conference was called primarily to take advantage of the many technological advances which had been made since the 1948 Convention was drafted and adopted. In addition, the "Andrea Doria"—"Stockholm" disaster in 1956 pointed out the need for re-examination of the provisions of the 1948 Convention. The 1960 Conference was held under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO), which is an agency of the United Nations.

126. Copies of the 1960 "International Convention for Safety of Life at Sea" may be purchased from the British Information Office, 45 Rockefeller Plaza, New York 20, New York, Sales No. IMCO 1960.1, S.O. Code 88-3501, for \$3.78 per copy, plus local sales tax, if applicable.

127. The 1960 SOLAS Convention bears a strong resemblance to the 1948 SOLAS Convention insofar as general format is concerned. This Convention sets forth the basic undertaking among the contracting governments, together with provisions relating to procedural matters. Annexed to the Convention and forming an integral part thereof are 8 chapters of technical regulations titled respectively: "General Provisions"; "Construction"; "Lifesaving Appliances, etc."; "Radiotelegraphy and Radiotelephony"; "Safety of Navigation"; "Carriage of Grain"; "Carriage of Dangerous Goods"; and "Nuclear Ships." The following is a brief description of some of the major changes between the 1948 SOLAS Convention and the 1960 SOLAS Convention:

Chapter I—General provisions. The most important change in this chapter concerns the area of application of the 1960 SOLAS Convention. The Great Lakes and the St. Lawrence River west of the lower exit of the Lachine Canal were exempted from the provisions of the 1948 SOLAS Convention. In the 1960 SOLAS Convention this area of exemption was extended to Anticosti Island to permit Great Lakes freight vessels to bring in the Labrador ore from Seven Islands and similar ports to the Great Lakes ports without being subject to the Convention. Therefore, limited operations in the Gulf of St. Lawrence are permitted by Great Lakes vessels without requiring compliance with the 1960 SOLAS Convention.

Chapter II—Construction. The provisions with respect to subdivision and stability have been revised and improved over the 1948 standards. Significant machinery and electrical changes were made for passenger vessels, particularly

with regard to steering gear and a prohibition against low flashpoint fuels. The steering and electrical requirements were also extended to cover cargo ships (including tankers) of 500 gross tons and over. The fire protection requirements have been increased so that in effect they are now closer to the minimum standards required by Coast Guard regulations. In particular, the application of requirements was broadened to include cargo ships to a limited extent. The fire detecting and extinguishing requirements were also improved.

Chapter III—Lifesaving appliances, etc. The requirements for lifesaving appliances were revised and increased. The application was extended to include cargo ships (including tankers). One of the reasons given for calling the 1960 Conference was to consider the possible use of inflatable liferafts which were prohibited under the 1948 SOLAS Convention. In view of the improvements in the industry since 1948, inflatable liferafts will be accepted under the Convention. The minimum requirements for the construction and use of inflatable liferafts were established.

Chapter IV—Radiotelegraphy and radiotelephony. The scope of application was extended to a new category of ships, namely, those from 300 to 500 gross tons which are on international voyages. Four years after the 1960 SOLAS Convention comes into force, the automatic alarms on all ships will be required to be of a new and improved type.

Chapter V—Safety of navigation. A new concept was introduced regarding the North Atlantic routes used by passenger and cargo vessels. This emphasizes the importance of the converging areas on both sides of the Atlantic and the necessity to ensure adherence to such routes by all ships when in such converging areas.

Chapter VI—Carriage of grain. Stability has been recognized as one of the main factors in the carriage of bulk grain. Provisions are made for vessels which are specifically designed for the carriage of bulk grain.

Chapter VII—Carriage of dangerous goods. There was no significant change to this subject, except that it was rewritten to provide more clarity and to correspond to recognized safety practices for the transportation of dangerous goods by sea.

Chapter VIII—Nuclear Ships. This is a new subject, and the 1948 SOLAS Convention was silent concerning special safety practices for nuclear powered ships. The 1960 SOLAS Convention includes suitable provisions for accepting foreign nuclear powered ships into one's ports or denying it entrance. The scope of application includes all nuclear ships, except ships of war. These nuclear ships are now recognized as a separate class. The Convention provides a procedure whereby a nation may evaluate the safety of a foreign nuclear ship before permitting it to enter its ports. In addition, authorization for a government to take such steps as necessary to ensure that the presence of the ship does not create an unreasonable radiation hazard. These new provisions for nuclear ships

are in general agreement with United States procedures governing the "N.S. Savannah."

128. In order to give effect to the 1960 SOLAS Convention with respect to those matters coming within the jurisdiction of the Coast Guard, the vessel inspection regulations in Chapter I of Title 46 (Shipping), Code of Federal Regulations, will be revised. It is proposed that the passenger, tank, cargo and miscellaneous U.S. flag vessels intended for use on voyages subject to the 1960 SOLAS Convention will be in general conformity with Convention requirements at the time required inspections are made by the Coast Guard. Some of the necessary changes to the marine and electrical engineering regulations and the grain regulations have been already accomplished, as they were considered at the 1961 Merchant Marine Council Public Hearing, and could be made effective at that time. Certain proposals regarding equipment specifications are still being developed and will be considered at a later date. The proposals in this item will revise the "Rules and Regulations for Passenger Vessels" (CG-256), "Rules and Regulations for Cargo and Miscellaneous Vessels" (CG-257), and "Rules and Regulations for Tank Vessels" (CG-123), which are published in 46 CFR Parts 70 to 78 (Subchapter E), Parts 90 to 98 (Subchapter I), and Parts 30 to 40 (Subchapter D). The more important proposals, without references to specific sections, are:

A. General provisions. The proposals provide authority for the Commandant's exemption to be given to certain U.S. flag vessels on international waters so that compliance with 1960 SOLAS Convention requirements will not be required when it is desired to move vessels not normally engaged on international voyages. The definitions of "international voyage" are revised so that they will be in agreement with the definition in the 1960 SOLAS Convention.

B. Inspection and certification. Proposals are added to provide for inspection and certification of nuclear powered ships. The proposals also describe convention certificates and applicable posting requirements on board ships. For tank vessels proposed changes also revise descriptions of the initial and subsequent inspection requirements.

C. Construction and arrangement. For passenger vessels the proposals are extensive and revise requirements to agree with 1960 SOLAS Convention. However, the major change involves the fire bulkhead test procedure, which was modified to include heat testing at all joints, which increases present Coast Guard requirements.

D. Watertight subdivision. For passenger vessels the proposals contain many detailed changes of a technical nature in order that the regulations will agree with 1960 SOLAS Convention.

E. Stability. Many detailed changes of a technical nature are proposed for passenger, cargo and tank vessels in order to have the regulations agree with the 1960 SOLAS Convention. The proposals will also authorize the Commandant to allow the stability test of an

individual vessel or class of vessels, especially when designed for the carriage of liquid or ore in bulk, to be omitted when reference to existing data for similar vessels indicates such vessels have more than sufficient metacentric height available under normal loading conditions.

F. Lifesaving devices, etc. A number of changes are proposed for passenger, cargo and tank vessels to reflect changes required by the 1960 SOLAS Convention. The Convention established minimum requirements for certain vessels engaged in specific occupations, such as whaling, etc., and as there are few of such vessels performing such work registered in the United States, it is proposed to authorize the Commandant to give such vessels special consideration in prescribing the lifesaving equipment requirements therefor on an individual vessel basis rather than to add voluminous details to the regulations which may seldom or never need to be used. The 1960 SOLAS Convention limits the size for hand-propelled lifeboats to 100-person capacity, and all lifeboats for over 100-person capacity will be required to be motor lifeboats. The requirements for the rigid type liferafts have been modified by the 1960 SOLAS Convention so that the 400-pound rigid type liferaft allowed by the 1948 SOLAS Convention will no longer be permitted as part of the required equipment. The proposed regulations will clarify requirements and show that the Coast Guard has no objection to permitting the carriage of this type of equipment on an equivalent basis. The proposed regulations also permit the substitute of inflatable liferafts carried under approved launching devices for certain lifeboats, but existing vessels which carry inflatable liferafts cannot use such equipment to increase the number of passengers presently allowed. Revised requirements are proposed regarding liferafts on vessels engaging in short international voyages. While the 1960 SOLAS Convention does not require the 25 percent buoyant apparatus presently required by the regulations, it is proposed to continue this requirement for buoyant apparatus, even though the 1960 SOLAS Convention substituted 10 percent liferafts for buoyant apparatus. Other proposals deal with such things as liferaft stowage, additional lifeboat equipment, permitting the use of desalting kits under certain circumstances, prohibition against the nesting of lifeboats on new construction, liferaft launching devices, minimum winch capacity, whistles for life preservers, additional life preservers required, smoke signals for attachment to ring buoys, and illumination requirements for inflatable liferaft launching operations. The use of inflatable life preservers on cargo vessels only is permitted in the 1960 SOLAS Convention. The proposals do not permit the use of such inflatable life preservers. No reason is known why the 1960 SOLAS Convention permits inflatable preservers on one type of vessel only. This prohibition is proposed because the Coast Guard has serious reservations regarding the adequacy of inflatable life preservers under emergency conditions and it is felt that

problems of shipboard inspection and maintenance of inflatable life preservers have not been satisfactorily resolved.

G. Fire protection equipment. Few changes are proposed with respect to fire protection requirements. The principal proposals will require the carriage of an international firemain shore connection, and that the firemain piping size shall be capable to handle the output from two fire pumps. The water spray system requirements were revised by the 1960 SOLAS Convention and placed certain operating conditions on such installations. It is proposed to delete present requirements regarding water spray extinguishing systems because such systems have not found favor with the industry and the revised conditions make future installations even less likely. However, authorization is provided in the proposed regulations so that if such an installation is desired for a specific vessel, it may be permitted. For cargo vessels it is proposed to also require smoke detecting devices when transporting explosives.

H. Vessel control and miscellaneous systems. The 1960 SOLAS Convention no longer requires a flame safety lamp, and substituted a flashlight. Requirements for a flame safety lamp will be continued since it has very practical usages on board vessels. New proposals regarding fireman's outfits are added to be in compliance with the 1960 SOLAS Convention.

I. Operations. Proposals regarding lifesaving signals have been added and will be applicable to all vessels, regardless whether or not they are on voyages subject to the 1960 SOLAS Convention except those vessels on strictly inland waters and Great Lakes vessels under 150 gross tons. With respect to markings on lifesaving equipment, it will be necessary to have placed on lifeboats, liferafts, buoyant apparatus and ring buoys, the vessel's name and port of registry. In addition, on lifeboats the name of the vessel and the port of registry shall be marked on both bows.

A—PASSENGER VESSELS

129. It is proposed to amend 46 CFR Parts 70 to 78, inclusive, in Subchapter H, Rules and Regulations for Passenger Vessels, in order to incorporate the requirements contained in the International Convention for the Safety of Life at Sea, 1960. Reference to some specific regulations of the 1960 SOLAS Convention will be found opposite the proposed amendments in the Agenda (CG-249). In some instances, the requirements have been extended to services other than international voyages for the purpose of taking advantage of improved materials, equipment, methods, procedures, or arrangements.

130. In 46 CFR Part 70, regarding general provisions for passenger vessels, it is proposed to amend 46 CFR 70.05-1, 70.05-3, 70.05-10, 70.10-21, 70.15-1 and 70.20-5 and to add 46 CFR 70.10-30 defining nuclear vessels.

131. In 46 CFR Part 71, regarding inspection and certification of passenger vessels, it is proposed to amend 46 CFR 71.20-15, 71.25-10, 71.75-1 and to add 46

CFR 71.75-5, 71.75-10 and 71.75-15 describing 1960 SOLAS Convention certificates.

132. In 46 CFR Part 72, regarding construction and arrangement of passenger vessels, it is proposed to amend 46 CFR 72.05-1, 72.05-10 and 72.05-90.

133. In 46 CFR Part 73, regarding watertight subdivisions of passenger vessels, it is proposed to amend 46 CFR 73.01-1, 73.05-10, 73.10-35, 73.25-5, 73.25-10, 73.30-25, 73.35-10, 73.35-15, and 73.90-1 and to add 46 CFR 73.10-23 describing special subdivision requirements for vessels 430 feet or longer in length.

134. In 46 CFR Part 74, regarding stability of passenger vessels, it is proposed to amend 46 CFR 74.01-1 and 74.10-15 and to add a new Subpart 74.90 containing § 74.90-1 for existing vessels.

135. In 46 CFR Part 75, regarding life-saving equipment on passenger vessels, it is proposed to amend 46 CFR 75.10-1, 75.10-5, 75.10-10, 75.10-15, 75.10-20, 75.10-25, 75.10-90, 75.15-1, 75.15-10, 75.15-90, 75.20-1, 75.20-10, 75.20-15, 75.20-90, 75.25-1, 75.25-5, 75.25-10, 75.25-90, 75.30-1, 75.30-10, 75.30-15, 75.30-90, 75.33-1, 75.33-5, 75.33-10, 75.33-15, 75.33-90, 75.35-5, 75.40-1, 75.40-5, 75.40-10, 75.40-90, 75.43-1, 75.43-5, 75.43-10, 75.43-90, 75.50-1, 75.50-5, 75.50-90, and 75.55-1 and to add a new Subpart 75.27 containing §§ 75.27-1 and 75.27-5 covering inflatable liferaft launching devices, a new Subpart 75.37 containing §§ 75.37-1 and 75.37-5 covering installation of inflatable liferaft launching devices, and a new § 75.50-15 covering illumination for inflatable liferaft launching operations.

136. In 46 CFR Part 76, regarding fire protection equipment for passenger vessels, it is proposed to amend 46 CFR 76.05-1, 76.05-30, 76.10-1, 76.10-5, 76.10-10, 76.10-15, 76.10-90 and 76.15-5 and to cancel 46 CFR 76.20-1 to 76.20-90, inclusive, regarding water spray extinguishing systems, and § 76.50-10(e) regarding locations for portable fire extinguishers.

137. In 46 CFR Part 77, regarding vessel control and miscellaneous systems and equipment for passenger vessels, it is proposed to amend 46 CFR 77.30-1 and 77.30-10, and to add a new Subpart 77.35, consisting of §§ 77.35-1 to 77.35-90, inclusive, regarding a "fireman's outfit."

138. In 46 CFR Part 78, regarding operations of passenger vessels, it is proposed to amend 46 CFR 78.13-10, 78.17-50, 78.47-60, 78.47-63, 78.47-65 and to add a new Subpart 78.54, consisting of §§ 78.54-1 and 78.54-5, regarding "lifesaving signals."

139. The authority to prescribe regulations regarding inspection of vessels is in R.S. 4405, as amended and 4462, as amended (46 U.S.C. 375, 416) and section 632 of Title 14, U.S. Code; as applicable, portions of the regulations will also interpret or apply specific statutory provisions as set forth in 46 CFR 70.01-10.

B—CARGO AND MISCELLANEOUS VESSELS

140. It is proposed to amend 46 CFR Parts 90 to 97, inclusive, in Subchapter I, Rules and Regulations for Cargo and Miscellaneous Vessels, in order to incorporate the requirements contained in the International Convention for the Safety of Life at Sea, 1960. Reference

to some specific regulations of the 1960 SOLAS Convention will be found opposite the amendments in the Agenda (CG-249). In some instances the requirements have been extended to services other than international voyages for the purpose of taking advantage of improved materials, equipment, methods, procedures, or arrangements.

141. In 46 CFR Part 90, regarding general provisions for cargo and miscellaneous vessels, it is proposed to amend 46 CFR 90.05-1, 90.05-10, 90.10-17, 90.15-1, 90.20-5 and to add 46 CFR 90.10-30 defining a nuclear vessel.

142. In 46 CFR Part 91, regarding inspection and certification of cargo and miscellaneous vessels, it is proposed to amend 46 CFR 91.01-10, 91.20-15, 91.25-10, 91.60-1 and to add 46 CFR 91.60-5 describing conditions applicable to nuclear vessels on international voyages.

143. In 46 CFR Part 93, regarding stability of cargo and miscellaneous vessels, it is proposed to amend 46 CFR 93.05-1 and 93.15-5.

144. In 46 CFR Part 94, regarding life-saving equipment for cargo and miscellaneous vessels, it is proposed to amend 46 CFR 94.10-1, 94.10-5, 94.10-10, 94.10-30, 94.10-40, 94.10-55, 94.10-90, 94.15-1, 94.15-10, 94.15-90, 94.20-1, 94.20-10, 94.20-15, 94.20-90, 94.25-1, 94.25-10, 94.25-90, 94.33-1, 94.33-5, 94.33-90, 94.35-5, 94.40-1, 94.40-5, 94.40-10, 94.40-90, 94.43-1, 94.43-5, 94.43-10, 94.43-90, 94.50-1, 94.50-5, 94.50-90 and 94.55-1 and to add 46 CFR 94.50-15 regarding illumination for liferaft stowage areas.

145. In 46 CFR Part 95, regarding fire protection equipment for cargo and miscellaneous vessels, it is proposed to amend 46 CFR 95.05-1, 95.05-20, 95.10-1, 95.10-5, 95.10-10, 95.10-15, 95.10-90 and 95.15-5 and to delete 46 CFR 95.20-1 to 95.20-90 regarding water spray extinguishing systems and § 95.50-10(e) regarding location of portable extinguishers.

146. In 46 CFR Part 96, regarding vessel control and miscellaneous systems and equipment for cargo and miscellaneous vessels, it is proposed to amend 46 CFR Subpart 96.30, consisting of §§ 96.30-1 to 96.30-90, inclusive, regarding protection from refrigerants, and to add 46 CFR Subpart 96.35, consisting of §§ 96.35-1 to 96.35-90, inclusive, regarding a "fireman's outfit."

147. In 46 CFR Part 97, regarding operations of cargo and miscellaneous vessels, it is proposed to amend 46 CFR 97.13-15, 97.15-35, 97.37-37, 97.37-40 and 97.37-43 and to add 46 CFR Subpart 97.44, consisting of §§ 97.44-1 and 97.44-5, regarding "lifesaving signals."

148. The authority to prescribe regulations regarding inspection of vessels is in R.S. 4405, as amended and 4462, as amended (46 U.S.C. 375, 416), and section 632 of Title 14, U.S. Code. As applicable, portions of the regulations will interpret or apply specific statutory provisions as set forth in 46 CFR 90.01-10.

C—TANK VESSELS

149. It is proposed to amend 46 CFR Parts 30 to 35, inclusive, in Subchapter D, Rules and Regulations for Tank Vessels, in order to incorporate the require-

ments contained in the International Convention for the Safety of Life at Sea, 1960. Reference to some specific regulations of the 1960 SOLAS Convention will be found opposite the amendments in the Agenda (CG-249). In some instances, the requirements have been extended to services other than international voyages for the purpose of taking advantage of improved materials, equipment, methods, procedures, or arrangements.

150. In 46 CFR Part 30, regarding general provisions for tank vessels, it is proposed to amend 46 CFR 30.01-5, 30.10-36, 30.15-1 and to add 46 CFR 30.01-6 describing application of regulations to tank ships on international voyages, and § 30.10-44, defining a nuclear vessel.

151. In 46 CFR Part 31, regarding inspection and certification of tank vessels, it is proposed to amend 46 CFR 31.01-1, 31.05-10, 31.10-15, 31.10-30, 31.30-1 and 31.40-1 and to add 46 CFR 31.01-5 regarding scope of initial inspection, and § 31.40-5 applying regulations to nuclear vessels on international voyages.

152. In 46 CFR Part 33, regarding life-saving appliances for tank vessels, it is proposed to amend 46 CFR 33.01-30, 33.05-1, 33.05-2, 33.05-25, 33.07-5, 33.07-15, 33.07-20, 33.07-25, 33.10-1, 33.10-5, 33.10-10, 33.15-1, 33.15-5, 33.15-10, 33.15-25, 33.15-90, 33.20-1, 33.25-5, 33.35-1, 33.35-15, 33.40-1 and 33.40-5; to cancel 46 CFR 33.05-10 and 33.05-11; and to add 46 CFR 33.05-3 regarding lifeboats and liferafts on tank ships.

153. In 46 CFR Part 34, regarding fire-fighting equipment for tank vessels, it is proposed to amend 46 CFR 34.10-1, 34.10-5, 34.10-15, 34.10-90 and 34.15-5 and to delete 46 CFR 34.50-10(f) regarding location of portable extinguishers.

154. In 46 CFR Part 35, operations of tank vessels, it is proposed to amend 35.01-20, 35.10-5, 35.30-20 and 35.40-40 and to add 46 CFR 35.10-15 regarding radio apparatus for lifeboats, and a new Subpart 35.12, consisting of §§ 35.12-1 and 35.12-5, regarding "lifesaving signals."

155. The authority to prescribe regulations regarding tank vessels is in R.S. 4405, as amended, 4417a, as amended, 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198). The delegations of authority to the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-14, November 26, 1954, 19 F.R. 8026.

ITEM XIII—COMBUSTIBLE GAS DETECTORS ON TANK VESSELS

156. The Secretary of Treasury's Tanker Hazards Committee has recommended that combustible gas detectors be carried on all tank ships to provide a means of determining the existence of explosive concentrations of gases and vapors in spaces, such as pumprooms, voids, empty cargo tanks, etc. At present, there is no requirement for such an instrument and, in its absence, explosive conditions must be determined intuitively

by the senior officer present except when the services of a certificated Marine Chemist are available in port and in repair yards. This proposal will standardize a current common practice of carrying a portable instrument for measuring actual vapor and gas concentrations in terms of their lower explosive limit.

157. To provide a means of determining the existence of explosive conditions on board a tank ship by the ship's officers, under circumstances when a certificated Marine Chemist is not required, it is proposed to add a new regulation designated 46 CFR 35.30-15 to require combustible gas or vapor detectors shall be carried. This proposal states that all manned tank barges and all tank ships shall have on-board appropriate detectors suitable for the cargoes carried. A detector bearing the label of Underwriters' Laboratories, Inc., Factory Mutual Engineering Division, or other organizations acceptable to the Commandant will be considered as meeting the minimum requirements.

158. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-14, November 26, 1954, 19 F.R. 8026.

ITEM XIV—RENEWAL OF OPERATORS' AND OCEAN OPERATORS' LICENSES—EXERCISE ON RULES OF THE ROAD

159. It is proposed to require all Operators and Ocean Operators of small passenger vessels to demonstrate their knowledge of the applicable "Rules of the Road" prior to renewing their licenses. These proposed changes are necessary to insure continued review and acquaintance with the Rules of the Road for the waters for which they are licensed by applicants who renew their Operators' and Ocean Operators' licenses. It is felt that, due to the rapid increase in boating, the best interests of safety dictate continued knowledge and demonstration of Rules of the Road by Operators and Ocean Operators renewing their licenses.

160. This demonstration is an exercise to assist the licensee to be completely informed regarding the Rules of the Road and is not an examination in the usual sense of the word. The rules are formulated so that there is no hardship or discrimination imposed on anyone. The Operator or Ocean Operator who is actively engaged in his profession may renew his license in the same manner as in the past, except that such Operator or Ocean Operator must submit an affidavit that he has read within the three months next preceding the date of the application for renewal, the Rules of the Road applicable to the waters for which he is licensed and demonstrate his knowledge of such Rules

of the Road. The answering of questions is an exercise designed to demonstrate the applicant's knowledge of the application of the particular Rules of the Road to the area of operations for which he is licensed. In the exercise the specific references to applicable Rules of the Road which apply are shown by each question. During the exercise the Operator or Ocean Operator may refer to the pamphlets containing Rules of the Road in answering the questions. This procedure is educational in principle and is designed to encourage all Operators and Ocean Operators to remain thoroughly familiar with the Rules of the Road applicable to the waters for which they are licensed.

161. To describe the proposals clearly in the requirements governing the renewal of licenses as Operators and Ocean Operators, it is proposed to add to 46 CFR 187.15-1, as paragraphs (c) and (d), the revised requirements. These proposals are based in part on 46 CFR 187.15-5(a)(5), regarding the application for renewal, which will be deleted.

162. The authority to prescribe regulations regarding requirements for renewal of licenses as Operators and Ocean Operators is in section 3 of the Act of May 10, 1956 (46 U.S.C. 390b). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 167-20, June 18, 1956, 21 F.R. 4894.

Dated: January 27, 1964.

[SEAL]

E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-943; Filed, Jan. 29, 1964;
8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-81]

CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Alteration

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

The following controlled airspace is designated within the Farmington, N. Mex., terminal area:

1. The Farmington control zone is designated within a 5-mile radius of Farmington Municipal Airport and within 2 miles either side of the Farmington VORTAC 266° True radial, extending from the 5-mile radius zone to the VORTAC.

2. The Farmington transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Farmington VORTAC 094° and 274° True radials extending from 20 miles east to 9 miles west of the VOR-

TAC, excluding the airspace within Federal airways.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Farmington 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 Farmington control zone by redesignating it as that airspace within a 5-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), and within 2 miles each side of the Farmington VORTAC 268° True radial, extending from the 5-mile radius zone to the VORTAC.

2. Alter the Farmington transition area by redesignating it as that airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), and that airspace within 2 miles each side of the Farmington VORTAC 094° True radial, extending from the 11-mile radius area to 8 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the Farmington VORTAC 094° True radial, extending from the 11-mile radius area to 13 miles east of the VORTAC, and that airspace within 5 miles each side of the Farmington VORTAC 257° True radial, extending from the 11-mile radius area to 17 miles west of the VORTAC.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions taken herein would, in part, realign the Farmington control zone east extension to coincide with the final approach course specified by the prescribed instrument approach procedures. The portion of the proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at Farmington Airport. The portion with a floor of 1,200 feet above the surface would provide protection for aircraft while holding at the Farmington VOR, for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface, and for aircraft executing prescribed instrument holding pattern procedures within the Farmington terminal area.

The exclusion of Federal airways contained in the present description of the Farmington transition area would no longer be required with the action proposed herein and would be deleted.

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, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. 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. 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 Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 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 January 23, 1964.

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

[F.R. Doc. 64-908; Filed, Jan. 29, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-12]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Notice of Proposed Alteration, Designation, and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) 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 Bettles, Alaska, terminal area:

1. The Bettles control zone is designated within a 5-mile radius of Bettles Airport, within 2 miles either side of the Bettles radio range southeast course extending from the 5-mile radius zone to 12 miles southeast of the radio range, and within 2 miles either side of the 211° True bearing from the Bettles radio range extending from the 5-mile radius zone to 12 miles south of the radio range.

2. The Bettles control area extension is designated within 16 miles east and 25 miles west of the 337° and 157° True bearings from the Bettles radio range, extending from 25 miles north to 42 miles south of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Bettles 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 Bettles control zone by redesignating it as that airspace within a 5-mile radius of Bettles Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles each side of the Bettles radio range southeast course, extending from the 5-mile radius zone to 8 miles southeast of the radio range; within 2 miles each side of the 210° True bearing from the radio range, extending from the 5-mile radius zone to 8 miles southwest of the radio range, and within 2 miles each side of the Bettles VOR 216° True radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

2. Revoke the Bettles control area extension and designate the Bettles transition area as that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Bettles VOR, extending clockwise from the northeast boundary of Amber 2 to a line 8 miles northwest of and parallel to the Bettles VOR 216° True radial, and within an 8-mile radius of Bettles VOR, extending clockwise from a line 8 miles northwest of and parallel to the Bettles VOR 216° True radial to the northeast boundary of Amber 2; and that airspace extending upward from 14,500 feet MSL within 9 miles northeast and 16 miles southwest of the Bettles VOR 155° and 335° True radials, extending from 12 miles northwest to 26 miles southeast of the VOR. The portion of the transition area extending upward from 14,500 feet MSL is excluded from Federal airways.

The actions proposed herein would, in part, reduce the length of the control zone extensions south and southeast from 12 to 8 miles. This reduction and the addition of an extension southwest of Bettles would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Bettles Airport. The portions of the control zone extensions proposed for revocation are no longer required for air traffic control purposes. The proposed designation of the portion of the Bettles transition area with a floor of 1,200 feet above the surface would result in raising the floor of controlled airspace in a major portion of the Bettles terminal area from 700 feet to 1,200 feet and would provide protection for aircraft executing the portions of prescribed instrument approach and departure procedures conducted above 1,500 feet above the surface. The portion of the proposed transition area with a floor of 14,500 feet MSL would provide protection for aircraft executing the higher portions of instrument holding, departure and approach procedures. The portion of

airspace released would become available for other aeronautical purposes.

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 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, Alaskan Region, 632 6th Avenue, Anchorage, Alaska, 99501.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. 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. 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 Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 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 January 23, 1964.

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

[F.R. Doc. 64-909; Filed, Jan. 29, 1964;
8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-40]

TRANSITION AREA

Notice of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER October 12, 1963 (28 F.R. 10978), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Palacios, Tex.

Subsequent to the publication of the notice, it has been determined that additional controlled airspace is required extending upward from 700 feet above the surface within 2 miles each side of

the Palacios VOR 176° and the Matagorda Island AFB VOR 033° True radials, extending from the Palacios VOR to 15 miles south and extending from 17 miles northeast to 20 miles northeast of the Matagorda Island AFB VOR; and that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Palacios VOR, extending clockwise from a line 5 miles west of and parallel to the Palacios VOR 199° True radial to the southeast boundary of V-20.

Accordingly, the notice is hereby amended to propose the Palacios transition area to be that airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VOR 308° True radial, extending from the VOR to 8 miles northwest; within 2 miles each side of the Palacios VOR 176° and the Matagorda Island AFB VOR 033° True radials, extending from the Palacios VOR to 15 miles south and extending from 17 miles northeast to 20 miles northeast of the Matagorda Island AFB VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the Palacios VOR 308° and 128° True radials, extending from 13 miles northwest to 7 miles southeast of the VOR; within 5 miles each side of the Palacios VOR 128° True radial, extending from 7 miles to 23 miles southeast of the VOR; and within the arc of a 29-mile radius circle centered on the Palacios VOR, extending clockwise from a line 5 miles west of and parallel to the Palacios VOR 199° True radial to the southeast boundary of V-20; excluding that portion outside of the United States.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this Supplemental Notice.

Communications should be submitted to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

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 January 23, 1964.

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

[F.R. Doc. 64-910; Filed, Jan. 29, 1964;
8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-LAX-10]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

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

VOR Federal airway No. 421 is designated from St. Johns, Ariz., via Zuni,

N. Mex., to Farmington, N. Mex. The Federal Aviation Agency is considering the revocation of the segment of Victor 421 from St. Johns to Zuni. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 421 shows no aircraft movements between St. Johns and Zuni. Therefore, it would appear that this segment of Victor 421 is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. 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 Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

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

Issued in Washington, D.C., on January 23, 1964.

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

[F.R. Doc. 64-911; Filed, Jan. 29, 1964;
8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-87]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

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

A west alternate of VOR Federal airway No. 185 extends from Savannah, Ga., to the Dover, Ga., Intersection. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this west alternate of Victor 185 is unjustified

as an assignment of airspace. Accordingly, the FAA proposes to revoke this alternate airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. 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. 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 Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., 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 January 23, 1964.

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

[F.R. Doc. 64-912; Filed, Jan. 29, 1964; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 973 (Sub. 1); General Order 4, Amdt. 1]

PRACTICES OF LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN GOING COMMON CARRIERS

Notice of Proposed Rule Making

By order entered October 1, 1963 on the Motion of the Commission the United States Court of Appeals for the Second Circuit remanded for further consideration by the Commission § 510.24(g) of this part. Notice is hereby given that the Commission is considering changing said § 510.24(g) to read as follows:

(g) No licensee, and no person, firm or corporation directly or indirectly controlled by a licensee or in whom a licensee has a beneficial interest, nor any person, firm or corporation directly or indirectly controlling or having a beneficial inter-

est in a licensee, shall demand, charge or collect any compensation or brokerage from a common carrier by water unless there shall be first filed with such carrier a certificate in the form prescribed in paragraph (e) of this section, and in compliance with section 44(e) of the Shipping Act: *Provided, however,* That the provisions of this paragraph shall not be applicable to brokerage paid on cargoes exempted from the tariff filing requirements of section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817(b)(1)).

Participation in this proceeding. Interested persons may participate in the reconsideration of the above rule by filing with the Secretary, Federal Maritime Commission, Washington, D.C., 20573; within 20 days from the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed revised rule. All suggestions for changes in the proposed rule should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating to the proposed change to the purposes of section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)).

Dated: January 17, 1964.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-941; Filed, Jan. 29, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 8]

[Docket No. R-255]

PUBLICIZING LICENSE CONDITIONS OF GENERAL PUBLIC INTEREST

Notice of Proposed Rulemaking

JANUARY 23, 1964.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend its regulations under the Federal Power Act to provide for the publicizing of license conditions of general interest.

2. The Commission, in a recent opinion and order issuing a license under Part I of the Federal Power Act stated that it had undertaken a review of hydroelectric licenses in the interest of making the most effective use of its authority in issuing licenses to impose conditions upon licensees in the public interest. It also stated that it was contemplating a rulemaking proceeding looking toward requiring licensees to publicize license conditions of general public interest.¹ In this proceeding we are proposing such a requirement and would be particularly interested in receiving comments from Federal, State, and local authorities charged with the promotion and develop-

ment of recreational facilities for the use of the public.

3. The proposed amendment would prescribe a new Part 8 of the Commission's regulations to provide for publicizing those license conditions considered by the Commission to be of general interest to the public. Section 8.1 would require a licensee, following issuance or amendment of its license, to publicize in the press in the area in which the project is located such of the license conditions as the Commission may direct. Those which ordinarily would be designated by the Commission as being of general public interest would include, particularly, conditions which relate to the public access to and use of project waters and lands for recreational purposes and which may relate to the circumstances of project operation (especially as to reservoir level and peaking operations) affecting such use by the public.

Section 8.2 would require a licensee, following issuance or amendment of its license, to post, at points of public access, signs giving notice of the name of the owner of the project and advising the public that license conditions of general public interest, including the approved recreational plan, may be inspected at the offices of the licensee and that information concerning such license conditions and recreational plan may also be secured from the Commission.

4. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before March 31, 1964, data, views and comments in writing concerning the new part proposed herein. The Commission will consider these written submittals before taking any action upon this proposal. An original and nine copies of any such submittals should be filed.

5. This amendment to the Commission's regulations is proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly sections 4, 10, and 309 thereof (41 Stat. 1065, 1068; 49 Stat. 839, 842, 858; 16 U.S.C. 797, 803, 825h).

6. In consideration of the foregoing, it is proposed to amend Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, by inserting a new Part 8 to read as follows:

PART 8—PUBLICIZING LICENSE CONDITIONS OF GENERAL PUBLIC INTEREST

§ 8.1 Publication of license conditions of general public interest.

Following issuance or amendment of a license, the licensee shall publish, within a specified time, in the newspaper or newspapers which contained the notice of application for the license or amendment thereof, those license conditions designated by the Commission as being of general public interest. The license conditions so designated shall particularly include those which relate to the public access to and use of the project waters and lands for recreational purposes and which may relate to the circumstances of project operation (especially as to reservoir level and peaking

¹ South Carolina Electric & Gas Co., Project No. 2315, Opinion No. 411, issued Nov. 21, 1963, 30 FPC ----.

PROPOSED RULE MAKING.

operations) affecting such use by the public.

§ 8.2 Posting of project lands as to availability of information.

Within a specified time following issuance or amendment of a license, the licensee shall post and maintain, at all points of public access which are required by the license, a conspicuous sign giving the name of the owner of the project and advising (a) that license conditions of general public interest (with specific mention of public access to and use of project lands and waters for recreational purposes) and any approved recreational plan, may be inspected at local offices of the licensee in the vicinity of the project, and (b) that information about such license conditions of general public interest and any approved recreational plan may also be secured from the Federal Power Commission, Washington, D.C., 20426. The licensee shall make available for public inspection at its local offices in the vicinity of the project the entire license instrument, properly indexed to include the license conditions designated for publication in § 8.1 and any approved recreational plan.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-913; Filed, Jan. 29, 1964;
8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Wyoming No. 10]

WYOMING

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

Phosphate Lands

T. 41 N., R. 116 W.,
Sec. 17, $W\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$,
 $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 18, $E\frac{1}{2}E\frac{1}{2}$.

Reclassified Phosphate Lands from Nonphosphate Lands

Prior classification of the following as non-phosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 41 N., R. 116 W.,
Sec. 7, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 8, $S\frac{1}{2}S\frac{1}{2}$;
Sec. 15, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 16, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 17, $NE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 21, $N\frac{1}{2}$, $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 22, $NW\frac{1}{4}NW\frac{1}{4}$.

Nonphosphate Lands

T. 41 N., R. 116 W.,
Sec. 17, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 18, lots 1 to 4, inclusive, $W\frac{1}{2}E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Sec. 19, lot 1, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$;
Sec. 28, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 29, $SE\frac{1}{4}$;
Sec. 32, lots 1 to 13, inclusive, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 33, lots 10 to 17, inclusive, $N\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}$;
Sec. 34, $S\frac{1}{2}$;
Sec. 35, $SW\frac{1}{4}$.

The area described totals 3,785 acres, more or less, of which about 400 acres are classified as phosphate lands, about 1,200 acres previously classified as non-phosphate lands are reclassified as phosphate lands, and about 2,185 acres are classified as nonphosphate lands.

Dated: January 24, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-951; Filed, Jan. 29, 1964;
8:50 a.m.]

Bureau of Land Management

[Montana 060295]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1964.

The United States Department of Agriculture has filed an application,

Serial Number Montana 060295 for the withdrawal of the lands described below, from mineral entry and location under the general mining laws. The applicant desires the land for protection of the government's investment in the structures on these areas.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LOLO NATIONAL FOREST

Big Nelson Camp

T. 15 N., R. 10 W.,
Sec. 7, lot 5 and $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$.

Total area 43.42 acres.

Seeley Lake Camp

T. 17 N., R. 15 W.,
Sec. 33, lot 1.

Total area 46.01 acres.

Big Larch Camp

T. 17 N., R. 15 W.,
Sec. 34, lots 4 and 7, and $NW\frac{1}{4}SE\frac{1}{4}$.

Total area 77.83 acres.

Lake Inez Camp

T. 18 N., R. 15 W.,
Sec. 30, lot 1.

Total area 27.74 acres.

Big Horn Camp

T. 7 N., R. 16 W.,
Sec. 6, $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, and $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$.

Total area 42.5 acres.

Lake Alva Camp

T. 18 N., R. 16 W.,
Sec. 13, that portion of lot 5 lying west of the Swan River Highway.

Total area 13 acres, more or less.

Bitterroot Flat Camp

T. 8 N., R. 17 W.,
Sec. 6, $E\frac{1}{2}SW\frac{1}{4}$, except that part within H.E.S. 287.

Total area 60 acres, more or less.

Cougar Creek Camp

T. 8 N., R. 17 W.,
Sec. 18, $SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$.

Total area 20.00 acres.

Hutsinpillar Camp

Unsurveyed, but which will be when surveyed:

T. 8 N., R. 17 W.,
Sec. 20, $SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$.

Total area 5 acres.

Dallas Camp

T. 9 N., R. 17 W.,
Sec. 11, $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$.

Total area 27.50 acres.

Harry's Flat Camp

T. 9 N., R. 17 W.,
Sec. 9, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 16, $NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$;
Sec. 17, $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$.

Total area 130.00 acres.

Pattee Canyon Picnic Area

T. 12 N., R. 18 W.; T. 12 N., R. 19 W.
That part of the former Fort Missoula Wood and Timber Reservation by metes and bounds survey described as follows:

Beginning at I P Post No. 5; thence N. 39° E., a distance of 2640.00 feet to I P Post No. 6; thence N. 85° E., a distance of 4141.84 feet to I P Post No. 7; thence S. 14° E., a distance of 4880.00 feet to the southeast corner of the timber reserve; thence S. 75° 15' W., a distance of 5856.00 feet to M P 3; thence N. 18° 53' W., a distance of 4030.47 feet to I P Post No. 5, the point of beginning.

Total area 707.74 acres.

Lewis and Clark Camp

T. 12 N., R. 22 W.,
Sec. 29, $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$.

Total area 20 acres.

Lee Creek Camp

T. 11 N., R. 23 W.,
Sec. 18, $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$.

Total area 10 acres.

Cascade Camp

T. 18 N., R. 25 W.,
Sec. 19, lots 7 and 8.
Total area 82.28 acres.

West Fork Camp

Unsurveyed, but which will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 22, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 7.5 acres.

Clark Memorial Camp

Unsurveyed, but which will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 27, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 20 acres.

Copper King Camp

Unsurveyed, but which will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 33, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ exclusive of that portion covered by M.S. 5735 and M.S. 5736.
Total area 15 acres, more or less.

Fishtrap Lake Camp

T. 24 N., R. 28 W.,
Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 17.50 acres.

West Fork Fishtrap Camp

Unsurveyed, but which will be when surveyed:

T. 24 N., R. 28 W.,
Sec. 26, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total area 10 acres.

KOOTENAI NATIONAL FOREST
Howard Lake Recreation Area

T. 27 N., R. 31 W.,
Sec. 13, that part of E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying south and west of Howard Lake.
Total area 15 acres, more or less.

Upper Ford Work Center Administrative Site

T. 36 N., R. 31 W.,
Sec. 6, lot 7;
Sec. 7, lot 1.
Total area 69.13 acres.

Dorr Skeels Recreation Area

T. 29 N., R. 33 W.,
Sec. 20, lot 1.
Total area 45.9 acres.

E. I. ROWLAND,
State Director.

[F.R. Doc. 64-939; Filed, Jan. 29, 1964;
8:49 a.m.]

[Fairbanks 031751]

ALASKA**Notice of Proposed Withdrawal and Reservation of Lands**

JANUARY 23, 1964.

The Department of the Army has filed an application, Serial Number Fairbanks 031751, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Material Act of 1947,

as amended. The applicant desires the land for establishment of National Guard Armories at Nightmute and Kwiguk, Alaska under the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C.A. 141) and the Act of October 31, 1951 (65 Stat. 712; 3 U.S.C.A. 301).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

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

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

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

NIGHTMUTE

Commencing at latitude N. 60°29' and longitude W. 164°44', said point now being monumented by an iron pipe which is 4 feet high, and being the True Point of Beginning for this description; said Point of Beginning also bearing N. 82° W., 1,000 feet, more or less from the south peak on school; thence S. 18°00' W., 50 feet, more or less to a point on the north bank of the Tooksook River; thence northwesterly 170 feet, more or less, along the north bank of said river; thence N. 18°00' E., 130 feet, more or less; thence S. 72°00' E., 165 feet; thence S. 18°00' W., 115 feet, more or less to the Point of Beginning for this description.

The areas described aggregate approximately 0.54 acre.

KWIGUK (EMMANAAK)

Commencing at U.S. Land Management Monument No. 4095; thence N. 11°20' E., 400 feet to the True Point of Beginning for this description; thence West 120 feet; thence North 165 feet; thence East 165 feet; thence South 165 feet; thence West 45 feet to the Point of Beginning.

The areas described aggregate approximately 0.62 acre.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-925; Filed, Jan. 29, 1964;
8:47 a.m.]

Office of the Solicitor

[Solicitor's Regulation 16]

ASSISTANT SOLICITOR, BRANCH OF PATENTS**Delegation of Authority Regarding Patent Matters**

JANUARY 24, 1964.

The Assistant Solicitor, Branch of Patents, may exercise all the authority vested in the Solicitor of the Department of the Interior by 210 DM 2.2A(5) with respect to:

I. Any action required to be taken by the Solicitor under Title 43 CFR Subtitle A, Part 6—Patent Regulations. Such authority includes:

- (1) Prescribing the form of the invention report;
 - (2) Taking such action as is deemed necessary to protect the Government's interests in inventions in which it has the entire right, title and interest;
 - (3) Adjudication of patent rights in inventions made by personnel of the Department;
 - (4) Granting or refusing requests for authorization to publish articles describing unpatented inventions;
 - (5) Issuance of certificates of public interest required in filing patent applications under 35 U.S.C. 266;
 - (6) Issuance of licenses under patents in which the United States, as represented by the Secretary of the Interior, has a transferable interest, and
- II. Any request to the Commissioner of Patents to accept for filing without fee a patent application in which the Government has an interest.

(210 DM 2.2A(5), 24 F.R. 1343; 210 DM 2.3, 24 F.R. 1349; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 64-940; Filed, Jan. 29, 1964;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS AND VIRGINIA

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 States of Texas and Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Dallas.

VIRGINIA

Surry.

Sussex.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Texas county after June 30, 1964, or in the above-named Virginia 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 27th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-952; Filed, Jan. 29, 1964;
8:50 a.m.]

NORTH DAKOTA

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

NORTH DAKOTA

Grant. Sioux.

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 24th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-931; Filed, Jan. 29, 1964;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Food and Drug Administration
AMOCO CHEMICALS CORP.**

Notice of Filing of Petition Regarding Food Additive Polyisobutylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1265) has been filed by Amoco Chemicals Corporation, 130 East Randolph Drive, Chicago 1, Illinois, proposing that the food additive regulations be amended to provide for the use of polyisobutylene (minimum molecular weight 300) as a plasticizer in polyethylene intended for use in contact with food, except for polyethylene articles used for packing or holding food during cooking.

Dated: January 23, 1964.

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

[F.R. Doc. 64-950; Filed, Jan. 29, 1964;
8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Proposed Issuance of Provisional Operating License

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, § 50.58 (10 CFR Part 50), and § 2.105 (10 CFR Part 2), that unless within thirty (30) days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by the Northern States Power Company ("the applicant") or a petition for leave to intervene is filed by any person whose interest may be affected as provided by and in accordance with the Commission's rules of practices (10 CFR Part 2), the Commission proposes to issue a provisional operating license to the applicant, substantially in the form set forth below, authorizing the applicant to operate the Pathfinder nuclear reactor at power levels up to one (1) megawatt thermal. The reactor, which is part of the Pathfinder Atomic Power Plant located approximately five and one-half miles northeast of Sioux Falls, South Dakota, is a controlled recirculation boiling water reactor.

Prior to the issuance of the license the applicant will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 and the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPPR-8, except for fabrication of the nuclear fuel for the superheater region of the core, and installation of a stop valve in the safety valve discharge line and associated installation of a rupture disc on a new branch line from the present discharge line, all of which are not required for the operations authorized by the proposed license.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as set forth in Title 10, Chapter I, CFR.

For further details with respect to the proposed provisional operating license, see (1) the application dated March 30, 1959, and amendments thereto dated July 6, 1959, August 7, 1959, November 5, 1959, November 20, 1959, December 18, 1959, August 24, 1960, November 7, 1960, January 17, 1961, May 22, 1962, June 12, 1962, February 22, 1963, April 24, 1963, May 15, 1963, May 29, 1963, June 11, 1963, June 18, 1963, August 14, 1963, August 28, 1963, October 18, 1963, October 25, 1963, October 29, 1963, October 30, 1963, and December 18, 1963, (2) the report by the Advisory Committee on Reactor Safeguards (ACRS) dated July 18, 1963, (3) a related hazards analysis by the Division of Licensing and Regulation

and (4) the Technical Specifications designated as Appendix "A" to the provisional operating license. These documents will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the hazards analysis and the report by the ACRS may be obtained at the Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 23d day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Director, Division of
Licensing and Regulation.*

[Docket No. 50-130]

PROPOSED PROVISIONAL OPERATING LICENSE

1. This provisional operating license applies to the controlled recirculation boiling water reactor owned by the Northern States Power Company (hereinafter referred to as "Northern States"). The reactor which is part of the Pathfinder Atomic Power Plant is located approximately five and one-half miles northeast of Sioux Falls, South Dakota. The reactor is described in the licensee's application for operating license dated March 30, 1959, and amendments thereto dated July 6, 1959, August 7, 1959, November 5, 1959, November 20, 1959, December 18, 1959, August 24, 1960, November 7, 1960, January 17, 1961, May 22, 1962, June 12, 1962, February 22, 1963, April 24, 1963, May 15, 1963, May 29, 1963, June 11, 1963, June 18, 1963, August 14, 1963, August 28, 1963, October 18, 1963, October 25, 1963, October 29, 1963, October 30, 1963, and December 18, 1963 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the rules and regulations contained in Title 10, CFR, Chapter I, Part 50, and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. Construction of the reactor has proceeded, and there is reasonable assurance that the reactor will be completed, in conformity with the construction permit, the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

B. There is reasonable assurance (i) that the activities authorized by this provisional operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

C. Northern States is technically and financially qualified to engage in the activities authorized by this provisional operating license in accordance with the rules and regulations of the Commission, and to assume responsibility for payment of Commission charges for the special nuclear material allocated;

D. Northern States has submitted proof of financial protection which satisfies the requirements of 10 CFR Part 140, and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR 140;

E. There is reasonable assurance that the reactor will be ready for initial loading with nuclear fuel within ninety (90) days from the date of issuance of this provisional operating license;

F. The issuance of this provisional operating license is not inimical to the common

defense and security or to the health and safety of the public.

3. Subject to the conditions and requirements incorporated herein, including the Technical Specifications hereto, the Commission hereby licenses Northern States:

A. Pursuant to section 104(b) of the Act and 10 CFR Part 50, to possess, use and operate the reactor as a utilization facility.

B. Pursuant to the Act and 10 CFR Part 70, to receive, possess and use in operation of the reactor at any one time:

(1) 800 kilograms of contained uranium-235 for the operation of the reactor;

(2) 128 grams of plutonium encapsulated as two 1-curie and one 6-curie plutonium-beryllium neutron sources.

C. Pursuant to the Act and 10 CFR Part 30, to receive, possess and use in operation of the reactor at any time:

(1) 10,000 curies of antimony-124 as an antimony-beryllium neutron source;

(2) Three sealed sources of cobalt-60 not to exceed 100 millicuries each for calibration of film badges and instruments and for the testing of radiation monitors and measurement of liquid levels in tanks and pipes;

(3) 300 microcuries of cesium-137 to be used as a laboratory standard;

(4) 50 microcuries of iron-59 to be used as a laboratory standard;

(5) 100 microcuries of strontium-90 to be used as a laboratory standard;

(6) 300 microcuries of cobalt-60 to be used as a laboratory standard;

(7) 0.002 microcurie of americium-241 for calibration of instruments;

(8) 50 millicuries of krypton-85 for calibration of gaseous activity monitors;

(9) 300 microcuries of chromium-51 in a solution of CrCl₃ to be used as a laboratory standard.

D. Pursuant to the Act and 10 CFR Part 30, to possess, but not to separate, such by-product material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules, regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Northern States shall not operate the reactor at power levels in excess of one (1) megawatt thermal.

B. Northern States shall not install the proposed nuclear superheater fuel in the reactor without prior written authorization by the Commission.

C. *Technical specifications.* The Technical Specifications contained in Appendix "A" hereto are hereby incorporated into this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, Northern States shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, Northern States shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level;

(2) Records showing radioactivity discharges into the air or water beyond the effective control of Northern States as measured at or prior to the point of such release or discharge;

(3) Records of radioactivity levels at both on-site and off-site monitoring stations;

(4) Records of emergency shutdowns and inadvertent scrams including the reasons therefor;

(5) Records of safety system component tests and measurements performed pursuant to the Technical Specifications;

(6) Records of maintenance operations involving substitution or replacement of reactor equipment or components;

(7) Records of all facility tests and measurements performed.

E. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Northern States shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

(a) Any substantial variance disclosed by operation of the reactor from the performance specifications set forth in the Hazards Summary Report;

(b) Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Within 60 days after (a) completion of initial core loading and associated-critical testing and (b) completion of Phase II of the Power Operation Test Program Northern States shall submit a written report to the Commission of the results pertinent to safety of the tests and operations conducted, including a description of changes made in the facility design, performance characteristics and operating procedures.

(3) Within 30 days after the completion of six months of operation of the reactor (calculated from the date of completion of Phase II of the Power Operation Test Program), and at the end of each six-month period thereafter Northern States shall submit a written report to the Commission which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor;

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown;

(c) Operating experience including levels of radioactivity in principal systems; routine releases, discharges, and shipments of radioactive materials; a description of tests performed in the reactor; and the results of

any test analyses completed during the period in the reactor including results of tests required by the Technical Specifications; a summary of experiments conducted; number of malfunctions in the control and safety systems with brief explanations of each; and a discussion of data obtained relating to superheater operation;

(d) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems;

(e) A description of the leak tests performed pursuant to the Technical Specifications and the results of such tests including a description of any necessary corrective measures taken to meet the requirements of the Technical Specifications for assuring the specified containment leak tightness;

(f) Significant changes made in operating procedures and in plant organization;

(g) Radiation levels recorded at both on-site and off-site monitoring stations.

5. Pursuant to § 50.60 of 10 CFR Part 50, the Commission has allocated to Northern States for use in the operation of the reactor 758.4 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Northern States and returns to the Commission are contained in Appendix "B" attached hereto, which amends the allocation contained in Construction Permit No. CFP-3. Transfers by the Commission to Northern States in accordance with column (2) in Appendix "B" will be conditioned upon Northern States' return to the Commission of material substantially in accordance with column (3) of Appendix "B".

6. This license shall be effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

Date of issuance: January 23, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of
Licensing and Regulation.

APPENDIX "B"

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO NORTHERN STATES POWER COMPANY (NSP) AND FROM NSP TO THE COMMISSION

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NSP kilograms U-235	(3) Returns by NSP to AEC kilograms U-235		(4) Net yearly, distribution kilograms U-235	(5) Cumulative distribution kilograms U-235
		Cold	Hot		
Through 10-18-63	490.0				490.0
1964	80.6	195.2		(114.6)	375.4
1965	243.8	13.1	41.9	183.8	559.2
1966	243.8	53.2		190.6	749.8
1967	154.0	15.4	210.3	(80.7)	674.1
1968	187.0	54.2	183.8	(51.0)	623.1
1969	196.4		61.1	135.3	758.4
1970	87.2	17.8	188.0	(118.6)	639.8
Total	1,632.8	348.9	694.1		

1 3d and 4th quarters FY 1964 only.

[F.R. Doc. 64-936; Filed, Jan. 29, 1964; 8:49 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Proposed Issuance of Operating License

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, and § 50.58 of 10 CFR

50, that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission (the "Commission") by Saxton Nuclear Experimental Corporation ("Saxton"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of

practice, 10 CFR Part 2, the Commission proposes to issue an operating license, substantially as set forth below, to Saxton authorizing operation of the 23.5-megawatt (thermal) light water moderated and cooled, pressurized water reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania.

Construction of the reactor was authorized by Construction Permit No. CFP-6 issued February 11, 1960. The reactor has been operated under Provisional Operating License No. DPR-4 issued to Saxton November 15, 1961.

The Commission has found that:

(1) The application 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;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Saxton is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations and to assume financial responsibility for payment of Commission charges for special nuclear material;

(4) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application amendment dated May 23, 1963, and supplement thereto dated January 8, 1964; (2) the report of the Advisory Committee on Reactor Safeguards dated September 12, 1963; (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation; and (4) the Technical Specifications which are incorporated in the license and designated as Appendix A thereto; all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 28th day of January 1964.

For the Atomic Energy Commission.

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

[License No. DPR-4]

1. This license applies to the pressurized water reactor (hereinafter referred to as the "reactor") owned by Saxton Nuclear Experimental Corporation (hereinafter referred to as "Saxton"), located north of the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania, and described in Amendment No. 5 dated April 19, 1961, and

Amendment No. 7 dated June 30, 1961, to Saxton's license application.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter referred to as the "Commission") hereby licenses Saxton:

A. Pursuant to Section 104(b) of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the "Act"), and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility;

B. Pursuant to the Act and Title 10 CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use at any one time 130 kilograms of contained Uranium 235 as fuel for the operation of the reactor; and

C. Pursuant to the Act and Title 10 CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor, and to receive, possess, and use at any one time not to exceed 120 curies of polonium-beryllium as core neutron sources.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Saxton shall not operate the reactor at power levels in excess of 23.5 megawatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Saxton shall operate the facility only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests and experiments.* Saxton may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, Saxton shall keep the following records:

(1) Reactor operating records, including power levels and period of operations at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Saxton as measured at or prior to the point of such release or discharge.

(3) Records of scrams, including reasons therefor.

(4) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(5) Records of radioactivity measurements at on-site and off-site monitoring stations.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

E. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Saxton shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation, any possible unsafe condition arising out of:

(a) Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

(b) Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Saxton shall report to the Commission in writing significant changes in plant organization, and transient or accident analyses, as described in the hazards summary report.

(3) Saxton shall submit to the Commission, on at least a semi-annual basis, a written report of operating experience including:

(a) A brief explanation of the cause of each unplanned shutdown of the reactor.

(b) The amount of radioactive material removed from the reactor by releases, discharges, and shipments of radioactive waste material.

(c) The levels of radioactivity in the principal fluid systems.

(d) A description of changes, tests, and experiments performed pursuant to § 50.59 (a) of the Commission's Rules and Regulations.

(e) A description of the principal maintenance performed.

(f) A summary of reactor operation performed during the period including: Operations performed pursuant to the Research and Development program; an explanation of malfunctions of any equipment important to safety; periodic testing performed as required in section N.8, of the Technical Specifications.

Such reports shall be due within 60 days after the end of each reporting period.

F. *Definitions.* (1) As used in section 3 in this license, the term "facility" means the following systems and components as described in the hazards summary report:

(a) The containment vessel which houses the reactor, steam generator, main coolant system, other miscellaneous auxiliary systems, and the fuel storage well.

(b) The reactor core including the control rods, control rod drives, support structure, and normal operation instrumentation and controls.

(c) The main coolant loop including the piping, steam generator, main coolant pump, reactor vessel, and normal operation instrumentation and controls.

(d) The pressure control and relief system which consists of a pressurizer, discharge tank, relief valve, safety valves, electric heaters, and instrumentation and controls.

(e) The charging system consisting of high pressure pumps and instruments and controls.

(f) The purification system consisting of heat exchangers, flow control valve, demineralizers, and instrumentation and controls.

(g) The chemical addition system consisting of a steam heated boric acid tank, boric acid pump, and a chemical addition tank.

(h) The sampling and leak detection system consisting of high pressure and low pressure sampling and leak detection lines, sample coolers, sample bombs, and instruments and controls.

(i) The shutdown cooling system consisting of a low pressure heat exchanger, pumps and instrumentation and controls.

(j) The safety injection system consisting of two high pressure pumps arranged in series, a high pressure and low pressure piping system, and instrumentation and controls.

(k) The station service electrical system consisting of a normal and emergency power supply, 440-volt feeder busses, pressurizer heater control center, motor control centers, battery and battery charger, safety injection pumps supply, inverter bus and vital bus supply, and main coolant pump supplies.

(l) The radioactive waste disposal facility consisting of a solid waste disposal system,

a liquid waste disposal system, and a gaseous waste disposal system.

(m) The radiation monitoring system consisting of plant process monitoring, plant effluents monitoring, site monitoring and plant area monitoring.

(n) Shielding inside and immediately outside the containment vessel, in the walls of and inside the containment vessel, in the walls of and inside of the control and auxiliary building, and in the waste treatment building.

(o) The fuel handling system consisting of special tools, hoists, and fuel storage rack.

(p) The secondary coolant system inside the containment vessel and the piping outside the containment vessel up to the feed-water regulating valve and the steam pressure regulating valve.

(q) The component cooling system consisting of circulating pumps, heat exchangers, a surge tank, piping, valving, and instrumentation.

(r) The storage well system consisting of circulating pumps, heat exchanger, demineralizer, filters, storage tank, and the necessary piping, valving, fittings, instrumentation and controls.

(s) The cooling, heating, and ventilation systems consisting of the three systems provided to ventilate potentially radioactive areas of the plant (containment vessel, waste treatment plant, and control and auxiliary building) and their common exhaust system.

(t) The Unit No. 2 turbine and main condenser in the existing Pennsylvania Electric Company plant which will be used to utilize the steam produced by the Saxton reactor plant.

(u) The spent fuel storage rack consisting of a rectangular stainless steel crate type structure which is located in the storage well.

(2) As used in this license, the term "hazards summary report" means the report designated by Saxton as the Final Safeguards Report and submitted by Amendment No. 5 to Saxton's license application, including the supplemental information submitted by Saxton in Amendment No. 7, the report designated by Saxton as the Phase I Safeguards Report submitted by Amendment No. 10, including the supplemental information submitted by Saxton in Supplement No. 1 to Amendment No. 10.

4. The license is effective as of the date of issuance and shall expire April 13, 1967, unless extended for good cause shown.

For the Atomic Energy Commission.

Director, Division of
Licensing and Regulation.

Attachment: Appendix A.

Date of issuance:

[F.R. Doc. 64-985; Filed, Jan. 29, 1964;
8:50 a.m.]

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Proposed Issuance of Operating License

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, and § 50.58 of 10 CFR 50, that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission (the "Commission") by Consumers Power Company ("Consumers"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice,

10 CFR Part 2, the Commission proposes to issue an operating license, substantially as set forth below, to Consumers authorizing operation of the Big Rock Point nuclear reactor located in Charlevoix County, Michigan. The proposed license would (1) convert Consumers' existing provisional operating license to a full term operating license, (2) authorize the conduct of Phase II of a Research and Development Program, and (3) authorize operation of the reactor at thermal power levels not to exceed 240 megawatts.

Construction of the reactor was authorized by Construction Permit No. CFP-9 issued May 31, 1960. Consumers has operated the reactor under Provisional Operating License No. DPR-6 issued on August 30, 1962.

The Commission has found that:

(1) The application 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;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Consumers is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations and to assume financial responsibility for payment of Commission charges for special nuclear material;

(4) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

Prior to the issuance of the license Consumers will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an amendment to its indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

For further details with respect to this proposed license, see (1) the license application amendments dated November 14, 1963, and January 16, 1964, and supplement thereto dated January 20, 1964; (2) the report of the Advisory Committee on Reactor Safeguards dated January 17, 1964; (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation; and (4) the Technical Specifications which are incorporated in the license and designated as Appendix A thereto, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Appendix B to the license, the special nuclear material transfer schedule, is unchanged from Appendix B incorporated in Provisional Operating License No. DPR-6 issued August 30, 1962, a copy of which is on file in the Commission's Public Document Room. Copies of items (2) and (3) above may be obtained at the Commission's Public Docu-

ment Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 29th day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of
Licensing and Regulation.

[License No. DPR-6]

1. This license applies to the facility, consisting of a boiling water reactor (hereinafter referred to as "the reactor") and associated components and equipment, which is owned by Consumers Power Company (hereinafter referred to as "Consumers"), located in Charlevoix County, Michigan, and described in Consumers' license application dated January 14, 1960, and license application Amendments Nos. 3, 4, 6, 7, 8, 9, 10, 12, 14, and 15, dated December 1, 1961, January 19, 1962, March 19, 1962, March 22, 1962, March 23, 1962, March 23, 1962, May 3, 1962, May 31, 1962, November 15, 1963, and January 16, 1964, respectively, (hereinafter referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter referred to as "the Commission") hereby licenses Consumers:

A. Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use at any one time 1,200 kilograms of contained Uranium 235 as fuel for operation of the reactor;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use 10.32 grams of Uranium 235 in fission counters;

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, to receive, possess and use five curies of plutonium encapsulated as a plutonium-beryllium neutron source for startup of the reactor;

E. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to receive, possess and use antimony-beryllium with an initial strength not exceeding 7,000 curies as neutron sources;

F. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and is subject to all applicable provisions of the Act and the rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. *Maximum power level.*—Consumers shall not operate the reactor at steady state power levels in excess of 240 megawatts thermal.

B. *Technical specifications.* The technical specifications contained in Appendix A to this license (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Consumers shall operate the facility in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in 10 CFR 50.59, or as otherwise

permitted by the Act and the Commission's rules and regulations.

C. Records. In addition to those otherwise required under this license and applicable regulations, Consumers shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Consumers as measured at or prior to the point of such release or discharge.

(3) Records of scrams, including reasons therefor.

(4) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(5) Records of radioactivity measurements at on-site and off-site monitoring stations.

(6) Records of facility tests and measurements performed pursuant to the requirements of the technical specifications.

D. Reports. In addition to reports otherwise required under this license and applicable regulations:

(1) Consumers shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Consumers shall report to the Commission in writing significant changes in plant organization, and transient or accident analyses, as described in the hazards summary report.

(3) Consumers shall submit to the Commission, at least semiannually during the remaining period of the Research and Development Program and at least annually thereafter a written report of operating experience including:

a. A brief explanation of the cause of each unplanned shutdown of the reactor.

b. The amount of radioactive material removed from the reactor by releases, discharges, and shipments of radioactive waste material.

c. The levels of radioactivity in the principal fluid systems.

d. A description of changes, tests, and experiments performed pursuant to Paragraph 50.59 (a) of the Commission's rules and regulations.

e. A description of the principal maintenance performed on the facility.

f. A summary of reactor operation performed during the period, including: Operations performed pursuant to the Research and Development Program; an explanation of malfunctions of any equipment important to safety; periodic testing performed as required in the technical specifications.

Such reports shall be due within 60 days after the end of each reporting period.

4. Pursuant to § 50.60, Title 10, CFR, Chapter I, Part 50, the Commission has allocated to Consumers for use in the operation of the reactor 4791.8 kilograms of Uranium 235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Consumers and returns to the Commission are contained in Appendix B which

is hereby incorporated in this license. Shipments by the Commission to Consumers in accordance with Column (2) in Appendix B will be conditioned upon Consumers' return to the Commission of material substantially in accordance with Column (3) of Appendix B.

5. This license is effective as of the date of issuance and shall expire May 31, 2000.

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

Attachments: Appendix A and Appendix B.

Date of issuance:

[F.R. Doc. 64-998; Filed, Jan. 29, 1964; 11:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14657]

TRADE WINDS AIRWAYS CORP.

Notice of Postponement of Hearing Regarding Enforcement Proceeding

The hearing presently assigned to be held in the above proceeding on February 11, 1964, at 10:00 a.m. (local time), in the Hearing Room, Second Floor, Veteran's Administration Center, 520 Ponce de Leon, San Juan, Puerto Rico, is hereby postponed until further notice.

Dated at Washington, D.C., January 24, 1964.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 64-947; Filed, Jan. 29, 1964; 8:50 a.m.]

[Docket 13777; Order No. E-20395]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January, 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17280, R-49.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names an additional specific commodity rate as set forth below:

Agreement C.A.B. 17280	IATA memorandum	Commodity item	Rates
R-49.....	TC1/Rates 1886.	4600	27 cents per kilogram; minimum weight, 1,000 kilograms; Miami to Panama City.

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

Accordingly, it is ordered:

That Agreement C.A.B. 17280, R-49, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-946; Filed, Jan. 29, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15289, 15290]

C & G ELECTRONICS CO., AND RADIOFONE SERVICE

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of C & G Electronics Company, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Tacoma, Washington, Docket No. 15289, File No. 216-C2-P-63; Robert M. Kunz, d/b as Radiofone Service, for a construction permit to modify the facilities of Station KOE518 in the Domestic Public Land Mobile Radio Service at Tacoma, Washington, Docket No. 15290, File No. 1167-C2-P-63.

1. The Commission, by its Chief of the Common Carrier Bureau acting under delegation of authority, pursuant to section 0.292 of the Commission's rules, has before it (1) an application filed July 11, 1962 by C & G Electronics Company (hereinafter called C & G) to establish a new two-way communications service,

using the frequencies 152.06 and 158.52 Mc/s in the Domestic Public Land Mobile Radio Service at Tacoma, Washington; and (2) an application filed September 7, 1962 by Robert M. Kunz, d/b as Radiofone Service (hereinafter called Radiofone) to modify the facilities of Station KOE518 by changing its frequencies and equipment, to offer an improved two-way communications service on the frequencies 152.06 and 158.52 Mc/s in the Domestic Public Land Mobile Radio Service at Tacoma, Washington. C & G and Radiofone are each seeking to provide two-way communications service on the same frequencies in the same general area, in and about Tacoma, Washington, and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either of the applicants would serve the public interest, convenience and necessity.

2. It also appears that section 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communication service, and that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50, 50) and interference contours of the facilities involved in this proceeding.

3. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

4. Accordingly, in view of our conclusions above; *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference would result from simultaneous operations on the frequencies 152.06 and 158.52 Mc/s by C & G and Radiofone, and if so, whether such interference would be intolerable or undesirable.

(c) To determine on a comparative basis, the areas and populations that C & G and Radiofone propose to serve within their respective 37 dbu median field strength contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas.

(d) To determine, in light of the evidence adduced on all the foregoing is-

issues, whether the public interest, convenience or necessity will be served by a grant of any of the captioned applications, and the terms or conditions which should be attached thereto, if any.

5. *It is further ordered*, That the burden of proof on each of the issues in paragraph 4 is placed upon the applicants so far as the same relates to their respective applications; and

6. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: January 23, 1964.

Released: January 27, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-948; Filed, Jan. 29, 1964;
8:50 a.m.]

[Docket Nos. 14973-14975; FCC 64R-26]

CALHIO BROADCASTERS ET AL.

Memorandum Opinion and Order

In re applications of Thomas B. Friedman, tr/as Calhio Broadcasters, Seven Hills, Ohio, Docket No. 14973, File No. BP-13946; Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP-3950; Tele-Sonics, Inc., Parma, Ohio, Docket No. 14975, File No. BP-14992; for construction permits.

1. The applicants in this proceeding seek (a) approval of an agreement looking toward the dismissal of the Salem Broadcasting Company (Salem) application for a new standard broadcast station at Salem, Ohio, and the payment by Thomas B. Friedman, tr/as Calhio Broadcasters (Calhio) and Tele-Sonics, Inc. (Tele-Sonics) to Salem of an amount not to exceed \$13,260.97, as partial reimbursement of expenses incurred in connection with Salem's application; (b) approval of an agreement providing for a merger of Calhio and Tele-Sonics; and (c) acceptance of an amendment to the Tele-Sonics application. Separate pleadings have been submitted concerning (b) and (c). Inasmuch as the results of compliance with our order herein may materially affect (b) and (c), we are, at present, limiting our consideration to (a).¹

2. Calhio proposes a new standard broadcast station at Seven Hills, Ohio;

¹The Review Board has the following pleadings before it for consideration: (1) Joint request for approval of dismissal agreement and motion for dismissal of the application of Salem Broadcasting Company, filed by Calhio Broadcasters, Salem Broadcasting Company and Tele-Sonics, Inc. on July 15, 1963; (2) Comments on (1), filed by the Broadcast Bureau on July 29, 1963; (3) Opposition to (1), filed by Taft Broadcasting Co. on July 30, 1963; (4) Reply to (2) and (3), filed by Tele-Sonics, Inc. on Aug. 9, 1963; (5) Reply to (2) and (3), filed by Salem Broadcasting Company on Aug. 9, 1963; (6) Addenda to (5), filed by Salem Broadcasting Company on Aug. 14, 1963; (7) Comments on Oppositions, filed by Calhio Broadcasters on Aug. 20, 1963.

Salem proposes a new station at Salem, Ohio; and Tele-Sonics a station at Parma, Ohio. By Commission Order (FCC 63-170), released February 25, 1963, these applications were designated for hearing in a consolidated proceeding to determine, among other things, which proposal would better provide a fair, efficient, and equitable distribution of radio service pursuant to section 307(b) of the Act. Taft Broadcasting Company (WTVN) and Whitehall Stations, Inc. (WTAC), were included among the respondents who were made parties to the proceedings.

3. Salem alleges that its agreement to accept out-of-pocket expenditures and to dismiss its application is based on its conclusion that the possibility of its eventual success in this proceeding did not justify the substantial expense involved in further prosecuting its application. The Broadcast Bureau agrees that Salem's expenses were legitimate and prudent; it urges, however, that action on its request be withheld until after due publication of Salem's proposed dismissal of its application. WTVN opposes approval of the Salem agreement arguing, in substance, that the showing on expenditures was inadequate; that publication is required; and that a public interest finding to support such approval by the Commission cannot be made.

4. In effect, Salem concedes that a 307(b) situation exists and that it will, under § 1.525(b) of the rules, duly publish notice of its proposed dismissal. Such publication will be ordered and shall include such pertinent details of the proposed Calhio-Tele-Sonics merger agreement as will apprise interested parties fully concerning their existing and proposed competitors. Pending such publication, action on the request for approval of the Salem agreement will be held in abeyance. Upon compliance with said order, petitioners shall notify the Review Board of the results of the publication and whether such results have affected in any way petitioners' other requests pending before us.²

5. The dismissal agreement specifies that Calhio and Tele-Sonics will reimburse Salem for the legitimate and prudent expenses which it has incurred to date in the preparation and prosecution of its application in an amount not to exceed a total of \$13,260.97.³ An affidavit submitted with the joint petition signed by Salem's president lists itemized expenses totalling \$13,261.10. However, supporting affidavits of Salem's attorneys and engineers substantiate only

²The first of the 22 pleadings in these matters was filed on July 15, 1963 and the last on Nov. 5, 1963. The proposals herein were presented in staggered form, piecemeal, at times partly incomplete, and in some respects are contingent, uncertain and extremely shy of clarity. As a result, the Board's task has been made unnecessarily complicated and its efforts to arrive at an expeditious determination have been frustrated.

³The dismissal agreement provides that Salem is not to be reimbursed for its expenses if another applicant applies for the identical facilities pursuant to publication of the Salem dismissal.

\$9,681.06 of this amount. The unsubstantiated expenses, totalling \$3,580.40, include \$1,103.90 for engineering fees, and \$1,100.00 for option fees. Since petitioners have not substantiated all of their major expenses, as required by § 1.525(a) of the rules, final action on the dismissal agreement will be withheld until Salem submits further supporting affidavits.

6. The Board presently has pending before it several pleadings filed in connection with the requested merger between the Calhio and Tele-Sonics applicants and a proposed amendment to the Tele-Sonics application. Action on these pleadings is being withheld until we reach a determination on the requested dismissal of the Salem application. In its engineering amendment, petitioners seek the utilization of the original Calhio engineering proposal in the amended application. Without implying any action it may take on the merger agreement and solely for the purpose of assisting the parties in effecting proper publication, the Board now indicates that if it becomes necessary to rule on the proposed engineering amendment, the request therefor will be denied for the reasons hereafter to be stated.

Accordingly, it is ordered, This 15th day of January 1964, That further consideration of the joint request for approval of dismissal agreement and motion for dismissal of the application of Salem Broadcasting Company, filed by Calhio Broadcasters, Salem Broadcasting Company, and Tele-Sonics, Inc. on July 15, 1963, will be held in abeyance; that Salem Broadcasting Company is afforded until 30 days from the date of release of this order the opportunity to supplement its showing as to its expenses;

that further opportunity be afforded for other persons to apply for the facilities specified in the application of Salem Broadcasting Company; and that Salem Broadcasting Company will therefore comply with the provisions of § 1.525(b) of the rules, in accordance with the requirements of this opinion.

Released: January 20, 1964.

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

[F.R. Doc. 64-949; Filed, Jan. 29, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND DEUTSCHE OST-AFRIKA LINIE (G.m.B.H.)

Notice of Filing of Agreement

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

Agreement 9292, between Farrell Lines Incorporated and Deutsche Ost-Afrika Linie (G.m.B.H.), provides for a through billing arrangement for cargo in the trade between Kismayu and Mogadiscio (Somalia Republic) and United States Atlantic ports with transshipment at ports in Kenya and Tanganyika in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Fed-

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

Dated: January 27, 1964.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 64-942; Filed, Jan. 29, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-534 etc.]

J. A. KIMMEY ET AL.

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

JANUARY 22, 1964.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Dates suspended until—	Cents per Mcf ²		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-534	J. A. Kimmey (Operator), et al., Driscoll Bldg., Corpus Christi, Tex.	3	1	Tennessee Gas Transmission Co. (Ammann Field, Wharton County, Tex.) (R.R. District No. 3).	\$1,300	12-23-63	* 2- 1-64	* 2- 2-64	13.5	** 14.5	
RI64-535	The Superior Oil Co., Box 1521, Houston, Tex.	100	3	Valley Gas Transmission, Inc. (Orcones Field, Duval County, Tex.) (R.R. District No. 4).	4,986	12-26-63	* 1-26-64	* 1-27-64	14.0	** 15.0	
RI64-536	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	375	5	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	6,617	12-23-63	* 1-23-64	* 1-24-64	* 12.5	** 13.5	RI64-46
RI64-537	Pubco Petroleum Corp., P.O. Box 1419, Albuquerque, N. Mex. Attn: Mr. Frank D. Gorham, Jr.	4	27	El Paso Natural Gas Co. (Various Pictured Cliffs Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	9,728	12-23-63	* 1-23-64	* 1-24-64	* 11.2104	** 12.2308	RI64-91
	-----do-----										
RI64-538	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	25	5	El Paso Natural Gas Co. (Nicarilla Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,874	12-30-63	* 2- 1-64	* 2- 2-64	11.0	** 12.2295	

¹ The stated effective date is the effective date requested by Respondent.

² The suspension period is limited to one day.

³ Periodic rate increase.

⁴ Pressure base is 14.65 psia.

⁵ The stated effective date is the first day after expiration of the required statutory notice.

⁶ Subject to a downward Btu adjustment.

⁷ Pressure base is 15.025 psia.

⁸ Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

⁹ For gas produced from Pictured Cliffs Formation.

¹ Does not consolidate for hearing or dispose of the several matters herein.

² Concurring statement of Chairman Berkemeyer and dissenting statement of Board Member Slone filed as part of original document.

J. A. Kimmey (Operator), et al., (Kimmey) request waiver of notice to make their proposed rate increase effective as of January 1, 1964, and Pubco Petroleum Corporation proposes an effective date of January 1, 1964, the contractually provided effective date, for its rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The basic contracts of Kimmey, The Superior Oil Company (Superior) and Pan American Petroleum Corporation (Pan American) are dated after the issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rates are above the applicable area ceiling for increased rates but below the initial service ceilings for the area involved. We believe, in this situation, that these producers' rate filings should be suspended for one day from the effective date shown in the attached tabulation.

The proposed rate increases of Pubco Petroleum Corporation (Pubco) and Marathon Oil Company (Marathon) include partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. El Paso Natural Gas Company (El Paso) questions the right of Pubco and Marathon under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Pubco and Marathon shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested. Since the rate increases reflect tax reimbursement, the suspension period for each may be shortened to one day from the date shown in the above "Effective date" column.

Pubco and Marathon's proposed increased rates are below the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended, but are suspended because of El Paso's protest with respect to the tax reimbursement.

The proposed rate increases of Kimmey, Superior, and Pan American exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

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

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Pubco and Marathon's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained in Kimmey, Superior, and Pan American's proposed rate filings, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 9, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-814; Filed, Jan. 29, 1964;
8:45 a.m.]

[Project No. 2423]

BROWN CO.

Notice of Application for License

JANUARY 23, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Brown Company (correspondence to: John W. Jordan, Vice President and Secretary, Brown Company, 650 Main Street, Berlin, New Hampshire) for license for constructed Project No. 2423, known as the Riverside Project, located on the Androscoggin River, City of Berlin, Coos County, New Hampshire.

The project consists of: a dam about 802 feet long, having a rock filled timber crib section about 329 feet long extending about 131 feet diagonally downstream from the left bank (including a sluiceway about 14 feet wide) and also extending about 198 feet generally downstream, a concrete ogee section about 235 feet long, and a timber crib section (topped with flashboards about 2 feet high about 200 feet long extending further downstream to a sluice gate section having 2 gates, each 7 feet wide, adjacent to the gatehouse; a gatehouse adjacent to the right bank; 3 wood stave penstocks 13 feet in diameter and about 1250 feet long; a powerhouse on the right bank containing three 5,000 horsepower turbines direct connected to three 3,800 kilowatt generators; a substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-914; Filed, Jan. 29, 1964;
8:46 a.m.]

[Docket No. RI64-539 etc.]

APACHE CORP. ET AL.

Order Permitting Substitution of Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JANUARY 22, 1964.

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

¹ Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-539	Apache Corp., 823 South Detroit, Tulsa 20, Okla.	14	2	Colorado Interstate Gas Co. (Southwest Camp Creek and Mokane Fields, Beaver County, Okla.) (Panhandle Area).	\$1,408	12-30-63	* 1-30-64	6-30-64	* 15.0	* * * 16.0	
	do	27	5	Northern Natural Gas Co. (Spearman North Field, Hansford County, Tex.) (R.R. District No. 10).	1,016	1-2-64	* 2-2-64	7-2-64	* 16.5	* * * 17.5	
RI64-540	Atlas Corp., 2000 National Bank of Tulsa Bldg., Tulsa 3, Okla. Attn: Mr. F. T. Anderson.	3	11	El Paso Natural Gas Co. (Gallegos-Gallup Sand Unit, San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	264	12-23-63	* 1-23-64	6-23-64	10 14.0	* * * 15.0577	
RI64-541	Pubco Petroleum Corp., P.O. Box 1419, Albuquerque, N. Mex. Attn: Mr. Frank D. Gorham, Jr.	6	2	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	3,922	12-23-63	* 1-23-64	6-23-64	13.0	* * * 14.0	
	do	1	26	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	40,286	12-23-63	* 1-23-64	6-23-64	11 12 13.2295	* * * 14.2501	RI64-91
	do	2	3	do	200	12-24-63	* 1-24-64	6-24-64	11 12 13.2295	* * * 14.2501	RI64-91
	do	3	3	do	1,242	12-26-63	* 1-26-64	6-26-64	11 12 13.2295	* * * 14.2501	RI64-91
	do	5	4	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,109	12-23-63	* 1-23-64	6-23-64	12 13.2501	* * * 14.2693	RI64-145
	do	7	5	El Paso Natural Gas Co. (South Blanco-Pictured Cliffs Field and Blanco-Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,839	12-26-63	* 1-26-64	6-26-64	11 12 13.2295	* * * 14.2501	RI64-91
	do	9	5	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	271	12-26-63	* 1-26-64	6-26-64	12 13.2501	* * * 14.2695	RI64-145
	do	10	7	do	233	12-26-63	* 1-26-64	6-26-64	12 13.2501	* * * 14.2693	RI64-145
	do	11	7	do	359	12-26-63	* 1-26-64	6-26-64	12 13.2501	* * * 14.2693	RI64-145
RI64-544	Pubco Petroleum Corp. (Operator), et al.	8	10	do	824	12-26-63	* 1-26-64	6-26-64	12 13.2501	* * * 14.2693	RI64-145
	do	13	12	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	10,269	12-26-63	* 1-26-64	6-26-64	11 12 13.2295	* * * 14.2501	RI64-92
RI64-542	The Shamrock Oil and Gas Corp., P.O. Box 631, Amarillo, Tex.	32	3	Panhandle Eastern Pipe Line Co. (McKee Plant, Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	114,701	12-23-63	* 2-1-64	7-1-64	10 11.5	4 24 12 12.0	RI62-302
RI64-543	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	143	2	Lone Star Gas Co. (North Healdton Field, Carter County, Okla.) (Oklahoma "Other" Area).	149	12-27-63	2-1-64	7-1-64	16.8	4 17 17.9	RI60-139
RI64-545	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19163. Attn: Mr. C. E. Webber.	60	9	Northern Natural Gas Co. (Eumont Pool, Lea County, N. Mex.) (Permian Basin Area).	1,236	12-27-63	* 2-26-64	7-26-64	* 10 10.5445	* * * 11.5487	
RI64-474	H. H. Phillips, et al., Millam Bldg., San Antonio, Tex., 78206.	1	3	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex.) (San Juan Basin Area) and (La Plata and Archuleta Counties, Colo.).	88	1-3-64	* 3-3-64	6-2-64	11 10 12.0	* * * 14.0	
RI64-546	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	281	3	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	6,597	12-23-63	* 1-23-64	6-23-64	* * * 12.0509	* * * 13.0551	
RI64-547	The Superior Oil Co., P.O. Box 1521, Houston, Tex., 77001. Attn: H. W. Varner, attorney.	94	1	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin Area).	299	12-26-63	* 1-26-64	6-26-64	11 13.0000	* * * 14.0536	
RI64-548	R. S. Murray, Jr., et al., P.O. Box 17, El Paso, Tex., 79999.	1	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,000	12-26-63	* 1-26-64	6-26-64	10 13.0	* * * 14.0	
RI64-549	Marathon Oil Co., 539 South Main St., Findlay, Ohio.	24	4	El Paso Natural Gas Co. (Laplata Area, Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,802	12-30-63	* 2-1-64	7-1-64	11 13.0	* * * 14.0	
	do	10	13	Transcontinental Gas Pipe Line Corp. (North Markham-North Bay City Field, Matagorda County, Tex.) (R.R. District No. 3).	314,159	1-2-64	* 2-2-64	7-2-64	21 22 14.0	3 4 21 22 15.70629	
RI64-550	Marathon Oil Co. (Operator), et al.	55	2	El Paso Natural Gas Co. (Kutz Canyon Area, San Juan County, N. Mex.) (San Juan Basin Area).	18,143	12-30-63	* 2-1-64	7-1-64	11 22 13.0	* * * 14.0	

See footnotes at end of table.

NOTICES

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-551	Shiprock Industries, Inc. (Operator), et al. 2000 Natural Bank of Tulsa Bldg., Tulsa, Okla. Attn: Mr. F. T. Anderson.	2	10	El Paso Natural Gas Co. (Blanco-Mesa Verde and Basin-Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	\$504	12-30-63	1-30-64	6-30-64	11 13.0	11 14.0536	
RI64-552	Ashland Oil & Refining Co., P.O. Box 1503, Houston 1, Tex. Attn: H. L. Hester, attorney.	141	1	Panhandle Eastern Pipe Line Co. (Beaver County, Okla.) (Panhandle Area).	5,447	12-31-63	1-2-64	7-1-64	17.0	20.085	
RI64-553	Continental Oil Co., P.O. Box 2197, Houston, Tex., 77001. Attn: Fred T. O'Leary, assistant director, natural gas activities. Attn: Bruce E. Merrill, legal department.	191	4	Michigan-Wisconsin Pipe Line Co. (Laverne and Northeast Buffalo Fields, Harper and Beaver Counties, Okla.) (Panhandle Area).	11,450	1-2-64	1-2-64	7-17-64	17.0	19.5	
RI64-554	Petroleum, Inc. (Operator), et al. 352 North Broadway, Wichita, Kans.	10	1	Panhandle Eastern Pipe Line Co. (Carthage Field, Texas County, Okla.) (Oklahoma-Panhandle Area).	150	1-6-64	1-6-64	7-6-64	15.0	16.0	
RI64-555	Socony Mobil Oil Co., Inc. (Operator), et al. 150 East 42d St., New York, N.Y. 10017.	118	6	Lone Star Gas Co. (Panther Creek Field, Garvin County, Okla.) (Oklahoma "Other" Area).	2,644	1-3-64	1-3-64	7-3-64	9.0	12.35	
RI64-556	A. L. Abercrombie (Operator), et al. 801 Union Center Bldg., Wichita 2, Kans., 67202.	2	3	Cities Service Gas Company (North Rhodes Field, Barber County, Kans.).	500	1-6-64	1-6-64	7-6-64	12.0	13.0	
	do		3	Cities Service Gas Co. (Rhodes Field, Barber County, Kans.).	250	1-6-64	1-6-64	7-6-64	12.0	13.0	
RI64-557	A. L. Abercrombie, et al.	4	3	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Oklahoma-Panhandle Area).	150	1-6-64	1-6-64	7-6-64	12.0	13.0	
	do		5	Cities Service Gas Co. (North Rhodes Field, Barber County, Kans.).	1,500	1-6-64	1-6-64	7-6-64	12.0	13.0	
RI64-558	San Jacinto Oil and Gas Co. (Operator), et al., San Jacinto Bldg., Houston, Tex., 77002. Attn: R. C. Dougherty, Jr.	11	10	Texas Eastern Transmission Corp. (Big Hill Field, Jefferson County, Tex.) (R.R. District No. 3).	22,820	1-2-64	1-2-64	7-2-64	14.6	15.6	
RI64-559	N. B. Hunt, 700 Mercantile Bank Bldg., Dallas 1, Tex.	8	11	Natural Gas Pipeline Co. of America (West Bernard Field, Wharton County, Tex.) (R.R. District No. 3).	2,004	1-6-64	1-6-64	7-6-64	17.12824	19.8	G-16086
RI64-560	Monsanto Chemical Co., 1401 South Coast Bldg., Houston 2, Tex.	31	6	United Gas Pipe Line Co. (Ada Field, Bienville Parish, La.).	22,750	12-27-63	1-31-64	6-30-64	18.25	21.75	

¹ The stated effective date is the first day after expiration of the required statutory notice.

² Periodic rate increase.

³ Pressure base is 14.65 psia.

⁴ Subject to an upward and downward Btu adjustment from 1000 Btu's (net rates for Dixon and Shadden Units before increase are 17.43 cents and 15.83 cents per Mcf, respectively, net rates after increase are 18.59 cents and 17.95 cents, respectively, based on Btu content of 1162 and 1122, respectively, as stated in filing.)

⁵ Subject to downward Btu adjustment.

⁶ The stated effective date is the effective date requested by Respondent.

⁷ Pressure base is 15.025 psia.

⁸ Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.

⁹ Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.

¹⁰ Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.

¹¹ Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

¹² For gas produced from Mesa Verde Formation.

¹³ Periodic increase in compression charge.

¹⁴ Includes base rate of 11.0 cents plus 1.0 cent for compression charged by Seller.

¹⁵ Includes base rate of 11.0 cents plus 0.5 cent for compression charged by Seller.

¹⁷ Favored-nation rate increase.

¹⁸ Subject to 0.5 cent per Mcf reduction for compression.

¹⁹ Previously reported as 14.0 cents per Mcf suspended in Docket No. RI64-474 (superseded rate).

²⁰ Rate applicable to gas produced from Mesa Verde Formation only.

²¹ Converted from contractually provided for pressure base of 16.7 psia to the area pressure base of 14.65 psia.

²² Rate includes 0.21931 cent dehydration paid to Seller by Buyer.

²³ Exclusive of acreage added by Supplement No. 1 (Supplemental Agreement dated July 25, 1963).

²⁴ Base price of 19.5 cents per Mcf plus 0.585 cent per Mcf for upward Btu adjustment.

²⁵ Temporary certificate issued October 27, 1960, in Docket No. CI61-16 at initial rate of 17.0 cents per Mcf not subject to any upward Btu adjustment.

²⁶ Price subject to upward Btu adjustment.

²⁷ Rate is result of Settlement Offer approved by Commission order issued November 19, 1959, in Docket Nos. G-13312 et al.

²⁸ Redetermined rate increase.

²⁹ Rate includes compression, gathering and dehydration charges deducted by Buyer.

³⁰ Includes 1.75 cents per Mcf tax reimbursement.

Apache Corporation, Pubco Petroleum Corporation and Pubco Petroleum Corporation (Operator), et al., H. H. Phillips, et al. (Phillips), and The Atlantic Refining Company request an effective date of January 1, 1964, for their proposed rate increases. Socony Mobil Oil Company, Inc. (Operator), et al., and Marathon Oil Company (Marathon) (Supplement No. 13 to Marathon's FPC Gas Rate Schedule No. 10) request an effective date of February 1, 1964, for their proposed rate filings. N. B. Hunt requests a retroactive effective date of September 1, 1963, for his proposed rate increase. Good

cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Supplements Nos. 26, 3, 3, and 5 to Pubco Petroleum Corporation's FPC Gas Rate Schedules Nos. 1, 2, 3, and 7, respectively; Supplement No. 12 to Pubco Petroleum Corporation (Operator), et al. FPC Gas Rate Schedule No. 13; Supplement No. 4 to Marathon's FPC Gas Rate Schedule No. 24; Supplement No. 2 to Marathon Oil Company (Operator), et

al., FPC Gas Rate Schedule No. 55, and the rate filings of H. H. Phillips, et al., The Superior Oil Company and Shiprock Industries, Inc. (Operator), et al., provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate to 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

The proposed rate increases of Pubco Petroleum Corporation and Pubco Petroleum Corporation (Operator), et al., reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The producers have previously filed for this reimbursement and the buyers, El Paso Natural Gas Company (El Paso) and Southern Union Gathering Company (Southern Union), have protested the filings. El Paso questions the right of the producers under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis for these producers rate filings, as well as the statutory lawfulness of the increased rates contained in the proposed rate filings.

With respect to the rate increase of Sun Oil Company, the gas is sour and must be processed for removal of excess sulphur. The addition of the sweetening cost to the proposed increase rate of 11.5487 cents per Mcf, already in excess of the 11.0 cents per Mcf area ceiling price, would amount to a total rate of approximately 12.7987 cents per Mcf for pipeline quality gas and is suspended as hereinafter ordered.

The rate filing of Phillips was submitted to replace a previous filing which did not include the interests of the "et al" parties. The instant filing includes such interests. The previous filing, submitted on December 2, 1963, was suspended by the Commission's order issued December 26, 1963, in Docket No. RI64-474 until June 2, 1964. We believe it to be in the public interest to permit Phillips to substitute the instant rate filing of January 3, 1964, for the rate filing of December 2, 1963, now under suspension in Docket No. RI64-474. Under the circumstances, the suspension period for Phillips' rate filing may be shortened to terminate concurrently with the suspension period (June 2, 1964) in said docket.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

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

The Commission finds:

(1) Good cause has been shown that Phillips' proposed periodic rate increase, designated as Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 1, be permitted to be substituted for the periodic rate increase contained in Supplement No. 2 to Phillips' FPC Gas Rate

Schedule No. 1 now under suspension in Docket No. RI64-474.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of the proposed rate filings which El Paso and Southern Union have protested, as set forth above, and the statutory lawfulness of all of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 1 is hereby permitted to be substituted for Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 1 suspended in Docket No. RI64-474.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filing which El Paso and Southern Union have protested, as set forth above, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate supplements.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(D) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 9, 1964.

By the Commission, Commissioner Woodward dissenting to the suspension of Supplements Nos. 26, 3, 3, and 5 to Rate Schedule Nos. 1, 2, 3, and 7, respectively, in Docket No. RI64-541, Pubco Petroleum Corporation; Supplement No. 12 to Rate Schedule No. 13 in Docket No. RI64-544, Pubco Petroleum Corporation (Operator), et al.; and the rate filings in Docket No. RI64-474, H. H. Phillips; RI64-547, The Superior Oil Company; Docket No. RI64-549, Marathon Oil Company; Docket No. RI64-550, Marathon Oil Company (Operator), et al.; and Docket No. RI64-551, Shiprock Industries, Inc. (Operator), et al.

Commissioner Woodward not participating in the suspension of the rate filing in Docket No. RI64-558, San Jacinto Oil and Gas Company (Operator), et al.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-813; Filed, Jan. 29, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Amendment of List of Tariff Schedules of United States Annotated Numbers

JANUARY 23, 1964.

There is published below a letter dated December 23, 1963, from the Acting Chairman, Interagency Textile Administrative Committee, to the Commissioner of Customs, amending the list of Tariff Schedules of the United States Annotated numbers, used by the United States in administering the Long Term Arrangement Regarding International Trade in Cotton Textiles originally published in the FEDERAL REGISTER of October 1, 1963 (28 F.R. 10551).

JAMES S. LOVE, JR.,
Chairman, Interagency Textile
Administrative Committee,
and Deputy to the Secretary
of Commerce for Textile
Programs.

THE SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE
COMMITTEE

Washington 25, D.C.,
December 23, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: With the inauguration of the new T.S.U.S.A. numbers in September 1963, infants' shirts ornamented (formerly included in Schedule A numbers 3113 935 and 3113 945) and infants' shirts not ornamented (formerly Schedule A numbers 3113 126, 3113 127, 3113 128, 3113 129, 3113 177, 3113 178, 3113 179, 3113 181, and 3113 182), were all included under two T.S.U.S.A. numbers 382.0377 and 382.3366. These two T.S.U.S.A. numbers were residual classifications under women's, girls', and infants' wearing apparel and this change resulted in infants' shirts being moved from Categories 45 and 46, under the Schedule A number system of classification to Category 63 under the T.S.U.S.A. classification system. On November 21 a C.I.E. (T.S.U.S.A. 90) was issued creating four new T.S.U.S.A. numbers, two for ornamented shirts and two for non-ornamented shirts.

In order to preserve the category structure and restore the historical continuity of the statistical data, we are requesting that T.S.U.S.A. numbers 382.3370 and 382.0398 be assigned to Category 45 and T.S.U.S.A. numbers 382.3368 and 382.0397 be assigned to Category 46 rather than to Category 63 where they are currently being assigned. The two original T.S.U.S.A. numbers from which these have been broken out 382.3366 and 382.0377 should be retained in Category 63.

Sincerely yours,

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile
Administrative Committee,
and Acting Deputy to the Secretary
of Commerce for Textile
Programs.

[F.R. Doc. 64-926; Filed, Jan. 29, 1964; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

H. M. BOTKIN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission, published August 21, 1963 (28 F.R. 9224).

Dated: December 24, 1963.

H. M. BOTKIN.

[F.R. Doc. 64-902; Filed, Jan. 29, 1964;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3146]

HOMESTEAD GOLD EXPLORATION CORP.

Notice and Order for Hearing

JANUARY 24, 1964.

I. Homestead Gold Exploration Corporation (Issuer) 3460 Wilshire Boulevard, Los Angeles 5, California, was incorporated in California in 1962 to engage in the general business of exploration of mining properties.

On May 10, 1963, issuer filed with the San Francisco Regional Office a notification on Form 1-A and offering circular relating to an offering of 300,000 shares of its \$1.00 par value common stock at \$1.00 per share, for an aggregate amount of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. V. K. Osborne & Sons, Inc., a California corporation, was the underwriter. The offering commenced on or about June 11, 1963.

II. The Commission, on December 18, 1963, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered. Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on February 17, 1964, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the mat-

ters set forth in section II of the Commission's order dated December 18, 1963, which temporarily suspended the Regulation A exemption of Homestead Gold Exploration Corporation, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered. That Irving Schiller, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered. That the Secretary of the Commission shall serve a copy of this order by registered mail on Homestead Gold Exploration Corporation; that notice of the entry of the order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before February 13, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered. That Homestead Gold Exploration Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated December 18, 1963. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Homestead Gold Exploration Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated December 18, 1963.

Notice is hereby given that if Homestead Gold Exploration Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing; the proceeding may be determined against Homestead Gold Exploration Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II of the Commission's order dated December 18, 1963, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-927; Filed, Jan. 29, 1964;
8:47 a.m.]

[File No. 811-268]

INSURANSHARES CERTIFICATES INC.

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

JANUARY 24, 1964.

Notice is hereby given that Insuranshares Certificates Incorporated ("appli-

cant"), 312 Keyser Building, Baltimore 2, Maryland, a Maryland corporation and a management closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein which are summarized below.

Applicant represents that on December 7, 1962, the stockholders of the corporation adopted a plan of liquidation and dissolution ("plan") and that on December 31, 1962, Articles of Dissolution were filed with the Maryland State Department of Assessments and Taxation, after which the assets were distributed in accordance with the terms of the plan to the shareholders who surrendered their certificates. Assets presently held for the shareholders who have not surrendered their certificates have been converted into cash and an aggregate of \$71,332.08 is being held for 48 shareholders who own an aggregate of 1,244 shares of the liquidated company. These assets are held by Mr. Charles G. Page who was appointed Receiver of such amount in a proceeding entitled "In the Matter of Unlocated Shareholders of Stock of Insuranshares Certificates Incorporated, a Maryland Corporation" in the Circuit Court of Baltimore City on October 17, 1963. The Receiver will hold this amount subject to the Court's order for distribution in accordance with the plan.

In addition, the Morgan Guaranty Trust Company of New York, as custodian, holds, in the form of short-term government bonds and a small cash deposit, the sum of \$80,506.98 which is reserved until the final audit of the company's income tax returns. To the extent not required for payment of taxes, this amount will be distributed to the shareholders of the company.

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

Notice is further given that any interested person may, not later than February 12, 1964 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 should 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 applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contempo-

aneously 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. 64-928; Filed, Jan. 29, 1964;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 27, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38778: *Soda ash to Grasselli, N.J.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2700), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Detroit and Wyandotte, Mich., to Grasselli, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 32 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-383.

FSA No. 38779: *Joint motor-rail rates—Eastern Central.* Filed by The New York Central Railroad Company (No. 346), for itself and interested carriers. Rates on various commodities moving on less-than-carload and any quantity class rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplements 45 and 54 to Eastern Central Motor Carriers Association, agent, tariff MF-I.C.C. 217.

FSA No. 38780: *Lacquer solvent to Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8501), for

interested rail carriers. Rates on lacquer solvent, in tank car loads, from Sterlington, La., to Chicago, Ill. (applicable only for delivery on railroad tracks serving the Lake River Terminal (Harlem Ave.), Chicago Sanitary and Ship Canal).

Grounds for relief: Market competition.

Tariff: Supplement 295 to Southwestern Freight Bureau, agent, tariff I.C.C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-933; Filed, Jan. 29, 1964;
8:48 a.m.]

[Ex Parte No. 241]

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

JANUARY 20, 1964.

Division 3 having under consideration the instructions contained in Appendix B to the order dated December 20, 1963, (29 F.R. 119) instituting this proceeding, and being of the view that certain clarification is necessary:

It is ordered, That Revised Appendix B, attached hereto, shall be, and it is hereby, substituted for the above-mentioned Appendix B.

It is further ordered, That the filing date of March 1, 1964, specified in the order of December 20, 1963, be, and it is hereby, changed to April 1, 1964.

And it is further ordered, That a copy of this order shall be (1) served upon each respondent, (2) posted in the office of the Secretary of the Commission, and (3) delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

NOTE: A correction sheet for Appendices A, C, and D, filed as part of the original document.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

REVISED APPENDIX B

Period to be covered by record of car handling shall be for a period of 5 weeks, by weeks, beginning with the week ending October 5, 1963 through the week ending November 2, 1963.

If peak loading occurred on your line during a 5-week period other than that designated herein, furnish weekly loading data for that peak period also as required by Item 1. Answers to questions 2 to 5 inclusive, need cover only the 5 weeks ended November 2.

1. Number of revenue cars loaded each week for the period specified.

(a) All cars loaded with revenue or non-revenue freight for roadhaul or intraterminal or interterminal movement, including cars originated in a switching district on connecting lines and received for roadhaul movement.

(b) Originated on dependent short lines (not included in (a)).

(c) Should include only cars used in interchange, which are loaded for switch movement within a terminal.

2. Show number of foreign cars loaded and included in total loadings during peak week.

3. Actual average daily shortage of cars for each of the 5 weeks covered in Item 1(a). The shortage at all stations for each working day (Monday through Friday) totaled for the entire railroad and divided by 5 should be reported as the average daily shortage for each of the 5 weeks. The number of cars so reported must not exceed one-fifth of the net additional number of cars that could have been loaded (had ample car supply been available) over and above number that were actually loaded.

4. Express in percentage any anticipated increase or decrease in requirements for cars during same 5-week period of 1964 as used in this study.

5. Number of serviceable cars separated between system, foreign and private (cars used in interchange) on line on the first day of October and on the first day of November 1963.

Equipment statistics.

1. Ownership of cars as of January 1, 1964.

(a) System cars in unserviceable condition as of January 1, 1964.

(b) System cars held awaiting dismantling or retirement as of January 1, 1964 (included in 1(a)).

(c) Number of cars given heavy repair during period of January 1 to December 31, 1963.

2. Installation of cars during period January 1 to December 31, 1963.

(a) New cars purchased or leased.¹

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased secondhand.

3. Retirements of cars during period January 1 to December 31, 1963.

(a) For demolition or sale.

(b) For rebuilding.

(c) For reclassification or lease to others.

4. Estimated installation of cars during 12-month period ending December 31, 1964.

(a) New cars purchased or leased.

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased secondhand.

5. Estimated retirements of cars during 12-month period ending December 31, 1964.

6. Estimated ownership of cars as of January 1, 1965.

(a) Total ownership.

(b) System bad orders.

(c) Total serviceable ownership.

[F.R. Doc. 64-934; Filed, Jan. 29, 1964;
8:49 a.m.]

¹ Long-term lease.

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FEDERAL REGISTER

Telephone

WOrh 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 38B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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