Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3473

NATIONAL APPRENTICESHIP MONTH

By the President of the United States of America

A Proclamation

WHEREAS, in this era of rapidly changing industrial techniques and new approaches to many aspects of our economic life, the development of this Nation's skilled craftsmen is of vital importance to the continued national security and economic growth of the United States; and

WHEREAS, as America moves deeper into the challenging era of the space age and the expanding economy that will accompany it, the need for broadening the versatility and increasing the competence of our skilled craftsmen will grow; and

WHEREAS the Bureau of Apprenticeship and Training of the United States Department of Labor seeks to help achieve, through cooperative effort, a skilled work force adequate to the Nation's economic and security needs; and

WHEREAS the Bureau of Apprenticeship and Training stimulates those responsible for training to provide equal opportunities for all qualified individuals to acquire skills without regard to race, creed, sex, age, or physical handicaps, thus increasing the job opportunities, earning ability, and economic security of the individual worker; and

WHEREAS the Congress recognized the importance of apprenticeship training by enacting the National Apprenticeship Act, approved August 16, 1937 (50 Stat. 664); and

WHEREAS further development, expansion, and strengthening of apprenticeship training would benefit employees, employers, and the Nation:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the month of August, 1962, as National Apprenticeship Month.

I urge employers and union organizations which are not now training apprentices to take appropriate steps to assure the development of skilled workers in every local community; and I urge those which are now training apprentices to strengthen and expand their apprenticeship programs.

I also request the Department of Labor and other appropriate Federal agencies, and I invite State and local governments and organizations, to participate actively in the observance of National Apprenticeship Month.

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

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

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-4609; Filed, May 8, 1962; 4:33 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Texas Flaxseed Bulletin, Supp. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Texas Flaxseed Purchase Program

PURCHASE PRICES, PREMIUMS AND DISCOUNTS

A purchase program has been authorized for 1962-crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1962 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979) constitutes the 1962 Texas Flaxseed Purchase Program.

§ 421.1701 Purchase prices, premiums, and discounts.

(a) *1962 county purchase prices.* Basic purchase prices per bushel of eligible flaxseed of the 1962-crop produced in the authorized counties listed below which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for flaxseed grading No. 1 and containing from 10.6 to 11.0 percent moisture are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Aransas	$2.71	Karnes	$2.65
Atascosa	2.60	Kimble	2.52
Bastrop	2.60	Kleberg	2.69
Bee	2.70	La Salle	2.53
Bell	2.57	Lavaca	2.60
Bexar	2.60	Lee	2.63
Blanco	2.57	Live Oak	2.67
Bowie	2.49	McCulloch	2.52
Brooks	2.62	McMullen	2.62
Brown	2.54	Mason	2.54
Burnet	2.54	Matagorda	2.66
Caldwell	2.60	Maverick	2.47
Calhoun	2.62	Medina	2.59
Cameron	2.57	Milam	2.59
Coleman	2.51	Mills	2.54
Collin	2.54	Nueces	2.72
Colorado	2.67	Real	2.52
Comal	2.60	Red River	2.49
Concho	2.51	Refugio	2.70
De Witt	2.61	Runnels	2.49
Dimmit	2.49	San Patricio	2.73
Duval	2.64	San Saba	2.54
Frio	2.57	Taylor	2.47
Galveston	2.71	Travis	2.60
Goliad	2.66	Uvalde	2.52
Gonzales	2.60	Victoria	2.64
Guadalupe	2.60	Webb	2.56
Hamilton	2.50	Wharton	2.68
Hays	2.60	Willacy	2.58
Hildalgo	2.56	Williamson	2.59
Jackson	2.60	Wilson	2.63
Jim Hogg	2.61	Zapata	2.52
Jim Wells	2.69	Zavala	2.49

(b) *1962 terminal market purchase prices.* (1) The basic purchase price shall be $2.92 per bushel for No. 1 flaxseed containing 10.6 to 11.0 percent moisture delivered by rail in carload lots to authorized dealers at the Corpus Christi and Houston, Tex., terminal markets.

(2) The basic purchase price for flaxseed of such grade and quality delivered by truck to authorized dealers at the above terminal markets will be purchased by CCC under this program on the basis of the terminal rate minus 4½ cents per bushel.

(c) *Grade discounts.* The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) *Premiums for low moisture content.* The following premiums for low moisture content are applicable to eligible flaxseed:

Moisture content (percent):	Premium (cents per bushel)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

(Sec. 4, 62 Stat. 1070, as amended sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed on May 4, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-4535; Filed, May 9, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 728—WHEAT

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

RATE OF PENALTY

Basis and purpose. The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1962 wheat marketing quota program at 65 percent of the May 1, 1962, parity price of wheat as required by section 122 of Public Law 87-128.

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

Section 728.1162 is hereby amended by adding at the end thereof the following: "The rate of penalty applicable to 1962 crop wheat shall be $1.59 per bushel, which is 65 per centum of the parity price per bushel of wheat as of May 1, 1962, which is determined to be $2.44."

(Sec. 375, 52 Stat. 66, as amended, sec. 122, 75 Stat. 296; 7 U.S.C. 1375, 1340)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 4, 1962.

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

[F.R. Doc. 62-4547; Filed, May 9, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 970—CARROTS GROWN IN SOUTH TEXAS

Determination Relative to Limitation of Shipments

Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in south Texas, grade, size, quality, pack, and container regulations were made effective for the period November 1, 1961, through June 30, 1962, upon recommendation of the South Texas Carrot Committee (26 F.R. 10124; 27 F.R. 335, 1007, 3318, 3651). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and the regulations were issued to effectuate the declared policy of this act.

Prices received by producers of carrots grown in the production area averaged $2.21 per hundredweight for the season through April 15, 1962. This is 109 percent of the Texas parity equivalent price of $2.02 per hundredweight. It is now believed that the season average price will exceed the Texas parity equivalent price since it is estimated that less than ten percent of the south Texas crop remains to be marketed.

It is hereby found and determined, in accordance with paragraph (5) of section 602 of the Agricultural Marketing Agreement Act, as amended, that it is necessary to continue the aforesaid regulations in effect in order to avoid a disruption of the orderly marketing of the remainder of the current south Texas carrot crop, and the continuation of such regulations will be in the public interest.

Dated: May 7, 1962.

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

[F.R. Doc. 62-4545; Filed, May 9, 1962; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 133]

PART 1133—MILK IN INLAND EMPIRE 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 Inland Empire marketing area (7 CFR Part 1133), 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 period through December 1962:

(1) In § 1133.71, paragraphs (c) and (d).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of 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 will eliminate the "take-out and pay-back" seasonal pricing plan in the order for the current calendar year. The deduction ("take-out") of 30 cents per hundredweight is not necessary in order to attain an appropriate seasonal price reduction this year because of the effect on class prices of the recent reduction in support prices. Seasonal production in the market is fairly well adjusted and suspension of this seasonal pricing plan for 1 year should not have a significant effect on the seasonality of supplies.

(4) This suspension action is based on written views submitted by interested parties in the market pursuant to a notice of proposed suspension issued April 18, 1962. Support was received from producers' associations representing more than 75 percent of the producers supplying the market and from many independent producers. No opposing views were filed.

Therefore, good cause exists for making this order effective upon issuance.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period from the effective date hereof through December 31, 1962.

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

Effective date: Upon issuance.

Signed at Washington, D.C., on May 4, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-4548; Filed, May 9, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 7—INTERPRETATIONS

National Banks; Investment in Mortgage Loans Guaranteed by Administrator of Veterans Affairs, and Purchase of Participation Certificates Issued and Guaranteed by the Export-Import Bank of Washington

Part 7, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding new §§ 7.3 and 7.4 as follows:

§ 7.3 National banks; investment in mortgage loans guaranteed by Administrator of Veterans Affairs.

The Comptroller of the Currency has interpreted section 24 of the Federal Reserve Act (12 U.S.C. 371), 38 U.S.C. 1802 (f) and 38 CFR 36.4600, 27 F.R. 2686 as indicated in the following letter addressed to counsel for a national bank:

We have your letter of April 9, 1962, requesting our opinion as to whether or not your client, a national bank, may properly under the provisions of section 24 of the Federal Reserve Act purchase from the Veterans' Administration (VA) residential mortgage loans which will shortly be offered for sale by the VA pursuant to section 36.4600 of the VA regulations.

The loans in question arise in the following manner: The VA has accumulated various residential properties by foreclosure or assignment as a result of defaults on mortgages guaranteed by the VA for veterans. The VA disposes of these houses on the best terms and conditions it can obtain in the market without reference to whether or not the purchaser is a veteran. In order to dispose of these properties, the VA has taken purchase money mortgages. It is these purchase money mortgages which the VA now proposes under its new regulation, section 36.4600, to sell to national banks and other financial institutions with the 100 percent guarantee of the Veterans' Administration.

The guarantee will take the form of an agreement by the VA to repurchase the loan from the national bank in the event of default which continues for a designated period of time and in certain other events of default, all of which are set forth in detail in section 36.4600 of the VA regulations.

The regulations of the VA authorizing the Administrator to make these guarantees have been issued pursuant to the authority granted to the Administrator in section 1820, Chapter 37 of Title 38 of the United States Code. Section 1820 confers the power on the Administrator to purchase and sell "upon such terms and for such prices as he deems to be reasonable" any real or personal property which has come into his possession pursuant to the operation of the Veterans' Administration. It would appear that the undertaking of the Administrator to guarantee the mortgages in question would be within his authority to dispose of such mortgages on such terms as he deems to be reasonable.

Section 1802(f) of Chapter 37, Title 38 provides as follows:

"(f) Any loan at least 20 per centum of which is guaranteed under this chapter may be made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company, organized or authorized to do business in the District of Columbia. Any such loan may be so made without regard to the limitations and restrictions of any other law relating to—

(1) ratio of amount of loan to the value of the property;

(2) maturity of loan;

(3) requirement for mortgage or other security;

(4) dignity of lien; or

(5) percentage of assets which may be invested in real estate loans."

The five restrictions listed in section 1802 (f) Title 38 just quoted, refer to section 24, Federal Reserve Act (12 U.S.C. 371). Since it appears that section 36.4600 of the VA regulations has been issued pursuant to authority granted in Chapter 37 of Title 38, United States Code, and since under section 1802(f) any loan which is guaranteed in an amount over 20 percent by the Administrator pursuant to Chapter 37 of Title 38 may be held by a national bank without regard to the limitations and restrictions numbered 1 through 5, as listed in section 1802(f), we are of the opinion that a national bank may purchase these guaranteed residential mortgage loans without reference to the enumerated 5 restrictions of section 24 of the Federal Reserve Act.

§ 7.4 National banks; purchase without limitation of participation certificates issued and guaranteed by the Export-Import Bank of Washington.

The Comptroller of the Currency has ruled with respect to the purchase by national banks of participation certificates issued and guaranteed by the Export-Import Bank of Washington as indicated in the following letter addressed to the President and Chairman of the Export-Import Bank of Washington:

Reference is made to your letter dated April 10, 1962, concerning the Participation Certificates, Series "A" of 1962, dated May 1, 1962, payable in 20 semiannual principal installments beginning November 1, 1962, with 4½ percent interest to be issued and guaranteed by the Export-Import Bank of Washington.

You have submitted for our examination draft copies of the announcement offering certain commercial banks these participation certificates, and the form of certificate. You request our opinion on whether national banks will be permitted to purchase these participation certificates and to what extent.

We have examined the documents submitted and it is our opinion that since the certificates in question will be guaranteed by Export-Import Bank of Washington, which is an independent agency of the U.S. Government, under the applicable statutes and regulations national banks will be permitted to purchase these certificates without limitation.

Dated: May 4, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-4534; Filed, May 9, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 442; Reg. No. SR-403B]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Certification and Operation of Certain Airplanes for Department of the Interior in Trust Territory of the Pacific Islands; Rescission of Special Civil Air Regulation

Special Civil Air Regulation No. SR-403A waived certain provisions of Parts 4b and 42 of the Civil Air Regulations to permit certification and operation thereunder of three SA-16A airplanes owned or controlled by the Department of the Interior.

Upon the Grant of Exemption No. 207, dated April 20, 1962, to the Department of the Interior for the operation of SA-16A airplanes within the Trust Territory of the Pacific Islands, Special Civil Air Regulation No. 403A became unnecessary since the substance of SR-403A was included in the exemption.

Since the provisions of SR-403A are no longer needed for the conduct of the operations within the Trust Territory, the regulation has become obsolete and is rescinded. This regulatory action involves no substantive change or additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Special Civil Air Regulation No. SR-403A is hereby rescinded effective May 10, 1962.

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

Issued in Washington, D.C., on May 4, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4525; Filed, May 9, 1962; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-63]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Petitions for Rehearing, Reargument, Reconsideration, or Modification Based on New Matter, and Time Limitations for Responses to Papers Served by Mail

MAY 3, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1962.

Sections 301.48(a) and 301.50(d) presently do not specifically provide that an offer of proof be incorporated in petitions for rehearing, reargument, reconsideration or modification of a Board order which are based on the alleged discovery of new matter. The Board is of the opinion that these sections should be amended to require that such petitions based on new matter be supported by an offer of proof as an aid in their evaluation. In the case of new testimony which would be adduced, the contents thereof shall be set forth in an affidavit by the prospective witness. If the evidence is documentary, the documents, or copies thereof, duly authenticated, shall be submitted. In those instances where the above requirements cannot be met the petition shall explain why such substantiation is not available.

Under § 301.13(d) whenever a party has the right, or is required, to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice is served upon him by mail, 3 days are added to the prescribed period. The Board is of the opinion that the various periods set forth in the rules for air safety proceedings afford the parties ample time for action. Since service is usually made by mail, deletion of the subject 3-day allowance will expedite the processing of these cases.

Since these amendments are not substantive rules but rules of agency procedure, notice and public procedure hereon are unnecessary and the amendments may be made effective upon less than 30 days' notice after publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301) as follows, effective May 10, 1962:

1. Amend § 301.13(d) to read:

(d) *Extension of time.* Upon good cause shown in motions filed and served upon all parties, the Board or the examiner may grant extensions of the periods which are prescribed in this part for procedural steps prior to the initial decision.

2. Amend § 301.48(a) to read:

(a) Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order. Initial decisions which have become final, in the absence of a timely notice of intent (under § 301.45(a)) or petition for discretionary review or because the Board has declined to order review thereof, shall not be deemed orders for this purpose. An original and eight copies of the petition shall be filed with the Board, and a copy shall be served upon all other parties within 30 days after service of the Board's order. The petition shall state, briefly and specifically, the matters of record alleged to have been erroneously decided, the ground relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences that would result from the Board's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, upon new matter, the petition shall set forth such new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable; and shall explain why such new matter could not have been discovered, by the exercise of due diligence, prior to the date the case was submitted for decision. Repetitious petitions will not be entertained by the Board.

3. Amend § 301.50(d) to read:

(d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.11 (b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within 2 days after service of such initial decision. No exceptions shall be filed but within 5 days of the notice of appeal, each party shall file one brief with the Board. Such briefs shall comply with the requirements of § 301.46 (c) and (e). The Board will give 3 days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument or modification of its order except on the ground that new matter has been discovered. Such petitions shall set forth the new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable; and shall state that such new matter could not have been discovered, by the exercise of due diligence, prior to the date the case was submitted for decision. The Board upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such a case a reasonable opportunity will be afforded to the parties to submit argument thereon.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpet or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4554; Filed, May 9, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-63]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of Alteration

On April 4, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3194) amendments to §§ 600.1505 and 600.1534 of the regulations of the Administrator which realigned VOR Federal airway No. 1505 and VOR Federal airway No. 1534 between the Pottstown, Pa., VOR and the Solberg, N.J., VOR.

Upon publication of the FEDERAL REGISTER on April 4, 1962, it was noted that width of the altered segment of Victor 1505 did not coincide with that of the altered segment of Victor 1534 between Pottstown, Pa., and Solberg, N.J., although these airways utilize common radials for this segment. Therefore, action is taken herein to alter the width of Victor 1505 between Pottstown, Pa., and Solberg, N.J., to coincide with the width of Victor 1534 on that segment.

Since this change imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately Airspace Docket No. 61-NY-63 (27 F.R. 3194) is hereby modified by deleting item 3 and substituting the following therefor:

3. In the text of § 600.1505 (26 F.R. 1081, 10875) "thence 10-mile wide airway to the Solberg, N.J., VOR; thence via the INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials;" is deleted and "thence via the INT of the Pottstown VOR 058° and the Solberg, N.J., VOR 242° radials; Solberg VOR; INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials" is substituted therefor.

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

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4502; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-55]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zone

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the Las Vegas, Nev., control zone and to designate a control zone at Nellis AFB, Las Vegas, Nev.

The Las Vegas control zone is presently designated, in part, with reference to the Las Vegas radio range. The Federal Aviation Agency is converting the Las Vegas radio range to a radio beacon with transcribed weather broadcast facilities and the prescribed instrument approach procedures based on the radio range are being converted to ADF approach procedures concurrently with the facility conversion. Therefore, the description of the Las Vegas control zone will be altered herein to delete reference to the radio range.

In addition, under present designation the operations for the airports at McCarran Field and Nellis AFB are based on the weather report at McCarran Field. It has been determined that separate weather, communications and control tower service are available at both airports, and it is deemed advisable to designate separate control zones to obtain the maximum operational capability at McCarran Field and Nellis AFB. Such action is taken herein and will not change the existing configuration of the controlled airspace.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

1. Section 601.2177 (14 CFR 601.2177) is amended to read:

§ 601.2177 Las Vegas, Nev. (McCarran Field), control zone.

Within a 5-mile radius of McCarran Field, Nev. (latitude 36°05′05″ N., longitude 115°09′00″ W.); and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles NE of the VORTAC.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2509 Las Vegas, Nev. (Nellis AFB), control zone.

Within a 5-mile radius of Nellis AFB, Nev. (latitude 36°14′10″ N., longitude 115°02′00″ W.); and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.4 miles SW of the airport.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on May 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4503; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-42]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension and Control Zone

The purpose of these amendments to §§ 601.1287 and 601.2289 of the regulations of the Administrator is to alter the descriptions of the Houghton, Mich, control area extension and control zone.

The Houghton control area extension and control zone are presently designated, in part, with reference to the Houghton radio range. This facility is being converted to a combination transcribed weather broadcast station and radio beacon in June 1962, and the prescribed instrument approach procedure based on the radio range is being changed to an ADF approach procedure concurrently with the facility conversion. Therefore, action is taken herein to substitute the Houghton radio beacon for the Houghton radio range in the descriptions of the Houghton control area extension and control zone. This action will not alter the extent of presently designated controlled airspace in the Houghton area.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary.

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. Section 601.1287 (14 CFR 601.1287) is amended to read:

§ 601.1287 Control area extension (Houghton, Mich.).

Within 5 miles either side of the 018° and 198° bearings from the Houghton, Mich., RBN extending from the RBN to 25 miles N and S of the RBN.

2. Section 601.2289 (14 CFR 601.2289) is amended to read:

§ 601.2289 Houghton, Mich., control zone.

Within a 5-mile radius of the Houghton County Airport, Houghton, Mich. (latitude 47°10′00″ N., longitude 88°29′20″ W.); and within 2 miles either side of the 018° bearing from the Houghton RBN extending from the 5-mile radius zone to 10 miles N of the RBN.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4504; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61-SW-111]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On February 14, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1364) stating that the Federal Aviation Agency proposed to alter the Brownsville, Tex., control zone.

In response to the notice, the Air Transport Association of America (ATA) recommended that the limits of the control zone extensions, for the protection of VOR and ADF instrument approaches, be increased from 8 miles to 10 miles from each facility. The basis for this recommendation by ATA would be to provide control zone protection to the procedure turn area. In addition, the ATA could see no requirement for the control zone extension beyond the ILS outer marker.

It is the policy of the FAA to designate the minimum amount of airspace required to sufficiently encompass the flight operations being conducted at a particular location. The designation of the Brownsville control zone extensions to the procedure turn maneuvering area, for the VOR and ADF approaches, is not required because of ample protection being provided in the procedure turn area by the Brownsville control area extension. A review of the airspace requirements associated with the ILS instrument approach procedure indicates that the proposed control zone extension based on the ILS localizer course, is not required. Action is taken herein to reflect this change.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, section 601.2026 (14 CFR 601.2026) is amended to read:

§ 601.2026 Brownsville, Tex., control zone.

Within a 5-mile radius of the Rio Grande Valley International Airport (latitude 25°54'31" N., longitude 97°25'28" W.), Brownsville, Tex., within 2 miles either side of the Brownsville RBN 343° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles either side of the Brownsville VOR 071° radial extending from the 5-mile radius zone to 8 miles E of the VOR, excluding the portion outside the United States.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4505; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-57]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2066 of the regulations of the Administrator is to alter the Pueblo, Colo., control zone.

The Pueblo control zone, as presently designated, is based, in part, on the Pueblo radio range. It has been determined that this portion of the control zone is no longer required for air traffic control purposes and may be revoked. Such action is taken herein. The Pueblo control zone east extension, based on the Pueblo VORTAC 087° True radial does not coincide with the prescribed VOR instrument approach final approach course and provides only a portion of the protection required for aircraft executing prescribed ILS back-course instrument approach procedures. It has also been determined that the extension is not required beyond 8 miles east of the VORTAC. Accordingly, action is taken herein to realign the east extension to base it on the Pueblo VORTAC 081° True radial, reduce its length to 8 miles east of the VORTAC, and designate a new extension within 2 miles either side of the Pueblo ILS localizer east course extending from the 5-mile radius zone to 11 miles east of the localizer. This action results in a reduction in the extent of controlled airspace associated with the Pueblo control zone, although increasing slightly the width of the east extension to accommodate the change in alignment, and the designation of an extension associated with the ILS east course.

Since the size of the control zone will be reduced and the change effected by this amendment is less restricted in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2066 (14 CFR 601.2066) is amended to read:

§ 601.2066 Pueblo, Colo., control zone.

Within a 5-mile radius of the Pueblo Memorial Airport, Colo., (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles either side of the Pueblo VORTAC 081° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC and within 2 miles either side of the Pueblo ILS localizer E course extending from the 5-mile radius zone to 11 miles E of the localizer.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4507; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61-AN-52]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Control Area Extension and Designation of Restricted Area

On March 3, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2128) stating that the Federal Aviation Agency proposed to designate a new restricted area near Big Delta, Alaska, and modify the Fairbanks, Alaska, control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated in the notice, the following actions are taken:

1. In § 608.22 *Alaska* (14 CFR 608.22) the following is added:

R-2209 Little Delta, Alaska.

Boundaries. Beginning at latitude 64°08'51" N., longitude 146°37'53" W.; to latitude 63°56'25" N., longitude 146°02'46" W.; to latitude 63°51'02" N., longitude 146°12'16" W.; to latitude 64°03'28" N., longitude 146°47'47" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. April 1 to September 30, as advertised by NOTAM.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using Agency. Commander, Alaskan Air Command.

2. In the text of § 601.1275 (26 F.R. 12284) "R-2207 and R-2208" is deleted and "R-2207, R-2208, and R-2209" is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4506; Filed, May 9, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-169]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On January 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 753) stating that the Federal Aviation Agency proposed to extend Jet Route No. 4 from Florence, S.C., to Wilmington, N.C., and to extend radar jet advisory service on J-4 from Dallas, Tex., to Wilmington.

The Department of the Air Force made the following statements regarding activities being conducted by units of the Tactical Air Command and requested that they be considered prior to extending J-4 to Wilmington:

The area to the north of Myrtle Beach AFB is the only area void of airways that can be utilized for acrobatics and an air combat maneuvering area for three squadrons of F-100 aircraft based at Myrtle Beach AFB. Altitudes involved are from 10,000 to 40,000 feet.

This same area is utilized by three squadrons of F-105 aircraft from Seymour-Johnson AFB as their acrobatic, flight test, and combat maneuvering area.

Action is being taken to provide a high altitude refueling area that would lie from southwest of Seymour-Johnson AFB to north-northeast of Charleston, S.C. This area is required to provide an overland area for single engine jet aircraft during refueling training operations.

The Department of the Air Force also stated that this area is considered minimum size to adequately handle two tactical operational wings of high speed jet fighter aircraft, and the routing of civil jet air carriers through this area, even though they are provided radar advisory service, would create an unnecessary flight safety hazard.

Although not mentioned by the Department of the Air Force, Warning Area 177 (W-177) which was designated for Air Force use was recently increased by 745 square miles to a total of 3,443 square miles. It is assumed that in the interest of safety, the majority of the acrobatics, air combat maneuvering, and flight test activity by Myrtle Beach AFB will be conducted in W-177. Also, the Federal Aviation Agency considers that there is sufficient airspace free of jet advisory areas in the immediate vicinity of Seymour-Johnson AFB to contain similar activities conducted by aircraft staging from that base. As to the action to provide a high altitude refueling area southwest of Seymour-Johnson AFB to northeast of Charleston, should such area be established, Air Route Traffic Control will not normally clear IFR traffic through high level refueling areas while in use unless adequate separation between such IFR traffic and tanker/receiver aircraft is provided by a Federal Aviation Agency facility. The Air Transport Association of America endorsed this proposal. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

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

1. In § 602.100 *Jet routes* (27 F.R. 99) Jet Route No. 4 is amended as follows:

a. In the caption, "Florence, S.C." is deleted and "Wilmington, N.C." is substituted therefor.

b. In the text "Columbia, S.C., to Florence, S.C." is deleted and "Columbia, S.C.; Florence, S.C.; to Wilmington, N.C." is substituted therefor.

2. In § 602.200 *Enroute jet advisory areas* (14 CFR 602.200) Jet Route No. 4 jet advisory area is amended to read:

Jet Route No. 4 jet advisory area. Radar—Los Angeles, Calif., to Wilmington, N.C.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4508; Filed, May 9, 1962; 8:46 a.m.]

[Airspace Docket No. 61-LA-20]

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area

On March 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2158) stating that the Federal Aviation Agency had under consideration a proposal by the Department of the Army to designate a restricted area near Hermiston, Oreg., for ordnance demolition purposes.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.57 *Oregon* (14 CFR 608.57), the following is added:

R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°31'30" W.; to latitude 45°52'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°31'30" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0800 to 2000 Pst, Monday through Friday.

Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

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

Issued in Washington, D.C., on May 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4509; Filed, May 9, 1962; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6599]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Filing of Certain Information

On January 5, 1962, notice of proposed rule making with respect to the amendment of paragraphs (a), (7), (8), and (9), (b), (c), (d), and (e) of § 1.404(a)-2 of the Income Tax Regulations (26 CFR Part 1) under section 404 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (27 F.R. 106). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided, subject to the changes set forth below:

Paragraphs (a) (8) and (9), and (d) of § 1.404(a)-2 are revised.

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

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: May 7, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to require the use of Form 2950 to supply certain information required under § 1.404(a)-2 of the Income Tax Regulations (26 CFR Part 1), to require that such information be filed with the income tax return, and to make certain other administrative changes, paragraphs (a) (7), (8), and (9), (b), (c), (d), and (e) of such section are hereby amended to read as follows:

§ 1.404(a)-2 Information to be furnished by employer claiming deductions.

(a) * * *

(7) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs and in adjusting the costs for actual experience under the plan (including any loadings, contingency reserves, or special factors and the basis of any insured costs or liabilities involved therein) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a detailed description of the basis used in valuing the investments held.

(8) A statement of the applicable limitations under section 404(a) (1), (2), (3), or (7) and an explanation of the method of determining such limitations, a summary of the data, and a statement of computations necessary to determine the allowable deductions for the taxable year. Also, in the case of a pension or annuity plan, a summary of the costs or liabilities and adjustments for the year under the plan based on the application of the methods, factors, and assumptions used under the plan, in sufficient detail to permit ready verification of the reasonableness thereof.

(9) A statement of the contributions paid under the plan for the taxable year showing the date and amount of each payment. Also, a summary of the deductions claimed for the taxable year for the plan with a breakdown of the deductions claimed into the following components:

(i) For contributions paid in the taxable year before giving effect to the provisions of paragraph (7) of section 404(a).

(ii) For contributions paid in prior taxable years beginning after December 31, 1941, in accordance with the carryover provisions of paragraphs (1) and (3) of section 404(a), before giving effect to the provisions of paragraph (7) thereof, and in accordance with the carryover provisions of section 404(d).

(iii) Any reductions or increases in the deductions in accordance with the provisions of paragraph (7) of section 404(a). However, if the information in this subdivision is filed prior to the filing of the information required by subparagraph (8) of this paragraph, then, in determining the limit of deduction under paragraph (7) of section 404(a), the applicable percentage of the compensation otherwise paid or accrued during the year may be used.

(b) For taxable years subsequent to the year for which all of the applicable information under paragraph (a) of this section (or corresponding provisions of prior regulations) has been filed, information is to be filed only to the following extent:

(1) If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in paragraph (a)(1), (2), or (7) of this section are based, a detailed statement explaining the change and its effect is to be filed only for the taxable year in which the change is put into effect. However, if there is no such change, unless otherwise requested by the district director, merely a statement that there is no such change is to be filed.

(2) The information specified in paragraph (a)(3) of this section which has been filed for a taxable year, unless otherwise requested by the district director and so long as the plan and the method and basis of allocations are not changed, is to be filed for subsequent years only to the extent of showing in the tabulation such information with respect to employees who, at any time in the taxable year, own, directly or indirectly, more than 5 percent of the voting stock, considering stock so owned by an individual's spouse or minor lineal descendant as owned by the individual for this purpose.

(3) The information specified in paragraph (a) (4), (5), (6), (8), and (9) of this section.

In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(c) If a deduction is claimed under section 404(a)(5) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other paragraphs of section 404(a), that the amount paid is an ordinary and necessary expense or an expense for the production of income, and that the employees' rights to, or derived from, such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid. In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(d) For the purpose of the information required by this section, contributions paid in a taxable year shall include those deemed to be so paid in accordance with the provisions of section 404(a)(6) and shall exclude those deemed to be paid in the prior taxable year in accordance with such provisions. As used in this section, "taxable year" refers to the taxable year of the employer and, unless otherwise requested by the district director, a "year" which is not specified as a "taxable year" may be taken as the taxable year of the employer or as the plan, trust, valuation, or group contract year with respect to which deductions are being claimed provided the same rule is followed consistently so that there is no gap or overlap in the information furnished for each item. In any case the date or period to which each item of information furnished relates should be clearly shown. All the information required by this section should be filed with the tax return for the taxable year in which the deduction is claimed, except that, unless sooner requested by the district director, such information, other than that specified in paragraph (a) (4)(i) and (9) of this section, may be filed within 12 months after the close of the taxable year provided there is filed with the tax return a statement that the information cannot reasonably be filed therewith, setting forth the reasons therefor.

(e) In any case all the information and data required by this section must be filed in the office of the district director in which the employer files his tax returns and must be filed independently of any information and data otherwise submitted in connection with a determination of the qualification of the trust or plan under section 401(a). The district director may, in addition, require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401. For taxable years ending on or before December 31, 1961, the district director may waive the filing of such information required by this section which he finds unnecessary in a particular case. For taxable years ending after December 31, 1961, the Commissioner may waive the filing of such information.

[F.R. Doc. 62-4536; Filed, May 9, 1962; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 295—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

On January 30, 1962, a notice of proposed rule making with respect to regulations designated Part 295 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (27 F.R. 860). The proposed regulations would revise the regulations, which relate to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States, in order to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275); to provide specific standards for the removal of such articles, without payment of tax, for use of the United States, and to make miscellaneous clarifying and conforming changes.

In accordance with the notice, interested persons were afforded an opportunity to submit for consideration any comments or suggestions pertaining thereto. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

1. Section 295.25 is changed by inserting after the word "removal" the phrase "under this part,".
2. Section 295.31 is changed by rewording the second sentence.
3. Section 295.46 is changed by striking the word "the" before the initials "U.S." in the second sentence of the quoted material.

Effective date. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

[SEAL] JOHN W. S. LITTLETON,
Acting Commissioner of Internal Revenue.

Approved: May 7, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of Part 295 of this Chapter as amended by T.D. 6379, effective July 1, 1959, and are promulgated in order to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275).

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

AUTHORITY: §§ 295.1 to 295.51 are issued under authority of section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

This part contains the regulations relating to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

Subpart B—Definitions

§ 295.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Armed forces. The Army, Navy (including the Marine Corps), Air Force, and Coast Guard.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Charge of the United States. A patient in a hospital or similar institution, or a Federal prisoner, if the hospital, institution, or prison is operated by a Federal agency and the support or care of such person results in a charge on, or an expense to, the United States Government.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Commissioner. The Commissioner of Internal Revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Federal agency. A department or agency of the United States Government, including the American National Red Cross, and the U.S. Soldiers Home, Washington, D.C.

Factory. The premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products or cigarette papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Administrative Provisions

§ 295.21 Alternate methods or procedures.

A manufacturer, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that:

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.22 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations:

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.23 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products or cigarette papers or tubes removed under this part are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 295.24 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 295.25 Unlawful purchase, receipt, possession, or sale of tobacco products or cigarette papers or tubes, after removal.

Any person who, with intent to defraud the United States, purchases, receives, possesses, offers for sale, or sells or otherwise disposes of tobacco products or cigarette papers or tubes which, after removal under this part, without payment of tax, have been diverted from the purpose or use specified in this part, shall be subject to the criminal penalties and provisions for forfeiture prescribed by law.

(72 Stat. 1424, 1425, 1426; 26 U.S.C. 5751, 5762, 5763)

Subpart D—Removals

§ 295.31 Restrictions.

Tobacco products and cigarette papers and tubes purchased by a Federal agency with funds appropriated by the Congress of the United States may be removed, without payment of tax, in accordance with this part, for delivery to such Federal agency for gratuitous distribution under the supervision of such agency. Such articles purchased by a donor from a manufacturer, or donated directly by a manufacturer, may also be removed, without payment of tax, in accordance with this part, for delivery to a Federal agency for gratuitous distribution under the supervision of such agency to (1) charges of the United States or (2) patients in a hospital or institution operated by the Government of a State or the District of Columbia where the Federal agency maintains a program for such distribution to members or veterans of the armed forces of the United States in such hospital or institution. Tobacco products and cigarette papers and tubes removed under the provisions of this part may not be sold subsequent to removal.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.32 Under manufacturer's bond.

Removals of tobacco products and cigarette papers and tubes under this part shall be made under the bond filed by the manufacturer of such articles to cover the operations of his factory as required by section 5711, I.R.C., and regulations issued thereunder.

(72 Stat. 1418, 1421; 26 U.S.C. 5704, 5711)

§ 295.33 Return of shipment to factory.

Tobacco products and cigarette papers and tubes which have been removed, under this part, may be returned to the factory without internal revenue supervision.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.34 Loss or shortage in shipment.

Immediately upon receipt of information of a loss of all or part of a shipment, or of a shortage therein, of tobacco products or cigarette papers or tubes removed under this part, the manufacturer shall notify the assistant regional commissioner for the region in which the factory from which the articles were removed is located, furnish all pertinent details with respect to the loss or shortage, and either pay the tax due thereon in accordance with the provisions of § 295.36, or file claim for remission of the tax liability under the provisions of Parts 270 or 285 of this chapter, as the case may be.

(72 Stat. 1417, 1419; 26 U.S.C. 5703, 5705)

§ 295.35 Liability for tax.

The manufacturer who removes tobacco products or cigarette papers or tubes under this part shall be liable for the taxes imposed thereon by section 5701, I.R.C., until such tobacco products or cigarette papers or tubes are received by the Federal agency. Any person who possesses tobacco products and cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 295.36 Payment of tax.

Any tax which becomes due and payable on tobacco products and cigarette papers and tubes removed under this part shall be paid to the district director, for the district in which the factory from which such articles were removed is located, with sufficient information to identify the taxpayer, the nature and purpose of the payment, and the articles covered by the payment: *Provided*, That a manufacturer of tobacco products or cigarette papers or tubes may pay any tax for which he becomes liable under this part by an appropriate adjustment in his current semimonthly tax return, Form 3071, or his monthly tax return, Form 2137, as the case may be. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778, 72 Stat. 1417; 26 U.S.C. 6313, 5703)

§ 295.37 Assessment.

Whenever any person required by law to pay tax on tobacco products and cigarette papers and tubes fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart E—Packaging Requirements

§ 295.41 Packages.

All tobacco products and cigarette papers and tubes shall, before removal under this part, be put up by the manufacturer in packages which shall be of such construction as will securely contain the articles therein and maintain the mark, notice, and label thereon, as required by this subpart. No package of tobacco products or cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, or (b) any indecent or immoral picture, print, or representation.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.42 Mark for packages of tobacco products.

Every package of tobacco products shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the name of the manufacturer removing such products and the location (by city and State) of the factory from which such products are to be so removed, or the permit number of such factory from which such products are to be so removed: *Provided*, That the Director may on application authorize a manufacturer to mark packages of tobacco products manufactured in and removed under this part from any of his factories with only the name of the manufacturer if the factory of production is identified on the package by a statement (e.g., manufactured in Richmond, Va.), symbol, or other means (other than a permit number), approved by the Director.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.43 Notice for manufactured tobacco.

Every package of manufactured tobacco shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco", "tobacco", or "snuff" and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.44 Notice for cigars.

Every package of cigars shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation which corresponds with the rate of tax imposed by section 5701(b)(2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.45 Notice for cigarettes.

Every package of cigarettes shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein, and the classification for tax purposes, i.e., for small cigarettes, either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.46 Tax-exempt label.

Every package of tobacco products and cigarette papers and tubes removed under this part shall have the words "Tax-Exempt. For use of U.S. Not To Be Sold." adequately imprinted on the package or on a label securely affixed thereto.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart F—Records

§ 295.51 Supporting record.

Every manufacturer who removes tobacco products and cigarette papers and tubes under this part shall, in addition to the records kept under Part 270 of this chapter, keep a supporting record of such removals and shall make appropriate entries therein at the time of removal. The supporting record shall show, with respect to each removal, the date of removal; the name and address of the Federal agency to which shipped or delivered, the quantity and, with respect to large cigars, the class, for tax purposes. Appropriate entries shall also be made in the supporting record of any tobacco products or cigarette papers or tubes removed under this part which are returned to the factory. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such orderly manner that such information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section. The supporting record shall be retained by the manufacturer for 3 years following the close of the year covered therein and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

[F.R. Doc. 62-4537; Filed, May 9, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 2]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

REQUIREMENTS FOR LICENSING

Notice of proposed rule making appeared in the FEDERAL REGISTER issue of April 21, 1962 (27 F.R. 3859). Consideration was given to data received relative to the proposed rules. The rules published as aforesaid have been adopted without substantive change as set forth below:

A new paragraph (g) is added to § 510.5 of Chapter IV of this title reading as follows:

§ 510.5 Requirements for licensing.

(g)(1) The purpose of this paragraph is to prescribe a temporary bonding rule and establish the form and amount of a surety bond to be filed with the Federal Maritime Commission by applicants for licenses as independent ocean freight forwarders, who on September 19, 1961, were not operating under a registration number issued by the Commission or who were so operating but failed to file an application for license in the prescribed form on or before January 17, 1962. This requirement is not applicable to other ocean freight forwarders.

(2) A rulemaking proceeding will be instituted at a later date for the promulgation of a bond in such form and amount as the Commission may require

for industry-wide applicability. All applicants temporarily licensed upon the basis of the bond prescribed herein will be required to comply with any future bonding regulations adopted by the Commission.

(3) No license shall be issued to a person to whom this paragraph is applicable unless such person has filed with the Commission a surety bond in the amount of $10,000 on Form FMC-59, in the following form:

FEDERAL MARITIME COMMISSION

Surety Co. Bond No. ______
FMC License No. ______

INDEPENDENT OCEAN FREIGHT FORWARDER'S BOND

(Section 44, Shipping Act of 1916.)

Know all men by these presents, That we __________, as Principal (hereinafter called Principal), and __________, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America in the sum of ______ dollars ($ ______) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has applied, or is about to apply, for a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, and has elected to file this bond with the Federal Maritime Commission;

Now, therefore, the Condition of this obligation is such that if the Principal shall, while this bond is in effect supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the ______ day of ______ 196__, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the Condition hereof occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Secretary, Federal Maritime Commission, Washington 25, D.C., of any claims against this bond.

Signed and sealed this __________ day of __________, 196__.

(Please type name of signer under each signature.)

______________ [SEAL] ______________
(Individual principal) (Business address)

______________ [SEAL] ______________
(Individual principal) (Business address)

______________ [SEAL] ______________
(Individual principal) (Business address)

______________ [Affix corporate seal]
(Corporate principal)

____
(Business address)

By ______________

____
(Title)

______________ [Affix corporate seal]
(Corporate surety)

____
(Business address)

By ______________

____
(Title)

(Secs. 43, 44, Shipping Act, 1916 (75 Stat. 522, 523, 766); sec. 204, Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114)

Effective date: The rule in this part shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 3, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-4541; Filed, May 9, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14499; FCC 62-460]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

Substitution of Certain Frequencies

In the matter of amendment of Parts 2 and 11 of the Commission's rules and regulations to substitute frequencies in the 162-174 Mc/s band available for assignment to non-Government stations transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of May 1962;

The Commission having under consideration the amendment of Parts 2 and 11 in the above-captioned matter;

It appearing that notice of proposed rule making in the above-entitled matter was adopted on February 6, 1962; and

It further appearing that notice of proposed rule making, which made provision for filing comments by March 16, 1962, and comments in reply by March 26, 1962, was duly published in the FEDERAL REGISTER on February 16, 1962 (27 F.R. 1459); and

It further appearing that comments were received from the National Committee for Utilities Radio, and that no reply comments were received; and

It further appearing, that the comments favored the proposal and are in agreement that the substitute frequencies in the 162-174 Mc/s band be made available to the non-Government hydrological and meteorological licensees; and

It further appearing, that no reason appears why the amendments should not be adopted as proposed, and that the public interest would be served thereby; and

It further appearing, that the authority for the issuance of this order is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That Parts 2 and 11 of the Commission's rules are amended effective June 11, 1962, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 3, 1962.

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

1. Footnote US13 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
169.425	170.275	171.125	406.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	406.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.025	412.775

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, 171.175, 171.975, or 406.050 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

2. Section 11.254(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
* *	* *	*
169.425	Operational fixed	4
169.450	do	4
169.475	do	4
169.500	do	4
169.525	do	4
170.225	do	4
170.250	do	4
170.275	do	4
170.300	do	4
170.325	do	4
171.025	do	4
171.050	do	4
171.075	do	4
171.100	do	4
171.125	do	4
171.825	do	4
171.850	do	4
171.875	do	4
171.900	do	4
171.925	do	4
* *	* *	*

3. Section 11.304(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
* *	* *	*
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2
* *	* *	*

4. Section 11.354(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
* *	* *	*
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2
* *	* *	*

5. Section 11.504(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
* *	* *	* *	*
169.425	Operational fixed	Hydrological	4
169.450	do	do	4
169.475	do	do	4
169.500	do	do	4
169.525	do	do	4
170.225	do	do	4
170.250	do	do	4
170.275	do	do	4
170.300	do	do	4
170.325	do	do	4
171.025	do	do	4
171.050	do	do	4
171.075	do	do	4
171.100	do	do	4
171.125	do	do	4
171.825	do	do	4
171.850	do	do	4
171.875	do	do	4
171.900	do	do	4
171.925	do	do	4
* *	* *	* *	*

6. Section 11.554(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
* *	* *	* *	*
169.425	Operational fixed	Hydrological	4
169.450	do	do	4
169.475	do	do	4
169.500	do	do	4
169.525	do	do	4
170.225	do	do	4
170.250	do	do	4
170.275	do	do	4
170.300	do	do	4
170.325	do	do	4
171.025	do	do	4
171.050	do	do	4
171.075	do	do	4
171.100	do	do	4
171.125	do	do	4
171.825	do	do	4
171.850	do	do	4
171.875	do	do	4
171.900	do	do	4
171.925	do	do	4
* *	*	* *	*

[F.R. Doc. 62-4492; Filed, May 9, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[Docket No. 33959]

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Quarterly Report Forms

At a session of the Interstate Commerce Commission, Division 2, held in its office in Washington, D.C., on the 1st day of May A.D. 1962.

By petition filed December 15, 1961, the American Trucking Associations, Inc., ask amendment of the order of March 7, 1961, in Motor Carrier Quarterly Report Form QFR–I (Class I Carriers of Property), 49 CFR 205.12 *Quarterly reports of property revenues, expenses, and statistics*, so that the terms thereof will not apply to Class I motor carriers of general freight subject to the terms of the order of March 7, 1961, in Motor Carrier Quarterly Report Form QFR–I–GF (Class I Common Carriers of General Freight), 49 CFR 205.12a *Quarterly reports of revenues, expenses and statistics—Class I common carriers of general freight;* petitioner also requests amendment of the latter order, 49 CFR 205.12a, so that quarterly reports filed under its terms will be due within 30 days after the close of the period to which they relate, in lieu of the 45 days now required, stating that carriers should have no difficulty filing Form QFR–I–GF within such period of 30 days. In connection with the requested amendment, continued reporting of data presently filed under Form QFR–I will require the addition of certain statistical items and a schedule, "Report of Man-Hours Paid for and Compensation of Drivers and Helpers", to revised Form QFR–I–GF, which items and schedule will be included therein.

Upon full consideration of the matters and things involved in the above described petition, and, it appearing that the changes to be made herein will not impose additional reporting burdens on carriers subject to the terms hereof, other than the reduction of time for filing Form QFR–I–GF, acceptable to the petitioner, compliance with the rule-making procedures of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, will be unnecessary:

It is ordered, That § 205.12 and 205.12a of the above-described orders of March 7, 1961, be, and they are hereby modified and amended, with respect to reports for the quarter ended September 30, 1962, and subsequent quarters, to read as shown below.

It is further ordered, That 49 CFR 205.12 and 205.12a be, and they are hereby, modified and amended to read as follows:

§ 205.12 Quarterly reports of property revenues, expenses and statistics.

Commencing with reports for the quarter ended September 30, 1962, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of property as defined in § 182.01-1 of this chapter, carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, except carriers of general freight subject to the terms of § 205.12a, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR-I (Property), which is attached to and made a part of this section.[1] Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

[1] Form filed as part of original document. Printed copies of the new quarterly report Form QFR-I-GF are not yet available. Copies will be served upon the carriers as soon as the supply is available.

§ 205.12a Quarterly reports of revenues, expenses, and statistics—Class I common carriers of general freight.

Commencing with reports for the quarter ended September 30, 1962, and for subsequent quarters thereafter, until further order, all Class I common carriers of general freight, included in Class I carriers, as defined in § 182.01-1 of this chapter, carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR-I-GF (General Freight), which is attached to and made a part of this section.[1] Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order, of Motor Carrier Quarterly Report Form QFR-I (Property), and of Form QFR-I-GF (General Freight), shall be served on all Class I common and contract motor carriers of property subject to the terms of the respective paragraphs thereof, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4532; Filed, May 9, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS AND DEVICES

Prescription Drugs; Further Proposal To Amend Labeling Requirements

In the FEDERAL REGISTER of November 10, 1961 (26 F.R. 10601), there was published a notice of proposal to amend § 1.106 of the prescription drug regulations. That notice stated in part:

The full disclosure requirements of § 1.106(b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Such circulars, brochures, etc. have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque * * *.

In response to the invitation to comment on the proposal, interested persons supplied a large amount of very pertinent and helpful comment. After consideration of the views submitted it was determined that a change should be made in the original proposal and that comment should be invited on this as well. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations providing for proper labeling of drugs in accordance with section 502 (c) and (f) of the act (21 CFR 1.106; 26 F.R. 295), as set forth below:

It is proposed to amend § 1.106 *Drugs and devices; directions for use* in the following respects:

1. By adding to paragraph (b) the following new subparagraph (6):

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use and/or suggested advantages of the drug.

(ii) Be in easily readable size and style of type. Eight-point type should be used, but 6-point type will be deemed to meet the requirements of this subdivision if through selection of a style of type and suitable spacing between lines, the printing is at least as legible and has at least the spacing of the following example:

The full disclosure requirements of § 1.106 (b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations

NOTE: Example is Ionic type, alphabet length 104 points, 2-point leaded.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not interfere with the readability of the printing on the other: *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as were used in the original publication in such journal.

2. By adding to paragraph (c) the following new subparagraph (7):

(7) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use and/or suggested advantages of the drug.

(ii) Be in easily readable size and style of type. Eight-point type should be used, but 6-point type will be deemed to meet the requirements of this subdivision if through selection of a style of type and suitable spacing between lines the printing is at least as legible and has at least the spacing of the following example:

The full disclosure requirements of § 1.106 (b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations

NOTE: Example is Ionic type, alphabet length 104 points, 2-point leaded.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not interfere with the readability of the printing on the other: *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as were used in the original publication in such journal.

3. By adding to paragraph (d) the following new subparagraph (6):

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use and/or suggested advantages of the device.

(ii) Be in easily readable size and style of type. Eight-point type should be used, but 6-point type will be deemed to meet the requirements of this subdivision if through selection of a style of type and suitable spacing between lines the printing is at least as legible and has at least the spacing of the following example:

The full disclosure requirements of § 1.106 (b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations

NOTE: Example is Ionic type, alphabet length 104 points, 2-point leaded.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not interfere with the readability of the printing on the other: *Provided, however*, That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as were used in the original publication in such journal.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: May 4, 1962.

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

[F.R. Doc. 62-4527; Filed, May 9, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 16, 17, 18]

MARKING, BRANDING AND IDENTIFYING MEAT, MEAT BY-PRODUCTS AND MEAT FOOD PRODUCTS; LABELING; REINSPECTION AND PREPARATION

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering amending §§ 16.13, 17.8, and 18.7 of the Federal Meat Inspection Regulations (9 CFR 16.13, 17.8 and 18.7) pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-96) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306).

The proposed amendments would add soy protein concentrate and calcium reduced dried skim milk to the lists in §§ 16.13(c); 17.8(c)(16), (27), (32), and (48); and 18.7(g) of permitted ingredients of sausage and certain other meat food products.

Soy protein concentrate is produced from soya flour by removing carbohydrates resulting in a concentrate having a minimum of 70 percent protein on a dry weight basis.

Calcium reduced dried skim milk is produced by modifying nonfat dry milk so that approximately 70 percent of its calcium is replaced by sodium.

The proposed amendment would serve to allow soy protein concentrate and calcium reduced dried skim milk in the same amounts under the same controls as for soya flour and nonfat dry milk, respectively.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of May 1962.

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

[F.R. Doc. 62-4546; Filed, May 9, 1962; 8:49 a.m.]

[9 CFR Part 76]

HOG CHOLERA, AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

On March 7, 1962, there was published in the FEDERAL REGISTER (27 F.R. 2179) a notice with respect to a proposed amendment of Part 76, Title 9, Code of Federal Regulations. After due consideration of all data, views, and arguments submitted in connection with the proposed amendment, it has been determined that certain modifications should be made therein. Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of September 6, 1961 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 75 Stat. 481), it is now proposed that the amended Part 76 read as follows:

GENERAL PROVISIONS

GENERAL PROVISIONS

§ 76.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator*. The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Division*. The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division*. The Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Hog cholera*. The contagious, infectious, and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine*. Swine that have been in contact with animals known to be or suspected of being affected with hog cholera.[1]

(f) *Virulent hog cholera virus*. The clear serum, plasma, or defibrinated blood derived from pigs sick of hog cholera.

(g) *Modified live virus vaccine*. A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of Chapter I, Title 9, Code of Federal Regulations.

(h) *Killed or inactivated hog cholera virus vaccine*. A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the

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[1] Research studies have shown that exposed animals may harbor hog cholera virus for indefinite periods; therefore the control and eradication of hog cholera requires that all such animals be included within the definition of exposed swine.

Secretary of Agriculture, issued pursuant to Subchapter E of Chapter I, Title 9, Code of Federal Regulations.

(i) *Garbage.* Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premises.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(k) *Cooked garbage.* Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(l) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(m) *Interstate.* From one State into or through any other State.

(n) *Quarantined area.* A State or area quarantined under this Part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Non-quarantined area.* Any State or area not quarantined under this Part because of hog cholera or other contagious, infectious, or communicable disease of swine.

(p) *Person.* Any person, company, or corporation.

(q) *Moved or movement.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(r) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable disease. Such stockyards are listed in 9 CFR § 78.14(a).

(s) *Approved stockyard or livestock market.* Any place where swine are assembled for public auction or private sale which is under State or Federal supervision, with an accredited veterinarian performing inspection and treatment of swine as prescribed in the regulations in this part, and which has been approved by the Director of Division under § 76.16.

(t) *Recognized slaughtering center.* Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(u) *Swine product.* Any carcass, part or offal of swine.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Clean stockyard.* A public stockyard or approved stockyard or livestock market in a quarantined area which is found by the Director of Division to be free from hog cholera and other contagious, infectious, or communicable diseases of swine.

(x) *Official vaccinates.* Swine vaccinated against hog cholera by one of the methods prescribed in § 76.9(b) or 76.10 (b) under the supervision of a Federal or State veterinary official, permanently identified as such a vaccinate as specified in this Part, and reported at the time of vaccination to the appropriate State or Federal agency.

§ 76.2 Notice relating to existence of hog cholera; quarantines; eradication States; and regulations.

(a) Notice is hereby given that hog cholera exists in swine in each State.

(b) There are no areas presently quarantined under these regulations because of hog cholera or other contagious, infectious, or communicable disease of swine.

(c) There are no States presently designated as hog cholera eradication States under these regulations.

(d) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of virulent hog cholera virus, with the exceptions as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(e) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this Part are promulgated to govern the interstate movement of swine and swine products.

§ 76.3 General restrictions.

Swine or swine products referred to in this part may not be moved interstate except in accordance with the regulations in this part.

MOVEMENT OF VIRULENT VIRUS AND SWINE TREATED WITH VIRULENT VIRUS

§ 76.4 Interstate movement of virulent hog cholera virus prohibited, except as provided.

On and after January 1, 1963, virulent hog cholera virus shall not be moved interstate except that:

(a) In specific cases and under such conditions as he may impose, the Director of the Animal Disease Eradication Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for particular purposes, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such shipments shall be accompanied by permits issued by the Animal Disease Eradication Division.

(b) In specific cases and under such conditions as he may impose, the Director of the Animal Inspection and Quarantine Division may authorize the interstate movement of stated quantities of virulent hog cholera virus for export, research, or biologics production, if he determines that such movement will not endanger swine or impair the hog cholera eradication program. Such shipments shall be accompanied by permits issued by the Animal Inspection and Quarantine Division.

§ 76.5 Interstate movement of swine treated with virulent virus prohibited except as provided.

On and after July 1, 1963, swine treated with virulent hog cholera virus, shall not be moved interstate, except as provided in this section.

(a) Swine treated with virulent virus, and not known to be affected with hog cholera, may be moved interstate if:

(1) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate and are consigned for immediate slaughter; or

(2) Such swine have not been treated with virulent hog cholera virus within 30 days immediately prior to movement interstate; are accompanied by a permit from the appropriate official of the State of destination; are moved interstate under such conditions as may be imposed by the Director of Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Division specifying any such condition imposed regarding the specific movement.

(b) Swine treated with virulent hog cholera virus for research and biologics production, and not known to be affected with hog cholera, may be moved interstate if accompanied by a permit from the appropriate official of the State of destination and under such conditions as may be imposed by the Director of the Animal Inspection and Quarantine Division in order to prevent such swine from endangering other swine and impairing the hog cholera eradication program; and are accompanied interstate by a certificate issued by the Animal Inspection and Quarantine Division specifying any such conditions imposed regarding the specific movement.

MOVEMENT OF DISEASED AND EXPOSED SWINE

§ 76.6 Interstate movement of diseased and exposed swine prohibited except as provided.

(a) No swine which are affected with hog cholera shall be moved interstate for any purpose.

(b) No swine known to be, or suspected of being, exposed to hog cholera shall be moved interstate except as provided in paragraph (c) of this section or in § 76.11 or § 76.13.

(c) Swine known to be, or suspected of being, exposed to hog cholera and which were officially vaccinated prior to such exposure and remained healthy for not less than 30 days following the last evidence of hog cholera in the herd, may be moved interstate under a certificate issued by a representative of the appropriate State or Federal agency for immediate slaughter at a recognized slaughtering center operating under Federal, State, or local meat inspection requirements; except that such movement may not be made into States designated in § 76.2(c).

INTERSTATE MOVEMENTS OF SWINE AND SWINE PRODUCTS

§ 76.7 Movements to recognized slaughtering centers, licensed establishments, public stockyards, or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera may be moved interstate to a recognized slaughtering center for immediate slaughter, or to a licensed establishment as defined in 9 CFR 101.1(q) for biologics production, or to a public stockyard, or to an approved stockyard or livestock market, and shall not be diverted en route for any other purpose; except that feeder, breeder, or stocker swine moved interstate for feeding, breeding, or stocking purposes from a public stockyard or approved stockyard or livestock market to another public stockyard or approved stockyard or livestock market shall be subject to the provisions of § 76.9(a).

§ 76.8 Interstate movement of swine for feeding, breeding, or stocking purposes prohibited except as provided.

No swine shall be moved interstate for feeding, breeding, or stocking purposes, except as provided in §§ 76.9 and 76.10.[2]

§ 76.9 Movements from public stockyards, or approved stockyards or livestock markets.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or stocking purposes from public stockyards or approved stockyards or livestock markets, to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported hogs for a period of not less than three weeks, if:

(1) The swine have not been treated with anti-hog cholera serum alone or antibody concentrate alone; and

(2) The swine are inspected by a Divison inspector or accredited veterinarian at such yard or market; and

(3) The swine, upon such inspection, are found free from symptoms of hog cholera, in a thrifty condition, and are treated by a competent veterinarian under Division supervision, or by an accredited veterinarian in an approved stockyard or livestock market, in a portion of the yard or market set aside for that purpose, in accordance with the provisions of paragraph (b) of this section: *Provided, however*, That swine officially vaccinated with modified live virus vaccine and serum prior to inspection or officially vaccinated with killed or inactivated hog cholera vaccine not less than 21 days prior to inspection[3] are not required to be so treated but are subject to the other provisions of this paragraph; and

(4) The swine are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(5) The swine are accompanied by a health certificate issued by a Division inspector at the public stockyard, or the accredited veterinarian at the approved stockyard or livestock market, showing place and date of issue, destination of shipment, record of official vaccination, and the permanent identification of the swine, and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases; with a copy of the certificate forwarded to the appropriate livestock sanitary official of the State of destination; and

(6) The swine are transported in a clean and disinfected vehicle: *Provided, however*, That if the vehicle is not regularly used to transport livestock disinfection is not required.

(b) *Simultaneous inoculation method.* Swine required under this section to be treated shall be given simultaneous inoculation with anti-hog cholera serum or antibody concentrate and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The dosage of serum or antibody concentrate used with modified live virus vaccine shall be as follows:

(1) The dosage of serum or antibody concentrate for the treatment of swine shall in no instance be less than the respective dosage specified in subparagraph (2) of this section. The dosage of modified live virus vaccine for the treatment of swine should be the respective dosage suggested in subparagraph (3) of this paragraph.

(2) *Dosage of anti-hog cholera serum or antibody concentrate.* Except for swine under 20 pounds in weight, the dosage of serum should not exceed one cc. per pound body weight, or ½ cc. per pound body weight if antibody concentrate is used.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose antibody concentrate (cubic centimeters)
Under 60	20	10
60-120	30	15
Over 120	40	20

(3) *Dosage of modified live virus vaccine.* The dosage of modified live virus vaccine should be that recommended on the product label by the license manufacturer for use with the amounts of anti-hog cholera serum or antibody concentrate given in subparagraph (2) of this paragraph.

§ 76.10 Other movements for feeding, breeding, or stocking purposes.

Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or stocking purposes to any destination if:

(a) The swin have not been treated with anti-hog cholera serum alone or antibody concentrate alone; and

(b) The swine are officially vaccinated not less than 21 days nor more than 1 year prior to shipment with the simultaneous inoculation of modified live virus vaccine prepared under license from the Secretary of Agriculture and a minimum of 15 cc. of anti-hog cholera serum or 7.5 cc. of antibody concentrate; or are officially vaccinated not less than 21 days nor more than 6 months prior to shipment with killed or inactivated hog cholera virus vaccine prepared under license from the Secretary of Agriculture;[3] with the dosage of such vaccines to be that recommended on the product label by the licensed manufacturer; and

(c) The swine are permanently identified as official vaccinates by individual eartag or other proper individual identification; and

(d) The swine are accompanied by a health certificate issued by an accredited veterinarian specifying the permanent individual identification of the swine and showing consignee, consignor, record of official vaccination, and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases. A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

§ 76.11 Movement of swine and swine products from a quarantined area.

(a) Movement of swine: Swine may be moved interstate under this Part from a quarantined area to an establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the Division or a veterinarian specifically approved for this purpose by the Director of Division, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of hog cholera or other contagious, infectious, or communicable disease.

(b) Movement of swine products: (1) Swine products may be moved interstate under this Part from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Director of Division for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Division.

(2) The following swine products may be moved interstate under this part from a quarantined area under such conditions as may be prescribed by the Director of Division to prevent the spread of hog cholera and other contagious, infectious, or communicable disease: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases; (ii) swine products derived from swine, permitted interstate movement

[2] In each instance the regulations of the State of destination should be consulted before shipments are made.

[3] A period of at least 21 days is required for the development of immunity following the administration of killed or inactivated hog cholera vaccine; therefore this product should be used only for swine that have not been exposed to hog cholera and which will not be in contact with other herds, or in transit, for at least 21 days following administration.

under this part, which were moved from a non-quarantined area directly to a clean stockyard in a quarantined area and which were slaughtered immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Director in a manner approved by said Director as adequate to prevent the spread of hog cholera and other contagious, infectious, or communicable diseases, and, if required by said Director, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this Part, which were moved from a non-quarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Director. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) Swine and swine products in transit between points in non-quarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.12 Movement of swine and swine products through a quarantined area.

Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Division and have been cleaned and disinfected before such use in a manner approved by the Division and under the supervision of a person authorized for the purpose by the Division.

§ 76.13 Movement of swine and swine products for special processing.

Swine which have been exposed to hog cholera, or other contagious, infectious, or communicable disease, and swine products derived from such swine, may be moved interstate to an establishment for slaughter and special processing, or for special processing, as the case may be, if moved under Division seals or accompanied by a representative of the Division or a person specifically authorized for the purpose by the Director of Division.

§ 76.14 Special processing of swine products.

All swine products required under the regulations in this Part to be specially processed shall be heated to an internal temperature of at least 147° F. for 30 minutes.

§ 76.15 Movement of specially processed swine products.

Except as provided in § 76.11 and § 76.18, swine products which have been specially processed may be moved interstate without restriction under this part.

§ 76.16 Approved stockyards and livestock markets.

(a) Notices containing lists of stockyards and livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to these stockyards and livestock markets may also be obtained from the Division.

(b) The Director of Division is hereby authorized to approve stockyards and livestock markets for the purpose of the regulations in this part when he determines that the inspection and handling of swine are adequate to effectuate the purposes of the regulations in this part; and to remove any stockyard or market from the approved list when he finds that the inspection or handling of swine at such stockyard or market is no longer adequate to effectuate the purposes of such regulations.

§ 76.17 Notice relating to spread of disease through raw garbage.

Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, or other contagious, infectious, or communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

§ 76.18 Movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part to a slaughtering establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U.S.C. 71 et seq.), which handles products of swine fed any raw garbage, but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of Division as adequate to prevent the spread of disease, may be moved interstate without other restriction under this section.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, which handles any products of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate under this section if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such products have been handled as specified in subparagraph (1) of this paragraph.

§ 76.19 Other movements.

The Director of Division may authorize the interstate movement of swine or swine products, not otherwise authorized under this Part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases. The appropriate livestock sanitary officials of the State involved shall be promptly notified of any such action.

CLEANING AND DISINFECTION OF VEHICLES AND FACILITIES

§ 76.30 Disinfection of vehicles which have contained interstate movements of diseased swine.

Any railroad car, boat, truck, or other vehicle which has contained an interstate movement of swine affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected as soon as possible after the swine are unloaded and before further use. Any vehicle that has contained an interstate movement of swine destined to a place where Division inspection is maintained shall not be moved from such place until a Division inspector has ascertained the condition of the animals and the vehicle has been released or has been cleaned and disinfected, as directed by the inspector, in accordance with §§ 71.4–71.11 of this subchapter.

§ 76.31 Cleaning and disinfecting vehicles and facilities.

(a) Any railroad car, boat, truck, or other vehicle, and its equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine shall be kept clean.

(b) The Director of Division may require the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting is necessary to guard against the spread of disease.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section.

(d) The cleaning and disinfecting required by this section shall be done without expense to the Division.

(e) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with disinfectants as prescribed in § 76.33. The following prescribed method of cleaning and disinfecting of other facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with disinfectants as prescribed in § 76.33.

§ 76.32 Cleaning and disinfecting public stockyards, and approved stockyards and livestock markets.

(a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any approved stockyard or livestock market, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to hog cholera or other contagious, infectious, or communicable disease, or when the Director has reason to believe may have been so infected or exposed, which he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard or market, or any portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencings, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.33.

§ 76.33 Disinfectants to be used.

The disinfections required under the regulations in this Part shall be performed with one of the following; except that in disinfections required because of hog cholera such disinfections shall be performed with the disinfectant as specified under paragraph (d) of this section:

(a) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.

(b) Sal soda used at the rate of 13½ ounces to one gallon of water.

(c) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(d) Permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under 9 CFR 71.10 and 71.11.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 40 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of May 1962.

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

[F.R. Doc. 62-4526; Filed, May 9, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-CE-26]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6214 and 601.6214 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 214 and its associated control areas are designated from Columbus, Ohio, to Pittsburgh, Pa. The Federal Aviation Agency has under consideration the alteration of Victor 214 by designating a new segment from the Richmond, Ind., VOR eastward to the Liberty Intersection (intersection of the Richmond VOR 090° and the Rosewood, Ohio, VORTAC 202° True radials).

Improved traffic control procedures have recently been inaugurated in the Dayton, Ohio, terminal area. As a result of these revised procedures, aircraft inbound to Dayton Municipal Airport and Wright-Patterson Air Force Base from the west and south are routed to clearance fixes via the Richmond 090° True radial. The designation of this clearance route as a Federal airway would improve air traffic service by reducing air traffic clearance phraseology. This action would result in a break in the airway between Liberty and Columbus. However, in the interest of chart simplification, existing airway numbers are used wherever possible in lieu of adding additional airway numbers.

The control areas associated with this airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. 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 25, 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 Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, 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 May 3, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4510; Filed, May 9, 1962; 8:46 a.m.]