anticipated aircraft environmental conditions. The spurious emission requirements were revised to provide more protection to other electronic equipment in the aircraft. A new FAA Standard replacing RTCA Paper 89-50/DO-59 also was issued.

Interested persons have participated in the making of the amendment by submitting comments in response to the draft release. A complete record of the disposition of comments is available in the docket of this TSO on file with the Federal Aviation Agency, Washington, D.C.

One comment recommended that the vibration requirements be made more severe than those specified in the proposed TSO. This was not adopted since the vibration requirements in the proposed TSO are considered satisfactory and will provide an adequate level of safety for airborne electronic equipment. The TSO specifies only minimum required levels for safety and optimum requirements are not imposed.

A comment was made that TSO's for both localizer and glide slope receiving equipment should place greater emphasis on the type of warning devices used and should cover the method of display to obtain improvement over presently provided but inadequate warning devices. The Agency has this matter under study and should the findings confirm the need for a change, will separately modify the TSO's.

A comment was made that normally the localizer and VOR receiving equipment are included in the same equipment case. It would be logical then to test both the localizer and VOR receiving equipment to the same environmental test procedures. Since this TSO amends the environmental test procedures for the localizer equipment, TSO-C40a covering the VOR receiving equipment should also be amended at an early date to incorporate the same environmental test procedures. The revision to TSO-C40a is underway by the Agency at this time and publication as a notice of proposed rulemaking will occur in the near future.

It was recommended that the title of the TSO be changed to incorporate the frequency range over which the equipment is intended to operate. The Agency concurs with this and the title has been so revised.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by revising § 514.61 as follows:

§ 514.61 Airborne ILS localizer receiving equipment operating within the radio-frequency range of 108–112 megacycles—TSO-C36b.

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne ILS localizer receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS localizer receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Localizer Receiving Equipment",[1] dated June 15, 1962, and Radio Technical Commission for Aeronautics Paper 120-61/DO-108 entitled "Enviromental Test Procedures Airborne Electronic Equipment",[2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) Radio Technical Commission for Aeronautics Paper 120-61/DO-108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120-61/DO-108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;

(ii) Humidity Test—Categories A or B;

(iii) Vibration Test—Categories A, B, C, D, E, or F;

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(v) Radio-Frequency Susceptibility Test—Category A; and

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120-61/DO-108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120-61/DO-108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env Cat. $^{A}_{D}$ABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 514.2 the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

Effective date. January 1, 1964.

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

Issued in Washington, D.C., on September 5, 1963.

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

[F.R. Doc. 63-9773; Filed, Sept. 12, 1963; 8:47 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 42—EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Dried Eggs, Dried Whole Eggs; Confirmation of Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of July 31, 1963 (28 F.R. 7776), amending the standard for dried eggs and dried whole eggs to provide for the optional use of less than 2 percent of sodium silicoaluminate as an anticaking ingredient. Accordingly, the amendment to the definition and standard of identity promulgated by that order will become effective September 29, 1963.

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

Dated: September 9, 1963.

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

[F.R. Doc. 63-9794; Filed, Sept. 12, 1963; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Dextromethorphan Hydrobromide Preparations; Change in Dosage Limitations

There was published in the FEDERAL REGISTER of May 25, 1962 (27 F.R. 4938), notice of a proposal to amend § 130.102 (a) (14) (iv) for the purpose of relaxing the dosage limitations of certain dextromethorphan hydrobromide preparations exempted from the prescription-dispensing requirements of section 503(b) (1) (C) of the Federal Food, Drug, and Cosmetic Act. The only comment filed within the 30-day period stipulated in the above-identified notice suggested a change that would materially alter the original proposal but raised no question regarding safety of the drug when used as directed in over-the-counter labeling. Therefore, the amendment set forth below is ordered, effective 30 days from the date of publication in the FEDERAL REGISTER, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended 72 Stat. 948; 21 U.S.C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

Section 130.102(a) (14) (iv) is amended to read as follows:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(14) * * *

(iv) The preparation contains not more than 30 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 6 milligrams of dextromethorphan hydrobromide per milliliter.

(Secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended, 72 Stat. 948; 21 U.S.C. 353, 355, 371)

Dated: September 9, 1963.

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

[F.R. Doc. 63-9795; Filed, Sept. 12, 1963; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 25—RULES FOR THE NOMINATION OF ARBITRATORS UNDER SECTION 11 OF EXECUTIVE ORDER 10988

Pursuant to the above order, I hereby establish the regulations set forth below. The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters which relate only to agency management and personnel. I do not believe such procedures will serve a useful purpose here. Accordingly, these regulations shall become effective immediately.

A new 29 CFR Part 25 is established to read as follows:

AUTHORITY: §§ 25.1 to 25.8 issued under sec. 11, E.O. 10988, 27 F.R. 555.

§ 25.1 Purpose and scope.

These procedures govern the nomination of arbitrators by the Secretary to perform the advisory functions specified under section 11 of Executive Order 10988. Any arbitrators so nominated will be available for either or both of the following purposes: (a) To investigate the facts and issue an advisory decision with respect to the appropriateness of a unit of Federal employees for the purpose of exclusive recognition and as to related issues submitted for consideration; or (b) to determine and advise whether an employee organization represents a majority of employees in an appropriate unit by conducting or supervising an election (wherein a majority of those voting, provided there is a representative vote, cast their ballots for or against representation), or by other appropriate means. A request for a nomination will be considered as contemplating the performance of functions within the above categories if it specifies as a purpose obtaining an advisory decision on one or more questions involved in a unit determination or determination of majority status, such as an advisory decision on the eligibility of voters or the right to appear on the ballot, arising in connection with an election to be held, or on a question relating to matters affecting the results of an election which took place afer the agreement to conduct the election had been entered into, provided such conduct materially affected the results of the election. Subject to compliance with these procedures, the Secretary will nominate an arbitrator whenever he is so requested by an agency or by an employee organization which is seeking recognition as the exclusive representative of Federal employees in a prima facie appropriate unit and which meets all the prerequisites for seeking such recognition.

§ 25.2 Definitions.

When used in these procedures,

(a) "Order" means Executive Order No. 10988;

(b) "Agency", "employee organization", and "employee" have the same meaning as in the Order;

(c) "Recognition" means recognition which is or may be accorded to an employee organization pursuant to the provisions of the Order;

(d) "Secretary" means the Secretary of Labor.

§ 25.3 Requests for nomination of arbitrators: filing, disputes, parties, time.

(a) Requests for nominations should be filed only where there exists a dispute or problem which cannot more appropriately be resolved through regular agency procedures. Parties, therefore, are expected to eliminate from their requests matters not necessary to the resolution of such dispute or problem and to use their best efforts to secure agreement on as many issues as possible before making the request.

(b) Requests for nominations may be filed either by an agency, or by an employee organization as described in § 25.1, or jointly by an agency and one or more employee organizations. Joint requests are encouraged.

(c) Subject to the provisions of paragraph (a) of this section, the Secretary will entertain on its merits a request by an employee organization for nomination of an arbitrator on a question of unit determination which is made within 30 days after receipt of an agency's final unit determination or 75 days after an appropriate request for exclusive recognition and no final unit determination has been received from the agency, provided the organization has observed any reasonable time limits established by the agency for the processing of such requests within the agency. The Secretary will entertain on its merits a request by an employee organization for nomination of an arbitrator on a question of majority representation which is made within 15 days after an agency's decision with respect to a determination of majority representation. Any request by an employee organization for the nomination of an arbitrator will be considered untimely if:

(1) A written request for exclusive recognition was not made prior to the grant of such recognition to another organization provided such grant was preceded by posted notice to all employees in the unit and written notice to all organizations known to represent such employees that a request for ex-

clusive recognition was under consideration.

(2) A written request for exclusive recognition was not made within 5 days after the agency posted appropriate notice of its intention to conduct an election to determine majority status, or more than 10 days before the date of the election.

(3) It was made less than 12 months after an agency's final unit determination with respect to such unit or subdivision thereof in a proceeding in which the organization sought exclusive recognition but failed to file a timely request for arbitration under these rules.

(4) It was made less than 12 months after a unit determination following a section 11 proceeding covering such unit or any subdivision thereof.

(5) The time limits set forth in this paragraph will be applied to all requests filed on or after October 15, 1963.

(d) No request contemplating an advisory determination as to whether an employee organization should become or continue to be recognized as the exclusive representative of employees in any unit will be entertained if the request is filed within 12 months after a prior determination of exclusive status has been made pursuant to the Order with respect to such unit unless the agency has withdrawn exclusive recognition from an employee organization by reason of its failure to maintain its compliance with sections 2 and 3(a) of the Order or with the Standards of Conduct for Employee Organizations and Code of Fair Labor Practices and the agency advises the Secretary that it has no objection to a new determination of exclusive representation being made within the 12-month period.

§ 25.4 **Contents of requests; service on other parties; answer; intervention.**

(a) Requests for nominations [1] shall be in triplicate and contain the following information:

(1) The name of the agency and the name and address of any office or branch of the agency below the national level that may be involved;

(2) A description of the unit appropriate for exclusive representation or claimed to be appropriate for such representation;

(3) The number of employees in the appropriate unit or any alleged appropriate unit;

(4) If the request is by an employee organization, the name, affiliation, if any, and address of the organization and the names, if known, of all other employee organizations claiming exclusive recognition, or having requested or attained formal or informal recognition with respect to any of the employees in the unit involved;

(5) If the request is by an agency, the names, affiliation, if any, and addresses of the employee organization or organizations claiming exclusive recognition and of any employee organization which has requested or attained formal or informal recognition with respect to any of the employees in the unit involved;

(6) A brief statement indicating specifically the matter or matters with respect to which an advisory decision or determination is sought;

(7) A brief statement of procedures followed by and before the agency prior to the request, two copies of any appropriate agency determination and two copies of all correspondence relating to the dispute or problem;

(8) If the request is made by an employee organization, an indication of the interest of such organization, including information or data such as membership lists, employee petitions or dues records showing prima facie that the organization has sufficient membership to qualify for formal recognition, and that it represents no less than 30 percent of the employees, in the appropriate unit or alleged appropriate unit; and

(9) Any other relevant facts.

(b) A party making a request shall furnish copies to all other parties or organizations listed in the request in compliance with paragraph (a) of this section; except that membership lists, employee petitions or dues records need not be furnished by the requesting employee organization to the other parties or organizations.

(c) Any employee organization claiming to have an interest in the matter or matters to be considered by an arbitrator as to the appropriateness of a unit or majority representation must have advised the agency of its position, in the manner prescribed by the agency's rules, and must have satisfied all of the requirements of section 5 of the Order and paragraph (a)(8) of this section; except that, any employee organization which has satisfied all of the requirements of section 5 of the Order except for the 10 percent membership requirement shall be entitled to receive notice of the proceeding and to participate therein if it represents at least two members and/or is designated by at least two employees as their representative in the unit alleged to be appropriate by the employee organization seeking exclusive recognition or the unit alleged to be appropriate by the agency, provided, however, that such intervening employee organization may not request a unit different than that sought by the employee organization seeking exclusive recognition or the unit claimed to be appropriate by the agency.

(d) Within fifteen (15) days following the receipt of a copy of any request for a nomination filed with the Secretary, the agency or any employee organization may file a response thereto with the Secretary, raising any matter which is relevant to the request including the adequacy of the showing of interest and the appropriateness of the unit under terms of the Order or these procedures. A copy of any response shall be furnished to other parties and organizations listed in the request, in the manner provided in paragraph (b) of this section.

§ 25.5 **Action to be taken by the Secretary; nomination and selection.**

(a) Upon receipt of a request and the responses, if any, the Secretary shall make such further inquiries as may be necessary to determine his authority under the Order and these procedures; whether a timely request for nomination has been made; whether a valid question concerning representation exists in a prima facie appropriate unit; or for the purpose of obtaining a further specification of the issues or matters to be submitted for an advisory decision or determination, or assisting or advising the persons nominated or considered for nomination or otherwise facilitating submission of the matter to such person or persons in a manner that will permit an expeditious decision or determination.

(b) The Secretary will determine the adequacy of the showing of interest administratively, and such determination shall not be subject to collateral attack at a hearing before an arbitrator.

(c) The Secretary shall nominate not less than three arbitrators. Within 5 days the parties may indicate their order of preference from among those nominated. The Secretary will thereafter make a selection from among the nominees listed.

§ 25.6 **Time; additional time after service by mail.**

(a) In computing any period of time prescribed or allowed by the rules of this part, the date of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a Federal legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a Federal legal holiday. When the period of time prescribed, or allowed, is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded from the computations. Whenever a party has the right or is required to do some act or take some other proceedings within a prescribed period after service of a notice or other paper upon the Secretary or a party and the notice is served upon him by mail, 3 days shall be added to the prescribed period: *Provided, however*, That 3 days shall not be added if any extension of such time may have been granted.

(b) When these rules require the filing of any paper, such document must be received by the Secretary or a party before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 25.7 **Fees; cost; expenses; decisions.**

(a) Arbitrator's fees, per diem and travel expenses, and election expenses for notices, ballots, postage, rentals, assistance, etc., shall be borne entirely by the agency.

(b) The standard fee for the services of an arbitrator should be $100 per day. Travel and per diem should be paid at the maximum rate payable to Government employees under the Standardized Government Travel Regulations.

(c) The agency should provide the arbitrator with a copy of the transcript of testimony taken at the hearing, such transcript to be returned to the agency

[1] Requests should be on forms which will be supplied by the Secretary upon request.

upon the issuance of the arbitrator's advisory decision.

(d) Costs involving assistance rendered by the Secretary's Office in connection with advisory decisions or determinations under section 11 of the order shall be limited to per diem, travel expenses and services on a time-worked basis.

(e) Upon request, the Secretary will make available copies of advisory decisions of arbitrators.

§ 25.8 Construction of rules.

The rules shall be liberally construed to effectuate the purposes and provisions of the order.

Signed at Washington, D.C., this 7th day of September 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-9780; Filed, Sept. 12, 1963; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

[CGFR 63-50]

PART 136—MARINE INVESTIGATION REGULATIONS

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Payment of Witness Fees, Subsistence and Mileage

The purpose for the amendments to 46 CFR 136.11-10(b) and 137.17-1(b) is to revise the procedures followed in the payment of the witness fees, subsistence and mileage to agree with current practices. Because the amendments in this document describe procedures and practices, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule-making, public rulemaking procedure thereon and effective date requirements) is exempted by specific provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-9 dated August 3, 1954 (19 F.R. 5195), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976), and 167-20 dated June 18, 1956 (21 F.R. 4894), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication in the FEDERAL REGISTER.

In Part 136—Marine Investigation Regulations, subpart 136.11—Witnesses and Witness Fees, the introductory sentence only of § 136.11-10(b) is amended to read as follows:

§ 136.11-10 Witness fees, subsistence and mileage.

* * * * *

(b) Upon receipt of such claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the following scale and submit it to the appropriate disbursing officer for payment:

(R.S. 4405, as amended, 4462, as amended, secs. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 375, 416, 14 U.S.C. 2, 633. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 93 (e), (f), 63 Stat. 504, secs. 10-13, 18 Stat. 128, as amended, sec. 15, 38 Stat. 1184, as amended, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 526p, 1333, 390b, 14 U.S.C. 93 (e), (f), 33 U.S.C. 361-364, 365, 43 U.S.C. 1333, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; 167-20, June 18, 1956, 21 F.R. 4894)

In Part 137—Suspension and Revocation Proceedings, Subpart 137.17—Witness Fees, § 137.17-1(b) is amended to read as follows:

§ 137.17-1 Witness's request for payment of fees.

* * * * *

(b) Upon receipt of the witness's claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the scale of fees, subsistence, and mileage in § 137.17-5, and submit it to the appropriate disbursing officer for payment.

(R.S. 4405, as amended, 4462, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633. Interpret or apply R.S. 4426, as amended, 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 54 Stat. 165, as amended, secs. 1 to 12, 60 Stat. 237-244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 5 U.S.C. 1001-1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, August 3, 1954, 19 F.R. 5195; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976; 167-20, June 18, 1956, 21 F.R. 4894)

Dated: August 29, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 63-9799; Filed, Sept. 12, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 33]

EXPORTATION OF APPLES AND PEARS

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the proposed amendment of the Regulations (7 CFR, Part 33), as hereinafter set forth, pursuant to the provisions of the Export Apple and Pear Act, as amended (48 Stat. 123; 7 U.S.C. 581-589), and the authority set forth in § 7.48 Stat. 124; 7 U.S.C. 587.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments to the regulations should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington, D.C., 20250, not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments would (1) raise the minimum grade requirement prescribed in § 33.10 for apples from U.S. No. 1 Cooker to U.S. No. 1, and (2) require that the inspection and certification set forth in § 33.11 be performed within 20 days prior to date of export for transcontinental shipments and within 10 days prior to date of export for all other shipments, (3) add a definition of "date of export," and (4) delete Cuba as a destination to which the 400 box exemption for pears applies.

The proposed definition and the text of §§ 33.9, 33.10, 33.11 and 33.12 as proposed to be amended are as follows:

§ 33.9 **Date of export.**

"Date of export" means the date of loading on board the exporting carrier on which movement of the apples or pears from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the apples or pears were loaded on board, unless an "on board" date is shown.

§ 33.10 **Minimum requirements.**

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No. 1 grade or U.S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300-51.323 of this chapter; 28 F.R. 9685), do not contain apple maggot and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 grade, as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260-51.1280 of this chapter), or in the United States Standards for Winter Pears, such as Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300-51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

(c) Each package of apples or pears is packed so that the apples or pears in the top layer shall be reasonably representative in size, color, and quality of the contents of the package; and

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section or in § 33.12; and (4) the numerical count or the minimum size.

§ 33.11 **Inspection and certification.**

(a) Each person shipping or offering for shipment, apples or pears to any foreign destination shall cause them to be inspected and certified as meeting the requirements of the act and this part by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this Chapter). Such inspection and certification shall be performed within 20 days prior to date of export for transcontinental shipments and within 10 days of such date for all other shipments. Such certification shall be in the form of an "Export Form Certificate" or "Memorandum of Inspection" bearing the statement: "Meets Export Apple and Pear Act."

(b) No carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless such apples or pears are accompanied by a copy of the "Export Form Certificate" or "Memorandum of Inspection" issued within the applicable time limit prescribed in paragraph (a) of this section.

(c) The shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the export carrier. Whenever apples or pears are inspected and certified at any point other than the port of exportation, the shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the agent of the first carrier that thereafter transports such apples or pears and such agent shall deliver such copy to the proper official of the carrier on which the apples or pears, covered by such certificate or memorandum, are to be exported.

(d) A copy of the Export Form Certificate or Memorandum of Inspection shall be filed by the export carrier for a period of not less than three (3) years after date of export.

(e) If the inspector has reason to believe that samples of a lot of apples or pears have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

§ 33.12 **Apples and pears not subject to regulations and for processing.**

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A shipment of a quantity of apples or pears not exceeding a total of 1,250 pounds gross weight, or 25 boxes of apples packed in a standard Northwestern apple box, standard Eastern apple box or container equivalent thereto, or 25 boxes of pears packed in a standard pear box or container equivalent thereto; and shipments of pears to Venezuela, not exceeding 20,000 pounds gross weight or 400 standard pear boxes or containers equivalent thereto.

(b) Apples or pears to Pacific ports west of the International Date Line which do not meet maturity standards of the grade specified in § 33.10, if the packages are conspicuously marked or printed with the words "Immature Fruit;" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(c) Apples for processing which do not meet the grade standards specified in § 33.10, if such apples grade at least U.S. No. 1 as specified in U.S. Standards for Apples for Processing (§§ 51.340 to 51.344 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(d) Pears for processing which do not meet the grade standards specified in § 33.10, if such pears grade at least U.S. No. 1 as specified in U.S. Standards for Pears for Canning (§§ 51.1345 to 51.1358 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting other requirements of §§ 33.10 and 33.11.

Dated: September 9, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-9804; Filed, Sept. 12, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Handling; Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the following Rules and Regulations submitted by the Cranberry Marketing Committee established under the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), as the agency to administer the terms and provisions thereof:

§ 929.101 Minimum exemption.

Any handler who handles not more than 25 barrels of cranberries during the fiscal year shall be relieved from the requirements of §§ 929.41 *Assessment* and 929.54 *Withholding and Inspection*. The requirements of § 929.60 *Reporting* are applicable to such a handler.

§ 929.102 Unscreened lots—Sampling procedure to determine percentage of screened cranberries.

To determine the percentage of screened cranberries contained in unscreened lots withheld pursuant to § 929.54:

(a) Select representative boxes from the lot to be sampled. The sample must be no less than 2 percent of the berries in the lot.

(b) After cleaning the sample to remove chaff, weigh the cleaned berries. Deduct the weight of the boxes in the sample to determine the net weight of the cleaned berries. Divide that weight by the number of boxes in the sample, which gives the net weight per box. Multiply the net weight per box by the number of boxes in the lot. The product represents the net weight of the berries in the unscreened lot.

(c) Run the cleaned berries through a separator with a $\frac{9}{32}$ inch screen and the bounce boards in the lowest position.

(d) Rerun the berries collected from the lower three bounce boards through the separator.

(e) Thoroughly mix the berries collected from the upper four bounce boards. Determine the percentage of sound berries in the lot by counting the sound and unsound berries in a selected cup (1 pint) of the berries collected from the upper four bounce boards.

(f) Add 5 percent to the percentage of sound berries. (This makes it comparable to lots of screened cranberries which contain an average of 5 percent unsound berries); however, the final percentage of sound berries may not exceed 100 percent.

(g) Multiply the net weight of the berries in the unscreened lot by the final percentage. The product is the quantity of screened cranberries in the unscreened lot.

§ 929.103 Inspection procedure.

(a) Inspection shall be limited to any plant, storage facility, or other location within the production area, where facilities suitable to the inspection agency are available for sampling, weighing and inspection of cranberries.

(b) The handler offering cranberries for inspection, shall furnish the necessary labor and pay the costs of moving, weighing, and otherwise making available to the inspector the sample he chooses for inspection. The size of the sample shall be determined by the inspector and, in the case of inspection of a lot of unscreened cranberries, shall be screened by the handler under the supervision of the inspector.

(c) The inspection certificate shall show the quantity of cranberries in such lot which meets the requirements established for withheld cranberries pursuant to § 929.54(c).

§ 929.104 Outlets for restricted cranberries.

(a) After inspection pursuant to § 929.54(c), cranberries withheld from handling may be disposed of in the following noncompetitive outlets:

(1) Export to foreign countries, except Canada.

(2) For consumption by charitable institutions.

(3) Nonhuman food use.

(4) Research and development projects, approved by the United States Department of Agriculture, for the development of foreign markets. Such disposition is limited, however, to research projects dealing with dehydration, radiation, or freeze drying of cranberries.

(b) To receive withholding credit for cranberries disposed of in these noncompetitive outlets, the handler shall also meet the following requirements:

(1) In disposition in exports, submit to the Committee a copy of the on-board bill of lading showing the amount of cranberries loaded for export.

(2) In disposition to charitable institutions, submit to the Committee a statement from the charitable institution showing the quantity of cranberries received and certifying that the cranberries will be consumed by the institution.

(3) In disposition in nonhuman food uses, notify the Committee 48 hours prior to the disposition to enable an inspector to observe the disposition. If cranberries are disposed of in nonhuman food use immediately following inspection in the presence of the inspector, no advance notice is necessary.

(4) In disposition for use in research and development projects, report to the Committee the quantity and date of such disposition.

§ 929.105 Reporting.

Any report requested by the Committee pursuant to § 929.60 shall be mailed to the Committee office at Wareham, Massachusetts, or delivered to that office. If the report is mailed, it is deemed filed when postmarked.

Interested persons may submit written data, views or arguments in connection with these proposals to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, within 10 days after publication of this notice in the FEDERAL REGISTER.

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

Dated: September 9, 1963.

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

[F.R. Doc. 63–9787; Filed, Sept. 12, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Proposed Rule Making Regarding Expenses and Fixing of Rate of Assessment for 1963–64 Fiscal Year

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment, recommended by the Cranberry Marketing Committee, established pursuant to the Marketing Agreement and Order No. 929 (7 CFR Part 929).

This marketing order regulates the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Interested persons may submit written data, views or arguments in connection with this proposal to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, within 10 days after publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

§ 929.203 Expenses and rate of assessment for the 1963–64 fiscal period.

(a) The reasonable expenses to be incurred by the Cranberry Marketing Committee for its maintenance and functioning during the fiscal period ending July 31, 1964 will amount to $45,000.

(b) The rate of assessment to be paid by each handler who first handles cranberries shall be 4 cents ($0.04) per barrel of cranberries, or an equivalent quantity of cranberries, during the 1963–64 fiscal period.

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

Dated: September 9, 1963.

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

[F.R. Doc. 63–9785; Filed, Sept. 12, 1963; 8:47 a.m.]

[7 CFR Part 929]

CRANBERRIES

Handling; Notice of Proposed Free and Restricted Percentages and Standards for Withheld Cranberries for 1963–64 Fiscal Period

Consideration is being given to a proposal to establish, for the 1963–64 fiscal year beginning August 1, 1963, free and restricted percentages which percentages shall be applied to all cranberries acquired during such fiscal period and to the establishment of standards withheld cranberries shall meet.

The proposed percentages and standards, which were recommended by the Cranberry Marketing Committee at its meeting August 26, 1963, would be established in accordance with the provisions of the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is as follows:

§ 929.301 Free and restricted percentages and standards for withheld cranberries.

The free percentage, restricted percentage, and standards for withheld cranberries applicable to all cranberries acquired during the fiscal period beginning August 1, 1963, and ending July 31, 1964, shall be (a) free percentage, 95 percent; (b) restricted percentage, 5 percent; and (c) each lot of cranberries withheld shall grade at least U.S. No. 1 grade, as set forth in the United States Standards for Fresh Cranberries for Processing (§§ 51.3030–51.3037 of this title), except that, for the purposes of this section, cranberries infested with worms shall be scored against the grade under the 5 percent tolerance provided for cranberries which have worm holes, or which are soft or affected by decay (see 51.3031(b)(3) of this title).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 9, 1963.

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

[F.R. Doc. 63–9786; Filed, Sept. 12, 1963, 8:47 a.m.]

[7 CFR Part 1044]

[Docket No. AO–299–A6]

MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Escanaba, Michigan, on August 8, 1963, pursuant to notice thereof which was issued July 26, 1963 (28 F.R. 7846).

The material issue on the record of the hearing relates to providing handler status, on election, for a cooperative association on the bulk tank milk of its members.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should provide that a cooperative association may elect to be a handler on farm tank milk which it causes to be picked up at the farm and delivered to the fluid milk plant of another handler in tank trucks owned and operated by or under contract to such association.

Prior to the advent of farm bulk tanks each handler's regular milk supply was necessarily received at his fluid milk plant and any balancing of supplies as between handlers or disposition to nonfluid milk plants was accomplished by transfer. With the advent of farm bulk tanks, cooling and assembling is no longer necessarily a plant operation. Milk may be moved directly from the farm to a fluid milk plant other than the plant of normal receipt, or to nonpool plants if not needed locally. However, under the individual-handler pooling arrangement effective under the order, such movements cannot now be readily accomplished since the operator of the fluid milk plant where the milk is physically received is held the responsible handler.

The principal cooperative association has assumed responsibility for hauling its member milk in many instances and it is likely that its activities in this regard will be expanded. Under the terms of the order, the person receiving milk from producers is held responsible for accounting for such milk and for payments to producers. Once milk from one producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. The operator of a fluid milk plant to which the load is delivered has an opportunity to determine only the weights and butterfat test of the total load, or partial load if other stops are involved. Where a tank truck picking up milk at the farm is operated under the supervision of a cooperative association it is the association that determines the weight and butterfat content of the deliveries of individual producers.

Milk delivered to a fluid milk plant by a cooperative association would be treated as a receipt of producer milk by such association at a fluid milk plant at the location of the plant to which it was delivered. Except for the extension of the handler definition to the cooperative association as indicated above, the definition would have application to the identical persons provided in the present order.

The milk delivered by the cooperative as a handler would continue to be classified and allocated at each plant of receipt and the operator of the plant would be obligated to pay the cooperative the uniform price applicable for the plant.

Because the cooperative may be the responsible handler on milk which it picks up at the farm and delivers to the fluid milk plant of another handler, it is desirable that provision be made for division of the maximum two percent shrinkage allowance between transferor and transferee. Under usual circumstances, shrinkage in the processing operation exceeds that of the receiving operation. At the hearing a cooperative association proposed a division of shrinkage of one and one-half percent to the transferee handler and one-half percent to the transferor handler. This division is commonly employed in Federal order markets and is concluded to be appropriate for this market.

When the difference between weights and tests of producer milk as determined at the farm and the tank weights and tests recorded on delivery at the plant falls within the generally accepted shrinkage tolerances, it is not unusual for handlers to purchase milk from a cooperative on the basis of farm weights and tests. Under such circumstances the cooperative experiences no shrinkage losses and the entire two percent shrinkage allowance should then accrue to the transferee handler.

When a handler uses both producer milk and other source milk in his plant, provision must be made for a division of plant shrinkage among the various sources of receipts. The existing order provides that other source milk shall be assigned a pro rata share of the total plant shrinkage and no substantial change other than that cited previously is proposed in this regard.

Rulings on proposed findings and conclusions. A brief containing proposed findings and conclusions was filed on behalf of certain interested parties. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Michigan Upper Peninsula marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1044.10 is revised to read as follows:

§ 1044.10 Handler.

* * * * *

(d) Any cooperative association, at its election, with respect to member milk delivered from the farm to the fluid milk plant of another handler in a tank truck operated by or under contract to the cooperative association. To elect this handler status, the market administrator must be notified prior to the first day of the month during which these deliveries will take place. Milk delivered pursuant to this paragraph is deemed to have been received at the location of the milk plant to which it is delivered.

2. In § 1044.14 the introductory text is revised to read as follows:

§ 1044.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a fluid milk plant directly from a dairy farmer or a handler pursuant to § 1044.10(d): *Provided,* That:

3. Section 1044.34 is revised to read as follows:

§ 1044.34 Other reports.

(a) Each handler pursuant to § 1044.10(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 5th day of each month the quantities of skim milk and butterfat in producer milk delivered to each fluid milk plant in the preceding month.

(b) Each handler exempt pursuant to §§ 1044.81 and 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

4. Section 1044.41(b) is revised to read as follows:

§ 1044.41 Classes of utilization.

* * * * *

(b) * * *

(5) Skim milk and butterfat, respectively, (except in milk diverted to a nonfluid milk plant pursuant to § 1044.14) in shrinkage allocated pursuant to § 1044.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1044.10(d);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1044.10(d): *Provided,* That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from fluid milk plants of other handlers; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage assigned pursuant to § 1044.42(b)(2).

5. Section 1044.42 is revised to read as follows:

§ 1044.42 Shrinkage.

The market administrator shall determine shrinkage for each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to nonfluid milk plants pursuant to § 1044.14), plus fluid milk products in bulk from fluid milk plants of other handlers and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

6. Section 1044.46 is revised to read as follows:

§ 1044.46 Allocation of butterfat classified.

The market administrator shall determine the classification of butterfat in producer milk each month as follows:

* * * * *

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of butterfat in each class in series beginning with Class II utilization.

7. Section 1044.47 is revised to read as follows:

§ 1044.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to producer milk in the same manner as that prescribed for butterfat in § 1044.46.

8. Section 1044.71(a) is revised to read as follows:

§ 1044.71 Expense of administration.

* * * * *

(a) Producer milk (including a handler's own farm production); and

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

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 63-9805; Filed, Sept. 12, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 545, 681]

PUERTO RICO

Proposed Minimum Piece Rates

Pursuant to authority in paragraph 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend Schedule C of 29 CFR 545.13 and 29 CFR 681.9 (b) and (c) by increasing the piece rates appearing there commensurate with increases in the minimum hourly wage rates now applicable under wage orders issued for the button, jewelry, and lapidary work industry (27 F.R. 9450), the leather, leather goods, and related products industry (28 F.R. 6013), and the fabric and leather glove industry (82 F.R. 7345) in Puerto Rico.

Any person interested in these proposals may file a written statement of data, views, and arguments regarding them with the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

1. As amended 29 CFR 545.13, Schedule C would read as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

* * * * *

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves	Leather gloves [2]		Unit of payment
			Ladies'	Men's	
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			69.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove.			92.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.365			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.631		Do.
192	Feather stitch, 5 to 6 stitches per inch	.437	.793		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.567	Do.
194	Regular stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.185	.407	.407	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.407	.407	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.
198	Whip stitch, 5 to 6 stitches per inch	.287	.595	.567	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

2. As amended 29 CFR 681.9 (c) and (d) shall read as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

* * * * *

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 42 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather, all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 0.90 cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 2.22 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 2.77 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(52 Stat. 1062, as amended; 29 U.S.C. 206)

Signed at Washington, D.C., this 6th day of September 1963.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 63–9781; Filed, Sept. 12, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–81]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREAS

Proposed Alteration, Revocation and Designation

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

The following controlled airspace is presently designated in the Green Bay, Wis., terminal area:

1. The Green Bay control zone is designated within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis.; within 2 miles either side of the Green Bay VORTAC 146° True radial extending from the 5-mile radius zone to the VORTAC and within 2 miles either side of the 059° True bearing from the Green Bay RBN, extending from the 5-mile radius zone to the RBN.

2. The Green Bay control area extension is designated within a 15-mile radius of the Austin-Straubel Airport, Green Bay, Wis., including the airspace southeast of Green Bay, bounded on the north by latitude 44°36′00″ N., on the east by longitude 87°26′00″ W., on the south and southwest by latitude 44°06′00″ N., and Victor 217, and on the west by the Green Bay 15-mile radius area; within 5 miles either side of the 239° True bearing from the Green Bay RBN extending from the RBN to 15 miles southwest, and within 5 miles either side of the Green Bay VORTAC 326° True radial extending from the VORTAC to 15 miles northwest.

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

1. Redesignate the Green Bay control zone as that airspace within a 4-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29′15″ N., longitude 88°07′45″ W.); within 2 miles each side of the Green Bay VORTAC 146° True radial, extending from the 4-mile radius zone to the VORTAC; within 2 miles each side of the Green Bay ILS localizer southwest course, extending from the 4-mile radius zone to the OM, and within 2 miles each side of the ILS localizer northeast course, extending from the 4-mile radius zone to 11 miles northeast of the airport.

2. Designate the Manitowoc, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44°07′30″ N., longitude 87°40′45″ W.), and within 5 miles east and 8 miles west of the 351° True bearing from the airport, extending from the airport to 12 miles north of the airport.

3. Designate the Clintonville, Wis., transition area as that airspace extending upward from 700 feet above the surface within 8 miles southwest and 5 miles northeast of the 128° and 308° True bearings from the Clintonville Airport (latitude 44°36′50″ N., longitude 88°43′50″ W.), extending from 2 miles southeast to 12 miles northwest of the airport, and within 8 miles northeast and 5 miles southwest of the 146° True bearing from the airport, extending from the airport to 12 miles southeast of the airport.

4. Designate the Appleton, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Outagamie County Airport, Appleton, Wis. (latitude 44°17′05″ N., longitude 88°21′55″ W.), and within 2 miles each side of the 089° True bearing from the Outagamie Airport, extending from the 4-mile radius area to 8 miles east of the airport.

5. Revoke the Green Bay control area extension and designate the Green Bay transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-