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Executive Order 10966

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1098; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 758; 26 U.S.C. 6103(a)), I am hereby ordered that any income, excess-profits, estate, or gift tax return filed for publication in the Federal Register be reviewed by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of tax returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall become effective upon its filing for publication in the Federal Register.

JONF P. KENNEDY

Executive Order 10967

ADMINISTRATION OF PALMYRA ISLAND

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 80-624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Sec. 1. The Secretary of the Interior shall be responsible for the civil administration of Palmyra Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Palmyra Island other than the authority contained in the Act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

Sec. 2. The executive, legislative, and judicial authority provided for in section 1 of this order may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (3) may be exercised through such agency, agencies, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of tax returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall become effective upon its filing for publication in the Federal Register.

JONF P. KENNEDY

Executive Order 10968

AMENDMENT OF EXECUTIVE ORDER NO. 10858, RELATING TO THE PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 10858, dated January 13, 1960, and headed "The President's Committee for Traffic Safety," be, and it is hereby, amended by substituting for paragraph (b) of section 1 thereof the following:

NOW, THEREFORE, by virtue of the President's Committee for Traffic Safety (hereinafter referred to as the Committee) shall be composed of not more than eighteen members to be appointed by the President from among individuals active in agriculture, business, labor, public-information media, civic, service, and women's organizations, State or local governments, and such other fields as the President may from time to time determine. The Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall serve as ex officio members of the Committee."

JONF P. KENNEDY

Executive Order 10969

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE READING COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Reading Company, a carrier, and certain of its employees represented by the International Organization of Masters, Mates and Pilots, Local No. 14, a labor organization; and

WHEREAS this dispute has not herefore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service;

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 150), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made in the Reading Company or by its employees, in the condition out of which the dispute arose.

JONF P. KENNEDY
**Rules and Regulations**

**Title 5—ADMINISTRATIVE PERSONNEL**

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the Federal Register, paragraph (f)(4) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

(1) Farmers Home Administration.

(4) Two Confidential Assistants to the Administrator.


UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL],

Warren B. Irons,

Executive Director.

[F.R. Doc. 61-9811; Filed, Oct. 12, 1961; 8:47 a.m.]

**Title 6—AGRICULTURAL CREDIT**

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES

[Amtd. 6]

PART 503—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Miscellaneous Amendments

The purpose of this amendment is to incorporate in these regulations the provisions of Public Law 87-179 which amends Public Law 86-756 relating to use of foods in home economics courses.

Section 503.1 General purpose and scope, paragraph (b), subparagraph (11), is amended to read as follows:

(11) Public Law 86-756, as amended, which reads as follows: "Schools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economies, including college students if the same facilities and instructors are used for training both high school and college students in home economies courses."

Section 503.8 Eligible recipient agencies, paragraph (a), is amended to read as follows:

(a) Schools operating lunch programs under the National School Lunch Act are eligible to receive commodities under section 416, section 32, and section 6. Other schools which operate non-profit lunch programs are eligible to receive commodities under section 416 and section 32. Schools receiving commodities under section 416 and section 32 in accordance with this part shall also be eligible to receive such foods for use in training both high school and college students in home economies courses. Schools receiving such commodities shall not discriminate against any child in receiving lunches because of his inability to pay the full price of the lunch or because of his race, creed, or color.

John F. Duncan, Jr.,

Assistant Secretary.

October 9, 1961.

[F.R. Doc. 61-9827; Filed, Oct. 12, 1961; 8:48 a.m.]

**Title 7—AGRICULTURE**

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

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Orange Reg. 1]

PART 1072—ORANGES

Importation Into United States

§ 1072.1 Orange Regulation No. 1.

(a) On and after 12:01 a.m., est., October 22, 1961, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 3, and are of a size not smaller than 2½ inches in diameter, except that not more than 10 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2½ inches in diameter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are imported into the United States under the provisions of section 6 of the Act. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof is in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges will be imported:

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(c) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry prior to the time when the oranges will be imported.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.
FEDERAL REGISTER

Title 8—ALIENS AND NATIONALITY
Chapter I—Immigration and Naturalization Service, Department of Justice

PART 299—IMMIGRATION FORMS
Prescribed Forms

Correction

In P.R. Doc. 61—9688, appearing at page 9406 of the issue for Friday, October 6, 1961, the following correction is made in the title and description entry for Form No. I—600, under § 299.1: The parenthetical citation should read "(Sec. 101(b) (6) of the Immigration and Nationality Act, as amended)".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency
[Reg. Docket No. 821; Reg. No. SR—468A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATING RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATING RULES

Special Civil Air Regulation; Precautions to Prevent Hijacking of Aircraft and Interference With Crewmembers in the Performance of Their Duties

Special Civil Air Regulation No. SR—448 was adopted and effective July 28, 1961 (26 F.R. 7009). The preamble thereto stated that:

The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the perform-
ance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination.

Special regulation SR-448, however, does not prohibit a person from carrying an unconcealed deadly or dangerous weapon on or about his person while aboard an aircraft. The present emergency situation requires stringent measures to preclude the carriage of any weapon which may be used to intimidate or interfere with crewmembers performing their duties on an aircraft engaged in air transportation. Therefore, paragraph 2 of Special Civil Air Regulation SR-448 is superseded by the following Special Civil Air Regulation to become effective October 13, 1961:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air commerce; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms, or other persons as may be so authorized and except for those crewmembers and such other persons as may be authorized by an air carrier, no person, while aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed.

This special regulation supersedes Special Civil Air Regulation No. SR-448. (Secs. 313, 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1472)

Issued in Washington, D.C., on October 9, 1961.

N. E. Halaby, Administrator.

Chapter III—Federal Aviation Agency

SUBCHAPTER C— AIRCRAFT REGULATIONS

[Reg. Docket No. 917; Amdt. 345]

PART 507—AIRWORTHINESS DIRECTIVES

De Havilland Model 104 Aircraft

Amendment 290, 26 F.R. 4395, was adopted to extend the frequency of inspections for corrosion of the rib areas on De Havilland Model 104 “Dove” aircraft from six months to twelve months. The six-month inspection had been required by AD 57-1-1 (22 F.R. 6047), and Amendment 290 was intended as a relaxation superseding AD 57-1-1 reflecting the less extensive inspection provisions of De Havilland Technical News Sheet CT (104) No. 125, Issue 5. As there was no intention to require a more extensive inspection than that in the referenced TNS, nor to require the repetition of the initial inspection program if such had already been accomplished, Amendment 290 is amended to reward the inspection requirements.

Since this amendment provides relief to operators of De Havilland Model 104 aircraft and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the Federal Register.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 290, 26 F.R. 4395, is amended by—

1. Changing the first paragraph to read:

Due to reports of severe corrosion at the mainplane lower spar booms, the following inspections are required except that any inspections accomplished in accordance with AD 57-1-1 may be utilized in establishing the less frequent inspection intervals permitted in this directive.

2. Changing paragraph (a) to read:

(a) Inspections shall be performed on the upper and lower spar booms from rib No. 1 to the wing tip as follows:

3. Inserting the word “Visual” at the beginning of the first sentence of paragraph (a) (3) and deleting “with a 10-power glass”.

This amendment shall become effective October 13, 1961.

(G.S. Moore, Acting Director, Flight Standards Service.

[F.R. Doc. 61-9789; Filed, Oct. 12, 1961; 8:45 a.m.]

[Reg. Docket No. 918; Amdt. 346]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

The investigation of several Douglas DC-8 incidents associated with a malfunction or failure in the hydraulic system has shown that the flight crew is not always provided with comprehensive information concerning the quantity of reserve hydraulic fluid which remains available for necessary flight and landing operations. The lack of effective fluid quantity indication is conducive to erroneous conclusions, and decisions to refrain from the use of certain hydraulic system operating procedures. Therefore, a modification of the hydraulic fluid quantity indicating system incorporated in the basic DC-8 type design is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the Federal Register.

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

It is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon the date of this AD.

As a result of recent incidents which have shown the need for effective fluid quantity indication of “reserve” hydraulic fluid in the system while in flight, the following must be accomplished:

1. Doublas applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

As a result of recent incidents which have shown the need for effective fluid quantity indication of “reserve” hydraulic fluid in the system while in flight, the following must be accomplished:

1. Doublas applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

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

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:
Unless already accomplished in accordance with FAA approved technical data, replace or modify, in accordance with Douglas Service Bulletin No. DC-8 A29-40 (Reissue No. 1 or later) or FAA approved equivalent, the existing hydraulic fluid in the reservoir down to approximately one gallon. The system indication error shall not exceed 10 percent. The dial on the quantity gage shall be marked in a manner which divides the total indicator range into three segments and identifies the three segments, as follows:

- **Segment:** NORMAL— Full (11.5 gal.) to 4.9 gal.
- **Segment:** AUX— 4.9 gal. to 1.5 gal.
- **Segment:** EMER— 1.5 gal. to approx. 1.0 gal.

The exact quantities in gallons need not be marked on the quantity indicator. “EMER.” need not be shown provided that this segment is otherwise marked in a manner distinctly different from the other segments.

(Douglas Service Bulletin No. DC-8 A29-40 (Reissue No. 1 or later) pertains to this same subject.)

This amendment shall become effective October 13, 1961.

Issued in Washington, D.C., on October 6, 1961.

**FEDERAL REGISTER**

**PART 507—AIRWORTHINESS DIRECTIVES**

Douglas DC-8 Series Aircraft

Investigation of numerous reports of recent Douglas DC-8 hydraulic problems has shown that certain flexible hoses installed in the high-pressure discharge line from each of the engine-driven hydraulic pumps have failed.* These failures have led to loss of hydraulic fluid thereby making it necessary for the flight crew to follow prescribed abnormal or emergency operating procedures and thus reducing the level of operational safety. An adequate supply of the replacement hoses and clamps is not immediately available. Therefore, a maximum of 600 hours’ time in service is being allowed although operators are expected to accomplish the replacement as soon as the parts are available.

As a situation exists which demands immediate adoption of this regulation in the interest of safety and we found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the *Federal Register*.

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

**DOUGLAS** Applies to all DC-8 aircraft equipped with JT3C, JT4, and Conway engine installations (Models DC-8-11, -12, -31, -32, -33, -41, -42, and -43).

Completion of the required inspection and installation of available parts can be scheduled but not later than the next 600 hours’ time in service after the effective date of this AD. As a result of recent failures of the flexible hoses in the discharge lines of the engine-driven hydraulic pumps, unless already accomplished, certain hoses and clamps approved as part of the basic type design must be removed and replaced as follows:

(a) Replace hoses as indicated or with FAA approved equivalents:

<table>
<thead>
<tr>
<th>Airplane Serial No.</th>
<th>Remove Hose P/N</th>
<th>Install Hose P/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>All DC-8-11 and -12</td>
<td>564902-19-0126</td>
<td>576065-10-6129</td>
</tr>
<tr>
<td>All DC-8-21, -31, -32, and -33 engines</td>
<td>564290-19-0524</td>
<td>576066-10-0824</td>
</tr>
<tr>
<td>All DC-8-21, -31, -32, and -33 engines (JT4 engines) except S/N 454412, 45493 and 456000</td>
<td>564290-19-0524</td>
<td>576066-10-0824</td>
</tr>
<tr>
<td>All DC-8-41, -42 and -43 aircraft (Conway engine)</td>
<td>564400-19-0760</td>
<td>576065-10-5700</td>
</tr>
</tbody>
</table>

(b) Replace clamps, P/N 4364512D21C, as used with the hoses removed per (a), with clamps, P/N 4364512D26 and 4364513D26, in the manner and positions described in Douglas Service Bulletin No. 29-37, Reissue No. 1, dated October 3, 1961, or later issue.

(Douglas DC-8 Service Bulletin No. 29-37, Reissue No. 1 pertains to this same subject.)

This amendment shall become effective October 13, 1961.

Issued in Washington, D.C., on October 9, 1961.

**F.D.R.** 10892)

**SUBCHAPTER E—AIR NAVIGATION REGULATIONS**

[Airspace Docket No. 69-WA-258]

**PART 625—LANDING AREA, NOTICE OF PROPOSED ESTABLISHMENT, ALTERATION, OR DEACTIVATION**

On November 16, 1960, a notice of proposed rule making was published in the *Federal Register* (25 F.R. 10832) stating that the Federal Aviation Agency (FAA) was considering a revision to Part 625 of the regulations of the Administrator which would delete the requirement for notice of construction or alteration of structures extending above the surface and which would prescribe the form and manner of notice required for the establishment, alteration, or deactivation of civil airports and landing areas.

As stated in the notice, Part 625 of the regulations of the Administrator presently prescribes the requirement for notice both of tall structures and landing area construction. On July 15, 1961, Part 626 of the regulations of the Administrator was adopted. Part 626 establishes the requirements for notification of the contemplated construction or alteration of structures and prescribes the form and manner of notice required. A substantial number of comments and recommendations were received on the proposed rule making of Part 625 from members of the aviation industry, airport operators and other interested persons, but none was received with respect to this editorial action. Part 625 is herein amended to conform to the explanation of notices that pertain to structures.

The comments which were received regarding the form and manner of notice required for the establishment, alteration, or deactivation of civil airports and landing areas have been given careful consideration. All comments and recommendations, where found appropriate, have been incorporated in this amendment.

Several comments referred to the requirement that notice be given under this part for those airport projects which are handled under the Federal Aid Airport Program (FAAP). As amendments to the Federal Airport Act (60 Stat. 170), as amended, it was recommended that FAAP projects be excluded from the notice requirements of Part 625 because detailed information on all projects handled under the Federal Airport Act (60 Stat. 170), as amended, were told to the FAA. It was recommended that notice for both tall structures and landing areas be published in the *Federal Register* and that the Federal Aid Airport Program be handled under Part 626. As a result of the information received from the Federal Aviation Agency by the airport operator in the project application for FAAP funds. Similarly, some of the comments noted that proposals for the development of the landing area, including substantial alterations to the runway layout, are contained in the current Airport Master Plan Layout which is on file or submitted to the Federal Register. These recommendations have been adopted and FAAP projects have been excluded from the requirements for notice under this part. Project applications for FAAP funds will be studied from the standpoint of the effect of the project upon efficient utilization of air space as a routine step in the Agency's processing of Master Plan Layouts and project applications.

Some comments stated that the definition of the term "alteration" was too broad and would require notification on minor changes to the landing areas of other airport property not directly associated with aircraft operations. In consideration of these comments the definition of this term was revised. Some alterations reported under this Part will not require detailed airspace studies; however, the Agency must have the opportunity to make this determination.

Some comments recommended that the 90-day notice requirement be reduced to 30 days or less. Other comments indicated a misunderstanding regarding any revision, by the proponent of the project, of the notification requirements of the original Form FAA-2681. The 90-day requirement is based on the normal minimum time required for airspace review by the agency. Minor revisions to the original notice are not subject to the 90-day minimum time limit and may be submitted on Form FAA-2681.

Other comments referred to FAA approval of Airport Master Plans. It was
RULES AND REGULATIONS

Sec. 625.1 Basis and purpose.
625.2 Explanation of terms.
625.3 Projects requiring notice.
625.4 Projects exempted from notice.

(a) Military projects on military landing areas used exclusively by the military.
(b) Projects for which a request for Federal aid has been filed pursuant to the provisions of the Federal Airport Act (49 U.S.C. 1101).
(c) Projects involving landing surfaces intended for one-time or short-term use not exceeding a period of 30 days provided daily aircraft operations shall not exceed six aircraft.
(d) Projects involving privately owned landing areas not open to the public, located or proposed to be located, more than 5 miles from any other landing area.
(e) Projects involving the use of airspace by military bases used exclusively by the military.

§ 625.1 Basis and purpose.

(a) The basis of this part is found in sections 307, 309, 312, and 313 of the Federal Aviation Act of 1958 as amended.
(b) The purpose of this part is to require all persons to give adequate notice of the proposed establishment, alteration or deactivation of airspace.

§ 625.2 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Administrator" means the Administrator of the Federal Aviation Agency.
(b) "Alteration" means realignment, modification, enlargement, or deactivation of a taxiway, runway, associated facilities, or airport, whether or not facilities are charged for or not.
(c) "Deactivation" means the discontinuance of use of a landing area permanently or for a temporary period of one year or more.
(d) "Establishment" means the construction, reactivation, laying out, or otherwise setting apart of a new landing area.
(e) "Landing Area" means any locality, either of land or water, including airports, heliports, and intermediate landing fields, which is used, or intended to be used, for the landing and taking off of aircraft.
(f) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

§ 625.3 Projects requiring notice.

Except as otherwise provided in § 625.4, all persons proposing to establish, alter or deactivate a landing area are required to give prior notice thereof to the Administrator in the form and manner prescribed herein.

§ 625.4 Projects exempt from notice.

Any person proposing an establishment, alteration or deactivation project of a type listed in this section is not required to give prior notice thereof to the Administrator:

Thus, the Administrator will be carefully considered and will be granted. The sponsor will like a new airport, which is submitted to the plan can be revised prior to actual construction.

Another person, when appropriate, most master plans provide for stage construction in which portions of the airport will not be completed for five years or more after initial construction is commenced. During this period of time, changes may occur which would introduce new airspace problems not apparent when the master plan was initially reviewed, such as (1) the introduction of new types of aircraft, (2) alterations in the use of superjacent airspace and (3) revisions to the original master plan. Therefore, the comments and recommendations with respect to FAA approval of master plans, have not been incorporated in the revision of this Part.

Comment was received regarding the note to subsection 625.3 which refers to one time or short term use of landing areas. It was noted that "short term use" might be variously interpreted by different persons. Consequently the present provision has been more precisely defined and, in lieu of a note, one time and short term use landing areas are included with other landing areas which are exempt from notice.

In addition to military projects on military bases used exclusively by the military, projects for which a request for Federal Funds has been filed, and landing areas intended for one time or short term use, the Agency has also exempted from notice privately owned airports not open to the public which are located more than 5 miles from any other landing area. Consequently, any landing area for which a request for Federal aid has been filed pursuant to the provisions of the Federal Airport Act, and which is located more than 5 miles from any other landing area, is exempt from notice.

Comment was received regarding the present rule and the regulation as amended by the Federal Aviation Agency, subject to certain specified conditions. Consequently, this provision was not included in the Notice. However, in the interest of lessening the impact of this revision upon persons planning to construct or alter a landing area which would not, as a general rule, affect the efficient use of airspace, we are providing this additional exception.

In lieu of the notice requirements, a report of such construction or alteration in the form of a letter or other adequate means of communication will be required within 30 days following the completion of the project.

The actions taken herein require certain modifications and revisions to the sections involved, including renumbering in order to maintain proper context and clarity. In addition, several editorial changes were adopted which do not affect the basic provisions of § 625.1 with amendment.

In consideration of the foregoing, Part 625 of the regulations of the Administrator is amended to read:
FEDERAL REGISTER

Friday, October 13, 1961

7963

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 296; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), §§ 204.55 and 204.56 establishing and governing the use and navigation of danger zones in Pamlico Sound and New River, North Carolina, and vicinity are hereby amended deleting paragraphs (c) and (d) from § 204.55 and inserting the same in § 204.56 as paragraphs (d) and (e), and changing the enforcing agency for the danger zones in § 204.55, effective on publication in the Federal Register since the changes are of a minor nature, as follows:

§ 204.55 Pamlico Sound and adjacent waters, N.C.; danger zones for Marine Corps operations.
(b) Bombing and rocket firing area in Pamlico Sound and vicinity of Brant Island.—(1) The area. The waters within a circular area with a radius of 3.6 statute miles having its center on the southern side of Brant Island at latitude 35°12'30", longitude 76°26'30".
(2) The regulations. The area shall be closed to navigation at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to bombing or firing operations the area will be "buzzed" by plane. Upon being so warned vessels working in the area shall leave the area immediately.

§ 204.56 New River, N.C., and vicinity; Marine Corps Firing Ranges.
(a) Atlantic Ocean east of New River inlet. The waters of the Atlantic Ocean within a radial distance of 5 nautical miles from portions of the north shore of the inlet, including the waters 24° 15' north latitude, 77° 16' 10" west longitude, and the water below half that depth along the north shore of the inlet.
(b) New River. The firing ranges includes the waters within the New River below Flanagan Point.
(c) Firing signals. Towers at least 50 feet in height will be erected on or near the water's edge within the limits of the firing ranges, and the fire signal will be made visible to vessels on the water's edge.
(d) Firing will take place both day and night at irregular periods throughout the year. Insofar as training requirements permit, firing in any sector except the Stone Creek sector will be restricted to periods of 6 hours only, upon 2 days notice of the contemplated firing. Firing in any sector described in paragraph (c) of this section during the periods May 1 to June 5, inclusive, and November 22 to December 5, inclusive.
(e) Two days in advance of the day when firing is anticipated in any sector except the Stone Creek sector, the commanding officer will be required to post signs in the vicinity of the firing area to warn vessels of the intent to fire. The signs shall state the time of firing, the sector in which the firing is to take place, and the date of the last firing in the sector.

(iv) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°01'42", longitude 76°23'48".
(v) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 34°58'48", longitude 76°26'12".

(2) The regulations. (i) The areas described in subparagraph (1) (i) and (ii) of this paragraph will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The areas will be closed to navigation at all times except for vessels as may be directed by the enforcing agency to enter on assigned duties. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have inadvertently entered the danger zones upon being so warned shall leave the area immediately.
(ii) The areas described in subparagraph (1) (iii), (iv), and (v) of this paragraph will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The areas will be closed to navigation at all times except for vessels as may be directed by the enforcing agency to enter on assigned duties. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas.
(iii) The areas will be used as bombing, rocket firing, and strafing areas. The areas shall be closed without advance notice. The areas shall remain closed to navigation at all times except for vessels as may be directed by the enforcing agency to enter on assigned duties. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas.
(iv) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°1'42", longitude 76°23'48".
(v) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 34°58'48", longitude 76°26'12".

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(v) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 34°58'48", longitude 76°26'12".
RULES AND REGULATIONS

Towers marking the sector or sectors to which a red flag will be displayed on each of the markers will be erected indicating the firing ceases for the day. Suitable range lights to enable safety observers to detect exploding projectiles within the limits of this area due to the presence of unexploded projectiles.

(4) Navigable waters in the area between the south connecting channel (Banks Channel) and Browns Inlet leading to Browns Inlet and Onslow Beach Bridge on both sides of the Atlantic Intracoastal Waterway are open to unrestricted navigation during periods of non-military use. An unknown element of risk exists in this area due to the presence of unexploded projectiles.

(v) Warning of impending military use of the area will be contained in weekly Notice to Mariners.

(vi) Vessels having specific authority from the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, may enter the area. The regulations of this section shall be enforced by the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, or his authorized representatives.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In §3.327, subdivision (d) is added to paragraph (b) (1) (ii) and paragraph (c) is amended to read as follows:

§3.327 Examinations.

(b) Compensation cases—(1) Scheduling examinations.

(ii) In running award active tuberculosis cases in which permanency of disability cannot be established for any reason, examinations will be scheduled at intervals of 6 months for the first year after their onset and thereafter at yearly intervals.

(c) Pension cases. In non-service-connected cases, rated permanent total, based on other than obviously static disabilities, reexamination will be conducted within 30 months of the date the permanent total rating was first effective.

(1) However, in the cases of veterans over 55 years of age, reexamination will be requested only under unusual circumstances.

(2) Where initial entitlement was established on a private physician's statement under §3.326(d) reexamination by the Veterans Administration will be scheduled in 1 year.

(3) In running award active tuberculosis cases in which permanency of disability has not been established by reason of absence of improvement in a 5-year period, examinations will be scheduled at intervals of 6 months for the first year and thereafter at yearly intervals for the next 4 years, unless inactivity is established prior to that time.

(4) In other cases further examination will not be requested routinely and will only be accomplished if considered necessary by the particular facts of the individual case.

(5) In cases in which the permanent total disability is confirmed by reexamination or by the history of the case, or by obvious static disabilities, further reexaminations will not be requested.

2. In §3.342(b), subparagraph (2) is amended to read as follows:

§3.342 Permanent and total disability ratings for pension purposes.

(b) Criteria.

(2) The permanency of total disability will be established as of the earliest date consistent with the evidence in the case. Active pulmonary tuberculosis not otherwise established as permanently and totally disabling will be presumed so after 6 months' hospitalization without improvement. The same principle may be applied with other types of disabilities requiring hospitalization for indefinite periods. The need for hospitalization for periods shorter or longer than 6 months may be a proper basis for determining permanence. Where, in application of this principle, it is necessary to employ a waiting period to determine permanence of total disability and a report received at the end of such period shows the veteran's condition is unimproved, permanency may be established as of the date of entrance into the hospital. Similarly, when active pulmonary tuberculosis is improved after 6 months' hospitalization but still considered as active after 12 months' hospitalization, permanency will also be established as of the date of entrance into the hospital. In other cases the rating will be effective the date the evidence establishes permanence.

(II) Subpart D—Benefits

§2.167 Estimating age at which the needs of the beneficiary no longer exist.

These regulations are effective October 13, 1961.

[SEAL]

W. J. Driver, Deputy Administrator.

[FR Doc. 61-9809; Filed, Oct. 12, 1961; 8:47 a.m.]
PART 2—GENERAL

Subpart 2-1.7—Small Business Concerns

Sec.

2-1.710 Subcontracting with small business concerns and labor surplus area concerns.

2-1.710-1 General.

2-1.710-4 Responsibility for reviewing subcontracting program.

Subpart 2-1.8—Labor Surplus Area Concerns

§ 2-1.801 Definitions.

§ 2-1.802 Labor surplus area policies.

§ 2-1.807 Report on preference procurement on labor surplus areas.

PART 2—PROCUREMENT BY NEGOTIATION

Subpart 2-3.4—Types of Contracts

Sec.

2-3.405 Other types of contracts.

2-3.405-3 Letter contracts.

PART 2—PATENTS, DATA AND COPYRIGHTS

Subpart 2-9.50—Retention of Patent and Royalty Rights

The heading of § 2-9.5000 (25 F.R. 14032) should read as follows:

§ 2-9.5000 Scope of subpart.

(2) All internal copies of the letter contract shall contain a citation of the appropriate funds. The statutory authority for negotiation shall be cited on each copy of the letter contract (see § 2-3.350(c)).
RULES AND REGULATIONS

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Amateur Radio Operator Examination Points

The Commission having under considera-
tion a modification of its amateur radio operator examination points; and

It appearing that it will be in the public interest to add the Commission's office at San Pedro to the list of examination points where Amateur Radio Operator examinations are given by appointment; and

It further appearing that the amendment herein ordered is procedural in nature and therefore compliance with public rulemaking procedures required by section 4(a) and (b) of the Administrative Procedure Act is not required.

It is ordered, Effective November 1, 1961, pursuant to authority of section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and Other Information, and to authority contained in sections 4(l) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 5(a) of the Administrative Procedure Act, that Appendix 1 of Part 12 of the Commission's rules be amended as set forth in the Appendix appearing below.


The Commission having under consideration a modification of its amateur radio operator examination points; and

It appearing that it will be in the public interest to add the Commission's office at San Pedro to the list of examination points where Amateur Radio Operator examinations are given by appointment; and

It further appearing that the amendment herein ordered is procedural in nature and therefore compliance with public rulemaking procedures required by section 4(a) and (b) of the Administrative Procedure Act is not required.

It is ordered, Effective November 1, 1961, pursuant to authority of section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and Other Information, and to authority contained in sections 4(l) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 5(a) of the Administrative Procedure Act, that Appendix 1 of Part 12 of the Commission's rules be amended as set forth in the Appendix appearing below.

(Appendix 1)

EXAMINATION POINTS

* * * * *

Examinations are given frequently, by appointment, at the Commission's offices at the following points:

Anchorage, Alaska. San Diego, Calif.
Mobile, Ala. Tampa, Fla.

[FR Doc. 61-9824; Filed, Oct. 12, 1961; 8:48 a.m.]
Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

TERMINATION OF NONIMMIGRANT STATUS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to the termination of nonimmigrant status of certain aliens in the United States. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. The heading of existing § 214.1 General requirements for admission, extension, and maintenance of status is amended to read Requirements for admission, extension, and maintenance of status—(a) General and paragraph (b) is added to read as follows:

(b) Termination of status. Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver previously authorized in his behalf under section 212(d)(3) or (4) of the Act or by the revocation and invalidation of his visa pursuant to section 221(i) of the Act.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)


J. M. SWING,
Commissioner of Immigration and Naturalization.

[FR Doc. 61-9867; Filed, Oct. 12, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1032]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Texas Valley Citrus Committee, established under Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031) regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

That the Secretary of Agriculture determines that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of $8,909.12, which are in excess of expenses incurred during the fiscal period ended July 31, 1961, shall be carried over into subsequent fiscal periods as a reserve, and may be used, in accordance with the provisions of § 1031.35 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the Federal Register.

Terms used in this section shall have the same meaning as when used in the marketing agreement and order.

§ 1032.302 Limitation of shipments.

During the period from November 1, 1961, through July 1, 1962, no person may handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section and one of the size designations of paragraph (b) of this section, or meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), and (g) of this section.

(a) Minimum grade requirements. U.S. No. 1, or better.

(b) Size requirements—(1) Small-to-medium. ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length;

(2) Medium-to-large. ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length;

(3) Jumbos. 1 inch minimum diameter to 3 inches maximum diameter and 5 inches minimum length.

(c) Container requirements. (1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 pound;

(ii) 2 pounds;

(iii) 25 pounds;

(iv) 50 pounds; and

(v) 75-80 pounds.

(2) “Jumbos,” as specified in paragraph (b)(3) of this section, may be handled only in 25, 50, and 75-80-pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall be applicable to carrots handled for export.

(d) Pack requirements. (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1-pound packages;

(ii) 48 1-pound packages; or

(iii) 24 2-pound packages.

(2) (i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3620, and 2 pounds for crate No. 5055 (crate designations are carrier numbers).

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances.

(a) One-pound packages, 20 percent.

(b) Over one-pound and including two-pound packages, 15 percent.

(c) Over two-pound packages, 10 percent.

9677
PROPOSED RULE MAKING

(Scs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 901-674)  
PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.  
[FR. Doc. 61-9799; Filed, Oct. 12, 1961; 8:46 a.m.]  

Agricultural Stabilization and Conservation Service  
[7 CFR Part 727]  
MARYLAND TOBACCO  
Notice of Proposed Amendment to Provide for Lease and Transfer of Tobacco Acreage Allotments  
Correction  
In FR Doc. 61-9426 appearing at page 9238 of the issue for Saturday, September 30, 1961, 727-1328 is corrected by changing the tenth line of paragraph (n) to read: "727-1327, the term or expression 'tobacco':"

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration  
[2 CFR Part 121]  
FOOD ADDITIVES  
Amendment of Petition  
Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), a notice of filing of petition, proposing the amendment of § 121.208 of the food additive regulations, published in the Federal Register of September 16, 1961 (26 F.R. 8877), is amended by changing the term "400 grams * * *" to read as follows:

<table>
<thead>
<tr>
<th>Level of use</th>
<th>Period of administration</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 grams of chlordiazepoxide per ton of feed.</td>
<td>14 days</td>
<td>As an aid in reducing sheding of lepoperous; as an aid in reducing the abortion rate of swine and the mortality rate of newborn pigs when leptospires is present.</td>
</tr>
</tbody>
</table>

Dated: October 9, 1961.  
J. K. KIRK,  
Assistant Commissioner of Food and Drugs.  
[FR. Doc. 61-9813; Filed, Oct. 12, 1961; 8:47 a.m.]  

ATOMIC ENERGY COMMISSION  
[10 CFR Part 150]  
EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274  
Notice of Proposed Rule Making  
Statement of considerations. Public Law 86-373, dated September 23, 1959, amended the Atomic Energy Act of 1954 by the addition of a new section 274, "Cooperation With States." One principal purpose of that legislation was to clarify the responsibilities of the Federal Government, on the one hand, and State and local governments, on the other, with respect to the regulation of byproduct, source, and special nuclear materials, as defined in the Atomic Energy Act, in order to protect the public health and safety from radiation hazards.  
To implement this purpose, the Commission was authorized to enter into an agreement with the Governor of any State to provide for a discontinuance by the Commission and a corresponding assumption by the State of all regulatory authority and responsibility with respect to certain activities involving byproduct material, source material, and special nuclear material in quantities less than a critical mass.  
Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:  
1. The construction and operation of any production or utilization facility;  
2. The export from or import into the United States of any byproduct, source, or special nuclear material or of any production or utilization facility;  
3. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations of the Commission;  
4. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should be regulated because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

[21 CFR Part 121]  
FOOD ADDITIVES  
Notice of Filing of Petition  
Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (PAF 529) has been filed by Leeder Laboratories Division, American Cyanamid Company, Pearl River, New York, proposing the issuance of a regulation to provide for the safe use of terpene resin consisting of polymers of β-pinene as a moisture barrier when used as an internal coating on gelatin capsules and as a coating agent for ascorbic acid and salts of ascorbic acid.  
Dated: October 9, 1961.  
[SEAL]  
J. K. KIRK,  
Assistant Commissioner of Food and Drugs.
In addition to the foregoing the Commission, notwithstanding an agreement is superseded by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device or commodity shall not transfer possession or control of such and rule except pursuant to a license issued by the Commission.

This regulation defines ocean or sea for purposes of section 274 of the Atomic Energy Act of 1954, as amended, as areas of atomic waste material and ocean disposal. The Commission will regulate the design and specification of containers, the selection of disposal sites, and the kinds, quantity and concentration of radioactive waste material permitted to be disposed of at sea.

The Commission has not taken a position as to whether it should retain, or relinquish to the States, its authority to regulate the commercial disposal by burial of atomic wastes or its authority to license the distribution by producers of products containing atomic energy material. The Commission invites public comment on these questions.

If the Commission decides to retain licensing and regulatory authority over the disposal of atomic waste by burial, it may adopt a rule similar to paragraph (d) of § 150.8 below. Such a decision, and rule, would not preclude the State from licensing persons within the State to collect, package and provide temporary storage of atomic waste and to transport such wastes (subject to applicable regulations of Federal agencies having jurisdiction over the means of transportation for land burial. A license would be issued to a material obtained from the Atomic Energy Commission for the operation of the land burial site; and the Federal license would prescribe the design specifications, burial sites, precautions to detect and protect against undue migration of buried wastes, and types of wastes acceptable for such burial. It should be noted that paragraph (d) of § 150.8 would apply only to commercial land burial activities.

If the Commission, after public comment, decides to retain licensing authority over product transfers by producers, it will still have to publish a rule similar to paragraph (d) of § 150.8. Such a decision, and rule, would not preclude the State from licensing persons within the State to transport such wastes (subject to applicable regulations of Federal agencies having jurisdiction over the means of transportation for land burial. A license would be issued to a material obtained from the Atomic Energy Commission for the operation of the land burial site; and the Federal license would prescribe the design specifications, burial sites, precautions to detect and protect against undue migration of buried wastes, and types of wastes acceptable for such burial. It should be noted that paragraph (d) of § 150.8 would apply only to commercial land burial activities.

If, on the other hand, the Commission decides to relinquish licensing authority in either or both of these areas, it will not adopt the pertinent paragraphs (d) or (e) of § 150.8.

In determining whether to retain or relinquish licensing and regulatory authority over commercial burial of atomic wastes, the Commission must consider, among other things: (1) Whether research and development programs of the Commission have progressed sufficiently to permit the establishment of satisfactory criteria for the selection and operation of land burial sites outside Federal Jurisdiction; (2) whether the requirements for long-term maintenance of burial grounds can be accomplished by the Federal Government or the States; and (3) whether waste handling and disposal have such interstate aspects that regulatory control should be continued on the States.

In determining whether to retain or relinquish licensing and regulatory authority over the distribution by the producer of products containing atomic energy material the Commission must consider, among other things: (1) Whether continued control is needed to achieve reasonable uniformity of safety design and labelling requirements for such products, to the extent of which are widely distributed; and (2) whether continued Federal control over such products is needed to assure that appropriate limits are maintained on the total quantity of atomic energy materials entering into our general environment.

The Commission particularly invites public comment on the alternatives available to it with respect to these two areas of regulatory authority.

The exemptions herein granted are applicable to the activities of source, by-product and special nuclear material licensees of agreement States only within the confines of the licensing agreement States.

Notice is hereby given that adoption of the following additions to Title 10 Code of Federal Regulations is contemplated. All interested persons desiring to submit written comments and suggestions for consideration in connection with adoption of these regulations should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after initial publication of this notice in the Federal Register.

In reviewing this proposed regulation, interested persons should also consider the proposed agreement between the Commission and the Commonwealth of Kentucky published elsewhere in this section of the Federal Register.

GENERAL PROVISIONS

Sec. 150.1 Purpose.
150.2 Scope.
150.3 Definitions.
150.4 Communications.
150.5 Interpretations.

EXEMPTIONS IN AGREEMENT STATES

Sec.
150.6 Persons exempt.
150.7 Critical mass.

CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

Sec.
150.8 Activities not exempted.

ENFORCEMENT

150.9 Violations.


§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirement contained in Chapters 6, 7, and 8 of the Act and, from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source material or special nuclear material in less than a critical mass; and define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Atomic Energy Commission, apply to all persons in agreement States engaging in activities over which the regulatory authority of the Commission continues.

§ 150.2 Scope.

The regulations in this part apply in the States listed in this section on and after the indicated effective dates.

State
Effective date
Kentucky
Dec. 1, 1961

§ 150.3 Definitions.

As used in this part:
(a) "Act" means the Atomic Energy Act of 1954, including any amendments thereto.
(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under Section 274 of the Atomic Energy Act of 1954, as amended.
(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded or discharged into the environment by exposure to the radiation incident to the process of producing or utilizing special nuclear material.
(d) The term "Commission" means the Atomic Energy Commission.
(e) "Source material" means source material as defined in the Commission's regulations contained in other parts of this chapter.
(f) "Special nuclear material" means special nuclear material as defined in the Commission's regulations contained in other parts of this chapter.
(g) "Production facility" means production facility as defined in the Commission's regulations contained in other parts of this chapter.
(h) "Person" means (1) any individual, corporation, firm, association, trust, estate, public or private institution, group agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or any agency of the foregoing other than Federal Government Agencies.
(i) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.
(j) "Utilization facility" means utilization facility as defined in the Commission's regulations as contained in other parts of this chapter.

§ 150.4 Communications.
§ 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part, by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as being upon the Commission.

EXEMPTIONS

§ 150.6 Persons exempt.

(a) Any person in an agreement State who receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees.

(b) To determine whether the special nuclear material is in quantities not sufficient to form a critical mass, a person shall include in the formula given in paragraph (a) of this section the total special nuclear material to be received, possessed or used in an agreement State.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

§ 150.8 Activities not exempted.

The exemptions provided in § 150.6 do not apply to:

(a) The construction and operation of production and utilization facilities;

(b) The export from or import into the United States of byproduct, source or special nuclear material, of any product or utilization facility;

(c) The disposal into the ocean or sea of byproduct, source or special nuclear waste material. Ocean or sea means any part of the territorial waters of the United States and any part of international waters;

(d) The burial by any person of byproduct, source, or special nuclear waste received by such person from any other person for disposal. 1

(e) Notwithstanding any exemptions provided in this part no person who is the manufacturer, processor or producer of any equipment, device, commodity or product listed below which contains source, byproduct, or special nuclear material shall transfer possession or control of such products except pursuant to a determination from licensing under regulations of the Commission contained in other parts of this chapter.

§ 150.9 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.


For the Atomic Energy Commission.

[SEAL] WOODFORD B. MCCOOL, Secretary.

[FR Doc. 61-9371 Filed Sept. 28, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

CONVAIR MODELS 22 (880) AND 22M (880M) AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 14, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

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

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

CONVAIR. Applies to all Model 22 (880) and Model 22M (880M) aircraft.

Compliance with paragraphs (a) and (b) required at the next starter overhaul but

1The Commission has not taken any position as to whether paragraphs (d) and (e) should be adopted pending public comment thereon. (See Statement of Considerations for discussion of policy questions involved.) The Commonwealth of Kentucky has submitted for Commission approval a program which would allow it to regulate the commercial land burial of atomic energy wastes and to license the transfer of devices and products by manufacturers. A summary of the Kentucky program is published elsewhere in the Federal Register.
Friday, October 13, 1961

not to exceed 4,000 hours' time in service after effective date of this directive.

Compliance with paragraph (e) is required on effective date of this directive.

An inflight engine pod explosion occurred on a Model 22 airplane causing the loss of a nose cowl and portions of the side cowl panel doors. This incident has been attributed to an open starter bleed air supply valve causing continued subsequent overheating and disintegration of the air turbine starter.

The following modifications and procedures are required to prevent the recurrence of this incident:

(a) Provides a FAA approved cockpit instrument panel by which it can be determined that each engine starter is de-energized. Approval of this item shall be processed through the FAA, Flight Standards Service, Engineering and Manufacturing Branch, Western Region.

(b) Concurrently with the incorporation of the modification described in paragraph (a), the Normal Procedures Section of the Models 22 and 22M FAA Approved Airplane Flight Manual, under that portion entitled "Engine Starting Procedure—Ground", shall be revised to include a provision that the flight crew determine that the cockpit indicating means required by paragraph (a) indicates that the starter is de-energized after each engine start.

(c) Pending completion of the modifications required by paragraph (a) of this AD install placard in the flight compartment on the cockpit control panel to read as follows: "Engine ground start shall be made according to Convair Alert Service Bulletin No. 83-7.

Issued in Washington, D.C., on October 6, 1961.

G. S. Moore, Acting Director, Flight Standards Service.

[Page 61-FW-83]

FEDERAL AIRWAY

Proposed Alteration

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 an amendment to § 600.6154 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed action:

VOR Federal airway No. 154 extends in part from the Montgomery, Ala., VORTAC via the Tuskegee field to the Columbus, Ga., VOR including a south alternate from the Montgomery VORTAC to the Columbus VORTAC via the intersection of the Montgomery VORTAC 068° True radial and the Columbus VOR 219° True radial. The proposed realignment of Victor 154 by redesignating the south alternate from the Montgomery VORTAC to the Columbus VORTAC via the intersection of the Montgomery VORTAC 090° and the Columbus VOR 219° True radials. The proposed realignment of Victor 154 south alternate would be compatible with terminal area procedures at Columbus, Ga.; it would benefit the aviation public by providing a common intersection with Victor 154 south alternate from the Columbus, Ga., VOR to the Windsor, Ontario, Canada, VOR via the intersection of the Akron VOR 319° and the Windsor VOR 121° True radial.

Subsequent to publication of the notice, it has been determined that it will be more practical to extend low altitude VOR Federal airway No. 103 from Akron to Windsor. Accordingly, action is hereby taken to alter the original Notice by proposing that Victor 103 between Cleveland, Ohio, and Navarre, Ohio, be revoked and that a new segment of Victor 103 be designated from Akron to Windsor via the intersection of the Akron VOR 319° and the Windsor VOR 121° True radials, excluding the portion outside of the United States. This would result in Victor 103 extending from Greensboro, N.C., to Navarre, Ohio, and from Akron to Windsor.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to October 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61- NY-4 is extended to October 31, 1961.

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 October 6, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[Page 61-978; Filed, Oct. 12, 1961; 8:45 a.m.]

FEDERAL REGISTER

9681

The control areas associated with this airway are so designated that they would automatically conform to the altered airspace. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace.

Separate actions will 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 Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1688, Fort Worth 1, Tex. 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 may also be submitted in writing in accordance with this notice in order to become a 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-326, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will 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 October 6, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[Page 61-978; Filed, Oct. 12, 1961; 8:45 a.m.]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Proposal Designating Federal Airway and Associated Control Area

In a notice of proposed rule making published in the Federal Register as Airspace Docket No. 61-NY-4 on June 14, 1961 (8:45 a.m.), it was stated that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 511 and its associated control areas from the Akron, Ohio, VOR to the Windsor, Ontario, Canada, VOR via the intersection of the Akron VOR 319° and the Windsor VOR 121° True radial.

Subsequent to publication of the notice, it has been determined that it will

be more practical to extend low altitude VOR Federal airway No. 103 from Akron to Windsor. Accordingly, action is hereby taken to alter the original Notice by proposing that Victor 103 between Cleveland, Ohio, and Navarre, Ohio, be revoked and that a new segment of Victor 103 be designated from Akron to Windsor via the intersection of the Akron VOR 319° and the Windsor VOR 121° True radials, excluding the portion outside of the United States. This would result in Victor 103 extending from Greensboro, N.C., to Navarre, Ohio, and from Akron to Windsor.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to October 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-NY-4 is extended to October 31, 1961.

Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, New York International Airport, Jamaica, New York.

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 October 6, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[Page 61-978; Filed, Oct. 12, 1961; 8:45 a.m.]

INTERIM POLICY ON VHF TELEVISION CHANNEL ASSIGNMENTS; TELEVISION ENGINEERING STANDARDS

Supplement to Report and Order

1. On August 3, 1961, the Commission released a Report and Order in this proceeding (FCC 61-994) which among other things stated that the minimum geographic separation requirements of our rules would be waived to permit additional VHF channel assignments in certain specified cities. A new TV station authorized to operate at less than our standard minimum separations on the same channel as the existing station will be required to suppress radiation in the direction of the existing station to the extent necessary to provide protection to the existing station. The new existing station would enjoy if the new station were operating with full power at the standard minimum separation. The Report and Order included Tables which could be used to waive the permissible power for the new assignment in
the direction of the existing co-channel station.

3. Since the issuance of the Report and Order there has been indication that there is some misunderstanding as to how equivalent protection is to be applied. Paragraph 16 states that the amount of suppression required of a new TV station operating at less than the minimum co-channel separation specified in our rules, shall be sufficient to maintain a ratio of 28 decibels between the estimated F(50,50) field strength values based upon the F(50,50) Field Strength Charts issued with the Further Notice of Proposed Rule Making in this proceeding, on July 1, 1960 (F.R. Doc. 60-766). These Tables are useful only for determining the amount of suppression required in the precise direction of the protected station. They were not intended to be used to compute directional antennas which might be required to provide equivalent protection off the direct beam line between the two stations involved.

In order that there be no misunderstanding of the application of the “equivalent protection” principle, the following procedure will govern the determination of whether the facility proposed in an application does, in fact, provide equivalent protection to an existing co-channel station:

(a) A straight line will be drawn between the proposed site of the new station and the site of the existing station being protected. This line will be extended beyond the location of the proposed new station to a distance from the existing station equal to the standard minimum separation which would apply to the Zone location of the actual proposed site.

(b) A hypothetical station will be assumed to be operating at a point on this line which is at the standard minimum separation determined in subparagraph (a) above. This hypothetical station will also be assumed to have a circular radiation pattern centered on the hypothetical site and is to be operating with the following parameters:

1. Zone I, Channels 2 to 6 inclusive; 100 kw ERP and 1,000 ft.
2. Zone I, Channels 7 to 13 inclusive; 316 kw ERP and 1,000 ft.
3. Zones II & III, Channels 2 to 6 inclusive; 100 kw ERP and 2,000 ft.
4. Zones II & III, Channels 7 to 13 inclusive; 316 kw ERP and 2,000 ft.
5. Regardless of the actual power and antenna height employed by the existing station, it will be assumed to be operating with the maximum facilities in the Zone in which it is located and all terrain effects, no consideration will be given to terrain anomalies. The “interference limited” contour resulting from the assumed operation may then be established as the line through all points where the estimated F(50,50) signal of the existing station is exactly 28 decibels higher than the estimated F(50,10) signal of the hypothetical station.

(d) The proposed new station will then be required to suppress radiation to the extent necessary so that its estimated F(50,10) signal is at least 28 decibels below the estimated F(50,50) of the existing station (45 decibels in the case of nonoffset carrier operation) at any point on or within the interference limited contour of the existing station, established as set forth in paragraphs 2(a) and 3 above. Paragraph 4. Since it appears that virtually all of the situations arising in connection with the short-spaced proposals will involve not only computation of the permissible power on a line between the stations but also at various angles off the direct line, there is little advantage in using the tables for the on-line computation and the Field Strength Charts for all other computations. Therefore, all computations to determine the amount of permissible power in any direction shall be made by means of the F(50,50) and F(50,10) Field Strength Charts described in the foregoing paragraphs.


Released: October 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL]

BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-9855; Filed, Oct. 12, 1961; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 61]

[File No. 21-588]

PROPOSED TRADE PRACTICE RULES FOR STATIONERS INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Stationers Industry to present their views concerning said rules, including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 6, 1961. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a.m., on Monday, November 6, 1961, at the Edgewater Beach Hotel, 5349 N. Sheridan, Chicago, Illinois, to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry is composed of the persons, firms, corporations, and organizations (including manufacturers, wholesalers, distributors, jobbers, importers, retailers and others) engaged in the sale, offering for sale, or distribution, in commerce, of any products of the industry which are as follows: Inks, pastes, blank books, tablets, social stationery, art supplies, calendars, pencils, erasers, blackboards, charts, crayons, writing pads, and similar commodities.

FTC-

Wood Case Lead Pencil Industry.

Interstate Commerce Commission.

Marking Devices Industry.

Engraved Stationery and Allied Products Industry.

Luggage and Related Products Industry.

Manifold Business Forms Industry.

PAPER AND PRINTING INK INDUSTRY.

Fine and Wrapping Paper Distributing Industry.

School Supply and Equipment Industry.

Office Machine Marketing Industry.

These proceedings are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission.

Issued: October 12, 1961.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-9735; Filed, Oct. 12, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 131]

[No. 33746]

PULLMAN-STANDARD HYDRO-FRAME-60 BOX CARS

Drawbar Extensions

It appearing that in the order dated September 21, 1961, 26 F.R. 9445, this
proceeding was set for hearing at Chicago, Ill., on December 6, 1961;

It further appearing that by letter dated October 5, 1961, counsel for Pullman, Inc., Pullman-Standard Division, has advised the Commission that the parties to this proceeding have, in mutual consultation, reached an agreement urging that the Commission cancel the hearing now set for December 6, 1961, in Chicago, Ill., and reset it on December 13, 1961, in Washington, D.C., and, further, that the proceeding be set for a pre-hearing conference in Washington, D.C., during the week of November 13, 1961:

It is ordered, That the hearing now scheduled in this matter on December 6, 1961, in Chicago, Ill., be, and it is hereby, canceled and the proceeding is reassigned for hearing in Washington, D.C., on December 13, 1961, at 10:00 o'clock a.m., United States Standard Time before Examiner Robert R. Boyd;

It is further ordered, That this proceeding be set down for pre-hearing conference in Washington, D.C., on November 14, 1961, at 10:00 o'clock a.m., United States Standard Time before Examiner Robert R. Boyd;

And it is further ordered, That a copy of this order shall be given to persons of interest and to the general public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the Federal Register.


By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 61-9803; Filed, Oct. 12, 1961; 8:47 a.m.]
Reconsideration of Warsaw Convention and the Hague Protocol

Invitation to Public To Submit Comments

The State Department draws attention to the attached self-explanatory letter regarding reconsideration of the Warsaw Convention and The Hague Protocol, which is being transmitted to the Department of State, Commerce, and Defense, the Federal Aviation Agency and the Civil Aeronautics Board. The Interagency Group on International Aviation (IGIA) has asked the Interagency Group on International Aviation (IGIA) to undertake a consideration of the relationship of the United States to The Hague Protocol and the Warsaw Convention. More specifically, the Department desires the advice of the IGIA (1) whether or not the United States should withdraw from the Warsaw Convention and (2) whether or not the United States should withdraw from the Hague Protocol.

The United States is a party to the Warsaw Convention, a treaty which regulates the responsibilities and liabilities of airlines toward passengers and shippers in international air transportation. A principal provision of this treaty (Article 22) provides that "the liability of the carrier for each passenger shall be limited" to $8,300. Article 17 provides that "the carrier shall not be liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger" from an aircraft accident. Article 20 provides that "the carrier shall not be liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures". Further Article 25 provides that "the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability if the damage is caused by his wilful misconduct".

The Hague Protocol, which was submitted to the Senate for advice and consent in 1959 but has not yet been acted upon, is an amendment to the Warsaw Convention and, in general, would raise the limit of recovery from $8,300 to $16,600, and in addition would permit recovery of attorneys' fees and costs of litigation.

Persons and organizations, in addition to those to whom the letter has been addressed, are invited to submit to the Interagency Group on International Aviation (IGIA) by November 15, 1961. Written comments should be received by the IGIA by November 15, 1961. Persons and organizations desiring to present an oral statement will be separately advised as to the hour and place.

Sincerely yours,

W. C. Hanneman, Stog Officer, Interagency Group on International Aviation.

(Enclosures omitted.)

For the Secretary of State.

Ely Mauer, Assistant Legal Adviser for Economic Affairs.

Office of the Secretary
GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1961.

GEORGE E. HARDING.

ATOMIC ENERGY COMMISSION
KENTUCKY

Proposed Agreement for Discontinuance of Certain Regulatory Authority and Responsibility

Notice is hereby given that the U.S. Atomic Energy Commission proposes to enter into the following agreement with the Commonwealth of Kentucky to

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This proposed agreement was published initially on Aug. 24, 1961, 26 F.R. 6883. In order to facilitate public comment on the proposed agreement, it is hereby published in amended form to include a summary of the Kentucky program for control of byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.
suant to section 274 of the Atomic Energy Act, as amended. A summary of the Commonwealth of Kentucky, is set forth herein. The paragraphs I.A.-G. of the program submitted to the Commission by the Commonwealth of Kentucky, is set forth below as Appendix A to this notice. A copy of the complete text of the Kentucky program, including proposed Kentucky regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., within 60 days after initial publication in the Federal Register.

In reviewing this proposed agreement interested persons should also consider provisions of the Atomic Energy Act of 1954, as amended, the regulations published elsewhere in this issue of the Federal Register.

Proposed Agreement Between the United States Atomic Energy Commission and the Commonwealth of Kentucky for the Regulation of Nuclear Materials in the Commonwealth of Kentucky Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the "Agency") is authorized under section 274 of the Atomic Energy Act of 1954, to discontinue within the States its regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and,

Whereas, The Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and,

Whereas, The Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and,

Whereas, The Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and,

Whereas, The Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and,

The regulations also require licensees to observe, by rule, regulation, or order, that the material may be used only for a designated use, which in the opinion of the Agency are insignificant from a health and safety standpoint.

A. The export from or import into the United States of source, byproduct, or special nuclear material or of any production or utilization facility;

B. The material may be used only for a designated use, which in the opinion of the Agency are insignificant from a health and safety standpoint.

Whereas, the Commission has found that the program of the Commonwealth for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety, and,

Whereas, this agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended.

NOW, THEREFORE, the parties hereto, having agreed to the terms and conditions contained in the Commission's program for the regulation of the materials covered by this agreement, do hereby agree to enter into and to be bound by the terms and conditions of this agreement, as follows:

Article I. With respect to activity in the Commonwealth, the Commission, subject to exceptions provided in Article II of this agreement, may agree to discontinue its regulatory authority with respect to the following materials:

(a) Byproduct materials;
(b) Source materials; and
(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not apply to any of the following activities:

A. The construction and operation of any production or utilization facility;
and the concentrations of radioactive materials in a licensee may create or release in the environment. These standards are based upon recommendations of recognized technical authorities, including the National Committee on Radiation Protection, and reflect the USAEC's experience in its operations. Other provisions prescribe requirements for personnel monitoring, protective equipment, labelings, warning signs, labels and signals, waste disposal, storage of licensed material, and records of usage and transfers. A pre-license program is designed to assure safety to licensees and their employees, and to the public, and also to avoid unnecessary restrictions.

When necessary, the Agency will include limited quantities of the various source and byproduct materials. Under RH-8, RH-10, RH-96, RH-10, RH-11, the Agency will ascertain the proposed packaging; (4) Precautions and measures to be employed; and (5) Enclosures of the license and regulations. The Agency representative will meet with the licensee on a continuing basis constitutes an adequate evaluation of the radiation hazards associated with the program.

Prior to leaving the licensee's premises the Agency representative will meet with management to discuss the results of his inspection. During this meeting, the Agency representative will answer questions concerning the regulatory program. If it is concluded that there are deficiencies in the operation, the Agency will issue a letter of the items of non-compliance and the concentrations of radioactive materials for specified uses.

The proposed license will be made available for public inspection, copies of licenses and related documents. A summary of the characteristics of the licensable materials will be submitted to the Coordinating Committee of Atomic Activities for public information. A pre-licensing visit may be made to the applicant's premises, but he will be responsible for conducting the inspection. This type of visit should provide the Agency with sufficient knowledge of the proposed program to make this determination.

If pre-evaluation establishes that the design of the system or mill contains radioactive material, the facilities, equipment, and radiation safety program to discuss licensing procedures. A license will be issued if the facilities and equipment, training and experience, and operating procedures of the applicant are adequate from the radiation protection standpoint. (See RH-8 for types, levels of activity, and proposed uses of the material.)

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the Agency.

Enforcement. Reports of inspections of licensee's activities will be evaluated to determine the status of compliance of the licensees with Agency regulations. If no item of non-compliance is observed, the licensee is so informed. If only minor matters of non-compliance, such as improper signs, the Agency can make an analysis to determine that the disposal can be done safely. The levels of net activity specified in the regulations are so low as to be harmless under projected conditions of disposal. Specific approval of the Agency is required before a licensee may dispose of radioactive materials by incineration. A pre-licensing visit may be made to the applicant's premises for the disposal of wastes. During this visit a careful review will be made with the applicant of the practices to be employed to determine that it can be conducted in accordance with the regulations and any special terms or conditions as may be added to the license.

Most inspections will be scheduled visits. A significant number may be unannounced. Inspection visits will usually entail a comprehensive review by the inspector of the license, with emphasis on the handling, storage, transportation, and disposal of radioactive materials. The inspector will review the licensees' survey methods and results, personnel monitoring practices and results, the posting and labeling, the installation and wiring of equipment, and the testing of shielding and protective devices. In evaluating the record of the licensee, the inspector will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent.

This type of review should provide data sufficient to determine whether or not the licensee is in compliance with the provisions of the regulations and the regulations of the Agency. It may also provide data sufficient to determine the following: (1) Whether the transportation or packaging for transport is repetitive or non-repetitive, (2) Whether the transportation or packaging for transport is repetitive or non-repetitive, (3) Whether the packaging or transportation for transport is repetitive or non-repetitive, (4) Whether the packaging or transportation for transport is repetitive or non-repetitive, (5) Whether the packaging or transportation for transport is repetitive or non-repetitive, (6) Whether the packaging or transportation for transport is repetitive or non-repetitive, (7) Whether the packaging or transportation for transport is repetitive or non-repetitive, (8) Whether the packaging or transportation for transport is repetitive or non-repetitive, (9) Whether the packaging or transportation for transport is repetitive or non-repetitive, (10) Whether the packaging or transportation for transport is repetitive or non-repetitive, (11) Whether the packaging or transportation for transport is repetitive or non-repetitive, (12) Whether the packaging or transportation for transport is repetitive or non-repetitive, (13) Whether the packaging or transportation for transport is repetitive or non-repetitive, (14) Whether the packaging or transportation for transport is repetitive or non-repetitive, (15) Whether the packaging or transportation for transport is repetitive or non-repetitive, (16) Whether the packaging or transportation for transport is repetitive or non-repetitive, (17) Whether the packaging or transportation for transport is repetitive or non-repetitive, (18) Whether the packaging or transportation for transport is repetitive or non-repetitive, (19) Whether the packaging or transportation for transport is repetitive or non-repetitive, (20) Whether the packaging or transportation for transport is repetitive or non-repetitive, (21) Whether the packaging or transportation for transport is repetitive or non-repetitive, (22) Whether the packaging or transportation for transport is repetitive or non-repetitive, (23) Whether the packaging or transportation for transport is repetitive or non-repetitive, (24) Whether the packaging or transportation for transport is repetitive or non-repetitive, (25) Whether the packaging or transportation for transport is repetitive or non-repetitive, (26) Whether the packaging or transportation for transport is repetitive or non-repetitive, (27) Whether the packaging or transportation for transport is repetitive or non-repetitive, (28) Whether the packaging or transportation for transport is repetitive or non-repetitive, (29) Whether the packaging or transportation for transport is repetitive or non-repetitive, (30) Whether the packaging or transportation for transport is repetitive or non-repetitive, (31) Whether the packaging or transportation for transport is repetitive or non-repetitive, (32) Whether the packaging or transportation for transport is repetitive or non-repetitive, (33) Whether the packaging or transportation for transport is repetitive or non-repetitive, (34) Whether the packaging or transportation for transport is repetitive or non-repetitive, (35) Whether the packaging or transportation for transport is repetitive or non-repetitive, (36) Whether the packaging or transportation for transport is repetitive or non-repetitive, (37) Whether the packaging or transportation for transport is repetitive or non-repetitive, (38) Whether the packaging or transportation for transport is repetitive or non-repetitive, (39) Whether the packaging or transportation for transport is repetitive or non-repetitive, (40) Whether the packaging or transportation for transport is repetitive or non-repetitive, (41) Whether the packaging or transportation for transport is repetitive or non-repetitive, (42) Whether the packaging or transportation for transport is repetitive or non-repetitive, (43) Whether the packaging or transportation for transport is repetitive or non-repetitive, (44) Whether the packaging or transportation for transport is repetitive or non-repetitive, (45) Whether the packaging or transportation for transport is repetitive or non-repetitive, (46) Whether the packaging or transportation for transport is repetitive or non-repetitive, (47) Whether the packaging or transportation for transport is repetitive or non-repetitive, (48) Whether the packaging or transportation for transport is repetitive or non-repetitive, (49) Whether the packaging or transportation for transport is repetitive or non-repetitive, (50) Whether the packaging or transportation for transport is repetitive or non-repetitive.
Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of October 1961.

On June 12, 1961, in Docket 12580, Avalon Air Taxi Service, Inc. (Avalon) filed a petition, in Docket 12585, to reopen the Service to Catalina Island Case. In addition, there was an application for an amendment of its certificate to remove a restriction therein which prohibits subsidy payments to the carrier under section 406(b) of the Federal Aviation Act of 1958, as amended.1

On June 28, 1961, Pacific Air Lines, Inc. (Pacific) filed a petition, in Docket 12683, seeking an amendment to its certificate to add a segment between the co-terminal points, Los Angeles, Burbank and Long Beach, and the terminal point Santa Catalina Island, California. Pacific represents that it would accept this proposed amendment of authority, for the transportation of persons, property and mail, on a nonsubsidy basis.

The Board has determined that an investigation into the requirements of air transportation between the mainland and Santa Catalina Island is warranted at this time. Avalon's action in seeking relief from its certificate restriction which prohibits subsidy requires a new determination as to the public convenience and necessity considerations as to this service. As Avalon sets forth in its application, the certification was accepted and acknowledged in the light of the provision that Avalon "* * * agrees that it is only entitled to receive service mail pay * * * for the service if the mail service is to be rendered and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered in excess of the amount payable by the Postmaster General. The express provision that certified air transportation between the mainland and Santa Catalina Island in the Service to Catalina Island Case was to be provided on a nonsubsidy basis was an important factor in our determination to make a certificate award. Moreover, Pacific, an unsuccessful applicant in the Service to Catalina Island Case, represents that it stands ready to provide air transportation between the mainland and Catalina Island on a nonsubsidy basis. Therefore, while we find no necessity for reopening Docket 7149 as requested by Pacific, we do find that the changes in circumstances and the matters raised in Avalon's petition warrant a new comprehensive investigation. We also note that Avalon's temporary certificate is due to expire January 11, 1963, and that the Board is without jurisdiction to entertain a motion for an expedient hearing to the extent necessary to permit an orderly decision prior to that date.

A related matter (Docket 12461) concerns a petition filed on May 22, 1961, by Catalina Channel Airlines (Channel). Channel, therein, seeks an exemption from § 298.21(b) (4) of the Board's Economic Regulations. Channel has engaged in air taxi operations since June 1959, and it provides regular service in the transportation of persons and property between Long Beach, California, and Santa Catalina Island, California. Channel received its authorization pursuant to exemption authority under Part 298 as it existed when Channel instituted service. The Board implemented a revision of Part 298 on January 1, 1961. As now written, Part 298 prohibits regular air taxi operations which parallel certified route service where the certificated carrier provides regular service on a scheduled daily basis with aircraft having a maximum take-off weight of 12,500 pounds or less.2

Channel, in its petition, challenges the constitutionality of Part 298, as revised, on the ground that the revised regulation, if applied to Channel, will deprive it of its property without due process in contravention to the Fifth Amendment of the Federal Constitution. On August 22, 1961, Channel filed an answer in opposition to Channel's petition. The substance of Channel's answer urges that Part 298, as revised, constitutes a bar to the continuation of regular air service between Long Beach and Catalina Island.

On June 12, 1961, the City of Avalon filed a resolution supporting Channel's petition and reciting the city's reliance on Channel's service.

1Specifically, § 298.21(b) (4) provides: "An air taxi operator is prohibited from providing air transportation, or holding out to the public, expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity, in any manner other than as provided by the certificate issued by the Board to such taxi operator."

2Channel, in its petition, also challenges the Board's jurisdiction on the theory that its air service is wholly intra-state. In view of section 101(21) of the Federal Aviation Act, the Board disagreed with Channel's contentions on this point further in its proceeding. See United Air Lines v. Public Utility Commission of California, 109 F. Supp. 15 (N.D. Cal. 1952), reversed on other grounds, 346 U.S. 402.
NOTICES

Part 298 was revised, as indicated above, in accordance with comments submitted by Avalon in response to a Board Notice of Proposed Rule Making. In support of the revision, Avalon stated that 60 percent of its traffic to Santa Catalina Island would be handled with small aircraft and 40 percent with air-cruising passengers, pursuant to the Board’s Notice of Proposed Rule Making. In operation runs contrary to the Board’s Notice of Proposed Rule Making. In order to authorize air transportation of persons, certificated, on a nonsubsidy basis, to be renewed, and if so, for what period, thereto, we will grant a temporary exemption to Channel, make Channel a party to the investigation which we are instituting, afford Channel the opportunity of contesting the validity of §298.21(b)(4), as it bears on Channel’s operation.* Since Channel’s operations were lawful when instituted and since contrary action on our part might require a cessation of those operations before a final resolution of the validity of the new regulation, it would be an undue burden to find that Channel’s certificate for route 76 to authorize Pacific to engage in air transportation with respect to persons, property, and mail between Santa Catalina Island and the coterminous points of Los Angeles, Burbank, and Long Beach on a nonsubsidy basis; whether the public convenience and necessity require the amendment of Pacific’s certificate for route 76 to authorize Pacific to engage in air transportation with respect to persons, property, and mail between Santa Catalina Island and the coterminous points of Los Angeles, Burbank, and Long Beach on a nonsubsidy basis; and whether the public convenience and necessity require the amendment of Pacific’s certificate for route 76 to authorize Pacific to engage in air transportation with respect to persons, property, and mail between Santa Catalina Island and the coterminous points of Los Angeles, Burbank, and Long Beach on a nonsubsidy basis; 2. That the temporary exemption granted to Channel shall continue until further order of the Board in the instant proceeding; 3. That an investigation, known as the Catalina Island Service Investigation, Docket 13101, be, and it hereby is instituted to determine whether the public convenience and necessity require, and the Board should order, the renewal, alteration, amendment, modification, suspension, or cancellation of Avalon’s certificate for route 144, and that Dockets 12461, 12580, 12683, and 12695 be consolidated herein; 4. That the investigation instituted in the preceding clause also determine whether the public convenience and necessity require the amendment of Pacific’s certificate for route 76 to authorize Pacific to engage in air transportation with respect to persons, property, and mail between Santa Catalina Island and the coterminous points of Los Angeles, Burbank, and Long Beach on a nonsubsidy basis; 5. That this proceeding shall be set down for prompt hearing before an Examiner of the Board at a time and place to be hereafter determined; 6. That a certificate of appeal shall be served upon Channel, Avalon, and Pacific, who are hereby made parties to this proceeding; 7. That, to the extent not granted herein, motions and requests for relief are hereby denied; and 8. That this order be published in the Federal Register.

By the Civil Aeronautics Board.

[SIGNATURE] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-9817; Filed, Oct. 12, 1961; 8:48 a.m.]

[Docket No. 12091 etc.; Order E-17563]

READING AVIATION SERVICE, INC. ET AL.

Order of Consolidation, Statement of Tentative Findings and Conclusions and Order To Show Cause

In the matter of the application of Reading Aviation Service, Inc., Docket No. 12091.

In the matter of the applications of Trans World Airlines, Inc., Docket Nos. 12156, 12157; for temporary suspension authority at Reading and Williamsport, Pennsylvania; Route 2.

In the matter of the petition of the City of Reading, Pennsylvania, Reading Municipal Airport Authority, Docket No. 12293; for amendment of the certificate of public convenience and necessity of Allegheny Airlines, Inc.

In the matter of the service of TW A at Reading and Williamsport, Docket No. 13100.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of October 1961.

Reading Aviation Service, Inc. (RAS), on February 3, 1961, filed an application seeking temporary authority for the carriage of passengers and mail with aircraft in excess of 12,500 pounds gross weight between Reading, Pa., and Newark, N.J., and between Reading and New York, via Allentown, Pa. (Docket 12091).

Trans World Airlines, Inc. (TWA), filed applications on February 24, 1961, requesting temporary suspension authority and operator currently operating as such between Reading and Newark (New York), and that it contemplates utilization of Lockheed Lodestar (L-18) and/or DC-3 equipment in the events it is certified for regular passenger, mail, and express services as indicated in appendix F, the cost, with DC-3 equipment, would be in excess of $375,000, and more than $500,000 if L-18 aircraft are used (appendix G). Therefore, the operations would be conducted at an operating loss ranging between $90,000 and $224,000, depending on the type of equipment utilized. We note that this is a conservative estimate and is the basis for computing the cost of service indicated in appendix F, the cost, with DC-3 equipment, would be in excess of $375,000, and more than $500,000 if L-18 aircraft are used (appendix G). We note that this is a conservative estimate and is the basis for computing the cost of service indicated in appendix F, the cost, with DC-3 equipment, would be in excess of $375,000, and more than $500,000 if L-18 aircraft are used (appendix G).

As indicated in appendixes F and G, and on the basis of the comparatively favorable assumptions there made, the certification of an additional carrier into this market with L-18 or DC-3 equipment would offer Reading-Allentown-New York service to almost 30,000 passengers, producing approximately $375,000 in revenues. On the other hand, with the operation of services contemplated in appendix F, the cost, with DC-3 equipment, would be in excess of $375,000, and more than $500,000 if L-18 aircraft are used (appendix G). Therefore, the operations would be conducted at an operating loss ranging between $90,000 and $224,000, depending on the type of equipment utilized. We note that this is a conservative estimate and is the basis for computing the cost of service indicated in appendix F, the cost, with DC-3 equipment, would be in excess of $375,000, and more than $500,000 if L-18 aircraft are used (appendix G). We note that this is a conservative estimate and is the basis for computing the cost of service indicated in appendix F, the cost, with DC-3 equipment, would be in excess of $375,000, and more than $500,000 if L-18 aircraft are used (appendix G).

The answer was jointly filed by the Williamsport Airport Authority, the City Council of the City of Williamsport, the West Branch Manufacturers’ Council of the Greater Williamsport Chamber of Commerce.

* The Bureau of Enforcement instituted an enforcement proceeding. In Docket 12120, on April 30, 1961. This proceeding will not be considered in the investigation instituted herein, but will be determined by separate Board action.

* Channel filed no objections to our Notice of Proposed Rule Making concerning Part 298. The Notice was published in the Federal Register.

**Cited as part of the original document.
ous amount of traffic to the new service, as previously pointed out. Moreover, as hereinafter set forth and on the basis of our tentative conclusions, we find that the lost through-car traffic will be able to adequately accommodate the service demands in the Reading-New York market.7

On the basis of the foregoing, the other markets contained in the RAS application, and the data reflected in the attached appendices, the Board tentatively finds and concludes that the public convenience and necessity require the amendment of TWA's certificate of public convenience and necessity for Route 2 so as to delete Williamsport and Reading therefrom. We find it significant that TWA carried only some 17,000 passengers to and from Reading during 1960, in markets which are predominantly short-haul markets. The authors of the Board recommend that TWA's service between trunk and local carriers. Reading and New York-Allentown-Reading service, and consequently, that the RAS certificate application should be denied.

In support of its applications TWA alleges, in part, that Reading's principal demand for service lies in the short-haul market, that its long distance passenger traffic will be able to conform to the Board's jurisdiction and the eastern seaboard; that Allegheny can provide virtually all the important service that TWA can now offer at Reading; that TWA experienced a loss of some $81,950 in operating profit at Reading in 1960, that its experienced decline in Williamsport traffic is primarily due to improved operating authority conferred on Allegheny; that Allegheny's service at the point at this result in losses of $39,453 in 1960; that its losses will have no measurable effect on the convenience of the traveling public; that its Martin-404 aircraft are being removed from scheduled service completely on or about April 30, 1961;7 and that suspension of TWA's service at Reading will have no measurable effect on the convenience of the travelers; that suspension of its operating authority here in issue will reduce duplication of routes between trunk and local carriers.

The respective answers of Williamsport and Reading to the applications of TWA, insofar as they affect those cities, urge denial of TWA's requests, primarily on the basis that existing needed service to the carrier, and that the operating authority to Reading and Williamsport questions TWA's loss estimates and presents that in the North-eastern States Area Investigation, TWA opposed the suspension at Williamsport and estimated an operating gain for Allegheny of almost $49,000, and which will result in an operating gain for Allegheny of almost $49,000 (appendix H), without greatly affecting the air service now available at the point. Thus, Allegheny is presently authorized to serve all points on TWA's present schedules at Scranton, Pa., Albany, N.Y., and Binghamton, N.Y.4 More specifically, there will be excellent connecting service to Boston via New York; there will continue to be Allegheny's Williamsport-Pittsburgh service, which has carried more than 80 percent of the traffic in the past; and the carrier's present Scranton, Pa., operations, which appear to be adequate, will remain. As to Reading, the elimination of TWA at that point will similarly benefit Allegheny while relieving TWA of a costly service obligation, and will result in benefits to the public in light of our tentative findings and conclusions herein, and particularly in the light of the findings in the Reading, in its petition, has requested a modification of Allegheny's operating authority to allow and require improved Reading-New York and Reading-Pittsburgh service. The answers argue in the alternative that the Board should not only be authorized, but should be required, to provide direct single-plane service between the points involved so as to offer that type of service needed by the public. In light of the foregoing and our tentative conclusion that Reading be deleted from TWA's schedules. Consequently, we tentatively find and conclude that Allegheny's segment 7 should be extended beyond Reading to New York. Under the assumption that appendix A estimate that Allegheny could offer direct New York-Reading service at a profit of $112,000. The operating modifications which would be required would maintain present levels of service at the various points involved, except as to Scranton-Harrisburg, Pa., and Scranton-Boston service, which would be reduced, but would continue to be adequate to accommodate the traffic. As to the Reading-Pittsburgh authority of Allegheny, we find that there were 1600 passengers exchanged between these points in 1960, that Allegheny will be able to accommodate the traffic under its present operating authority with one-stop single-plane service, and that no additional or liberalized authority is required. We find that that part of Reading's petition which seeks improvement operating authority for Allegheny to Pittsburgh should be denied.

1 We view Reading's petition in Docket 12293 as one seeking improved operating authority for the point. Consequently, our action here is not related to section 404(a) of the Act.

2 In 1960, there were an average of 15 local passengers per day between Scranton and Boston, and 4.5 local passengers per day between Scranton and Harrisburg. Scranton will have one daily round trip, and Harrisburg will have one daily round trip operated by TWA and one daily round trip by Allegheny to Boston, in addition to the connecting services available at New York.

3 We recognize that the flight times assumed in our calculations (appendix C) are not ideal for Reading passengers. However, circumstances beyond the control of management, and Allegheny can, through further adjustment of its schedules, utilize maximum authority to provide services in an effort to offer the best possible schedules to the various communities involved. Nonstop service between Reading and Pittsburgh, on the other hand, would probably necessitate additional flights at a cost of some $104,000 to the carrier, which expense would be expected to be paid under the circumstances (appendix A-2).

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5 We note that the May 1961 Official Airline Guide shows that TWA is no longer servicing Reading and Williamsport with Martin 9689.
NOTICES

the amendment of the certificate of Al
deny so as to extend its segment 7
Reading-New York and Reading-Allen-
the amendment of the certificate of Al-
cour convenience and necessity require
from its Route 2; that the public con-
so as to delete Reading and Williamsport
the certificate with respect to its authority
town-New York service; and that the
section of TWA at Williamsport and Read-
be disposed of together with the proceed-
ning would not be in the public interest.
over, we find that the temporary suspen-
connected and can most appropriately
the deletion of Reading, Pa., and Wil-
Aviation Service, Inc., in Docket 12091,
final action;
ments stated herein shall, within twenty
ments and requests, or portions thereof
shee waived, and the
considerations a modification of its com-
and amateur radio operator li-
It appearing that it will be in the
be changeable by the Civil Aeronautics
procedural in nature and not substantive
and therefore compliance with the public
making procedures or minimum flight altitudes;
and it is hereby determined that this struc-
ture is not a hazard to air naviga-
This determination is effective as of the
date of issuance and will become final
30 days thereafter, provided that no ap-
peal herefrom under § 626.34 of this title
(26 F.R. 5292) is granted.
Issued in Washington, D.C., on Oc-

Oscar W. Holmes,
Chief,
Obstruction Evaluation Branch.

FEDERAL AVIATION AGENCY

ELEVATED WATER STORAGE TANK

Determination of No Hazard to
Air Navigation

The Civil Aeronautics Board.

Secretary.

By the Civil Aeronautics Board.

[SEAL] Harold R. Sanderson,

[FR. Doc. 61-9818; Filed, Oct. 12, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

STATEMENT OF ORGANIZATION,
DELEGATIONS OF AUTHORITY,
AND OTHER INFORMATION

Commercial and Amateur Radio
Operator Examinations at Marine
Offices

The Commission having under con-
consideration a modification of its com-
mercial and amateur radio operator li-
The study disclosed that these increases
were not adversely affect aeronautical op-
ned procedures or minimum flight altitudes;
and it is hereby determined that this struc-
ture is not a hazard to air naviga-

FEDERAL COMMUNICATIONS

COMMISION

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Oscar W. Holmes,
Chief,
Obstruction Evaluation Branch.
FEDERAL REGISTER

Canadian List No. 163

Canadian Broadcast Stations
Changes, Proposed Changes, and
Corrections in Assignments

September 15, 1961.

Notification under the provisions of Part III, Section 2, of the North American Regional Broadcasting Agreement list of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

FEDERAL COMMUNICATIONS COMMISSION

BEN F. WAPLE,
Acting Secretary.

Barren County Broadcasting Co. and John M. Barrick
Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lewis M. Owens, John A. Hartnett, and Carl R. Thomale d/b/a Barren County Broadcasting Company, Glasgow, Kentucky, requests 1440 kc, 1 kw, D, III, Docket No. 14280, File No. BP-13581; John M. Barrick, Glasgow, Kentucky, requests 1440 kc, 1 kw, D, III; Docket No. 14281, File No. BP-14481, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of October 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except for matters involved in the issues set forth below, each of the subject applicants possesses the basic requisite qualifications to construct and operate its proposed station; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applicants request identical facilities in Glasgow, Kentucky, and are therefore mutually exclusive.

2. John M. Barrick states that he intends to supply all funds necessary for construction and initial operation of his proposal. It appears that a total of $12,720 will be required for construction plus $8,750 for three months initial operation. However, Mr. Barrick's balance sheet indicates only minimal liquid assets and no loan agreements have been submitted which would indicate the source of additional necessary funds.

It is ordered, That a grant of the subject applications will be conditioned upon acceptance of the interference involved will not prejudice the grant of any one of the three applications involved, the WTCO application will not be consolidated herein. A grant of either Glasgow application will be conditioned upon acceptance of the interference from a subsequent grant of the WTCO application.

It further appearing, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

1. To determine whether John M. Barrick is financially qualified to construct and operate his proposed station.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:
   a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.
   b. The proposals of each of the applicants with respect to the management and operation of the proposed station.
   c. The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That a grant of either subject application will contain a condition that the permittee accept any interference conditioned upon acceptance of the interference involved will not prejudice the grant of any one of the three applications involved, the WTCO application will not be consolidated herein. A grant of either Glasgow application will be conditioned upon acceptance of the interference from a subsequent grant of the WTCO application.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 309(c) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether John M. Barrick is financially qualified to construct and operate his proposed station.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:
   a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.
   b. The proposals of each of the applicants with respect to the management and operation of the proposed station.
   c. The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That a grant of each of the subject applications will contain a condition that the permittee accept any interference conditioned upon acceptance of the interference involved will not prejudice the grant of any one of the three applications involved, the WTCO application will not be consolidated herein. A grant of either Glasgow application will be conditioned upon acceptance of the interference from a subsequent grant of the WTCO application.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if fea-
sible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant to be heard are reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL]
Ben F. Waple,
Acting Secretary.

[Docket No. 14279; FCC 61-1179]

QUINCY VALLEY BROADCASTERS
Order Designating Application for Hearing on Stated Issues


At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of October 1961;


It appearing, that, on January 30, 1957, the Commission granted the application of Donald R. Nelson, L. D. Adcox, Gene R. Johnnick and Richard C. Singleton, d/b as Quincy Valley Broadcasters, to construct Station KPOR, Quincy, Washington, which station was subsequently licensed by the Commission on April 15, 1958, for the period ending February 1, 1960; and

It further appearing that the above-described matters before the Commission indicate that several ownership changes were effectuated in the above-named licensee after issuance since January 30, 1957, amounting to unauthorized assignments of license of Station KPOR; and

It further appearing, that the above-described opportunity to be heard were effectuated without applying for and obtaining the prior consent of this Commission through misrepresentations to and concealments of material facts from this Commission in contravention of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules, regulations, and policies promulgated thereunder.

It further appearing, that, in view of the above-described matters, the Commission is unable to find that a grant of the above-entitled application would serve the public interest, convenience and necessity; and that the application must, therefore, be designated for hearing:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether, during the period from January 30, 1957 to date, the above licensee failed to file various reports and agreements as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

2. To determine whether, during the period from January 30, 1957 to date, the above licensee failed to file various reports and agreements as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

3. To determine whether, during the period from January 30, 1957 to date, the above licensee failed to file various reports and agreements as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

4. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-entitled application would serve the public interest, convenience or necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate: a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: October 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL]
Ben F. Waple,
Acting Secretary.

[Docket Nos. 13736, 14382; FCC 61-1186]

WINDBER COMMUNITY BROADCASTING SYSTEM AND RIDGE RADIO CORP

Order Designating Application for Consolidated Hearing on Stated Issues


At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of October 1961;

The Commission having under consideration (1) the above-captioned applications for renewal of license and construction permits; and (2) the Initial Decision of Hearing Examiner David I. Kraunhaar (FCC 61-9821; Filed, Oct. 12, 1961; 8:48 a.m.)

That, the application or applications of the Ridge Radio Corporation is designated for hearing in a consolidated proceeding with the application of the Windber Community Broadcasting System; (3) the Decision of June 8, 1961, of the United States Court of Appeals for the District of Columbia in Ridge Radio Corporation v. Federal Communications Commission, 21 Pike and Fischer R.R. 2060; and

(4) the Order of the Commission (FCC 61-806 released June 23, 1961) remanding the application of the Windber Community Broadcasting System to the Hearing Examiner pending further order of the Commission;

It appearing that the Commission has previously found the Windber Community Broadcasting System to be legally, technically, financially, and otherwise qualified to construct and operate its proposed station; that examination of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience or necessity.

It is ordered, That the application of the Ridge Radio Corporation, hereetofore dismissed by the Commission on April 27, 1960, is hereby reinstated, and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the said application of the Ridge Radio Corporation is designated for hearing in a consolidated proceeding with the application of the Windber Community Broadcasting System, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity.

It is ordered, That, the application of the Ridge Radio Corporation, hereetofore dismissed by the Commission on April 27, 1960, is hereby reinstated, and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the said application of the Ridge Radio Corporation is designated for hearing in a consolidated proceeding with the application of the Windber Community Broadcasting System, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis which of the proposed applications must be consolidated for hearing on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity.

It is ordered, That, the application of the Ridge Radio Corporation, hereetofore dismissed by the Commission on April 27, 1960, is hereby reinstated, and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the said application of the Ridge Radio Corporation is designated for hearing in a consolidated proceeding with the application of the Windber Community Broadcasting System, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis which of the proposed applications must be consolidated for hearing on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity.

It is ordered, That, the application of the Ridge Radio Corporation, hereetofore dismissed by the Commission on April 27, 1960, is hereby reinstated, and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the said application of the Ridge Radio Corporation is designated for hearing in a consolidated proceeding with the application of the Windber Community Broadcasting System, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis which of the proposed applications must be consolidated for hearing on a comparative basis which of the proposed operations would better serve the public interest, convenience and necessity.
a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with regard to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue and the record heretofore presented, whether the said applications should or should not be granted.

It is further ordered, That to avail itself of the opportunity to be heard, the Ridge Radio Corporation, pursuant to section 1.140 of the Commission rules, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the Ridge Radio Corporation shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION

Notice of Date of Hearing

October 6, 1961.

FEDERAL POWER COMMISSION

ARKANSAS LOUISIANA GAS CO.

Notice of Date of Hearing

October 6, 1961.

TENNECO CORP. AND TENNESSEE GAS TRANSMISSION CO.

Order Denying Applications for Rehearing, Denying Requests for Temporary Certificates, Requiring the Filing of Information, Consolidating Proceedings, and Fixing Date of Hearing

October 9, 1961.

FEDERAL REGISTER

Notice of application filed herein was published in the Federal Register on September 9, 1961 (26 F.R. 8497).

JOSEPH H. GUTRIDE,
Secretary.

[R.F. Doc. 61-9795; Filed, Oct. 12, 1961; 8:46 a.m.]

RAVENCLIFFS DEVELOPMENT CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rates

October 6, 1961.

On September 8, 1961, Ravencliffs Development Company (Ravencliffs) tendered for filing a proposed change in its FPC Gas Rate Schedule No. 1 for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:


Purchaser and producing area: Amere Gas Company (Slab Fork and Oceana Districts, Wyoming and Raleigh Counties, West Virginia.)

Rate Schedule designation: Supplement No. 22 to Ravencliffs' FPC Gas Rate Schedule No. 1.

Effective date: October 10, 1961.

Proposed rates: 26.50 cents per Mcf (gravity gas); 29.50 cents per Mcf (compressed gas). Effective rates: 25.75 cents per Mcf (gravity gas); 28.75 cents per Mcf (compressed gas). Annual increase: $14,684 ($6,361 and $8,323).

Pressure base: 15,325 psia.

In support of its proposed redetermined rate increases, Ravencliffs refers to a cost of service for the year 1957 submitted in connection with a previous rate increase and cites certain increased costs (principally increased taxes) occurring since that time. However, Ravencliffs does not submit cost data for a recent test period which could be used to measure the reasonableness of the proposed rates.

The proposed rates exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto.

The proposed increased rates may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 22 to Ravencliffs' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 C.F.R. Ch. 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 22 to Ravencliffs' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 10, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 C.F.R. 1.8 and 1.37 (f)) on or before November 20, 1961.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[R.F. Doc. 61-9796; Filed, Oct. 12, 1961; 8:46 a.m.]

FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 C.F.R. Ch. 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 22 to Ravencliffs' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 10, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 C.F.R. 1.8 and 1.37 (f)) on or before November 20, 1961.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[R.F. Doc. 61-9796; Filed, Oct. 12, 1961; 8:46 a.m.]

TENNECO CORP. AND TENNESSEE GAS TRANSMISSION CO.

Order Denying Applications for Rehearing, Denying Requests for Temporary Certificates, Requiring the Filing of Information, Consolidating Proceedings, and Fixing Date of Hearing

October 9, 1961.


Take notice that Tenneco Corporation (Tenneco), a Delaware corporation having its principal place of business in the Tennessee Building, Houston, Texas, filed an application on February 28, 1961, at Docket No. C161-1272, pursuant to section 7 of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing it to institute sales of natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee).

The application states that under the terms of an Instrument of Conveyance dated February 28, 1961, Tenneco is assigned to Tenneco certain gas producing properties located in the following fields:
Exhibit X-2 of the application presents a complete tabulation of the sales for which Applicant requests either authorization to continue such sales or cancellation of the appropriate rate schedule and authorization for sales thereunder.

Take further notice that Tennessee filed an application in Docket No. CP61-264 for a certificate of public convenience and necessity seeking authority to construct and operate 11.8 miles of 12%-inch field line, beginning in Block 64, East Cameron and extending in a westerly direction to a point in Block 180, West Cameron, all in offshore Louisiana, to enable it to purchase and transport to its main transmission system natural gas to be produced by Tenneco in the Block 180 Field. Estimated cost for this new line of natural gas to Tennessee and its customers will increase, decrease or remain at present levels as a result of the proposals contained therein. We believe it essential that evidence providing some factual economic justification should be submitted prior to the granting of either the permanent or temporary certificates requested. Therefore, without attempting to delimit the desired breadth of proof herein, Tennessee and Tenneco are directed to jointly file with the Commission the following statements subscribed by the respective public service officials on or before November 8, 1961.

1. A statement relating the same components of information for the years 1960, 1961 and 1962 on the assumption that certificates issue as requested and that the gas prices stated in the interaffiliate gas purchase contracts become effective rates.

2. A statement pertaining to the effect of any of the property transfers to Tenneco by the Instrument of Conveyance and of Tennessee's voting stock ownership in Tenneco, upon Tennessee's right to file a consolidated federal income tax return with Tenneco. If such right is lost, or is conditional, a statement of the resultant impact upon the unit cost of gas per Mcf to Tennessee and its customers.

3. A statement of the manner by which Tenneco was incorporated, including its capitalization, voting stock ownership, the names of all the officers and directors of both Tenneco and Tennessee.

4. A statement correlating the Tenneco non-affiliated gas purchase contracts, used by Tennessee and Tenneco to establish the so-called "equal" gas prices, with the interaffiliate gas purchase contracts in Docket Nos. CI61-1272 and CI61-1475.

5. A statement of the estimated volume of natural gas reserves dedicated to the fulfillment of each of the interaffiliate gas purchase contracts.
FEDERAL REGISTER

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affliliate gas purchase contracts in
Docket Nos. CI61-1272 and CI61-1475, the average daily volumes and the max-
imum volumes delivered or to be delivered under each of these contracts. Also a
statement, by field of the total produc-
tion to date and the remaining recover-
able reserves of gas under each of the
contracts.

(6) A statement containing the same
components of information as related to
the Tennessee non-affiliate gas purchase
contracts used to establish "equal" prices
for the interaffiliate contracts.

(7) A statement of the dates of ac-
quision by Tennessee of the various
leases involved in the gas purchase con-
tracts in Docket Nos. CI61-1272 and
CI61-1475, the average daily volumes and the maxi-

mum volumes delivered or to be delivered
under each of these contracts. Also a
statement showing gross investment,
leaseholds, lease intangibles, field facili-
ties, and amortization reserves (company net in-
estness in Docket Nos. CI61-1272 and
CI61-1273 should be denied.

(b) Well tangibles.
(a) Leaseholds.
(c) Lease equipment.

(4) The requests for temporary cer-
ficrates of public convenience and nec-
essity in Docket Nos. CI61-1475 and CP61-264 be
and the same is hereby denied.

The applicants are directed to file
jointly, with the Commission, an origi-
nal and seven copies of the information out-
lined hereinbefore, on or before Nov-
ember 6, 1961.

The proceedings upon the above-
etitiled applications be consolidated for
hearing.

E) Pursuant to the authority con-
tained in and subject to the jurisdiction
conferred upon the Federal Power Com-
mission by sections 7 and 15 of the Nat-
ural Gas Act and regulations there-
under, and the rules of practice and pro-
cedure of the Commission, a hearing will
be held commencing December 5, 1961, at
10:00 a.m., e.s.t., in a hearing room of
the Federal Power Commission, 441 G
Street NW, Washington, D.C., concern-
ing the matters involved in and the is-

sues presented in such applications.

(F) Protests, petitions to intervene,
and notices of intervention may be filed
by Tenneco in Docket Nos. CI61-1272 and
CI61-1273, be and the same is hereby denied.

By the Commission.1

JOSEPH H. GUTRIDE
Secretary.

[Delegation of Authority No. 403]
SECRETARY OF DEFENSE
Delegation of Authority to Represent the Interests of the Federal Gov-
ernment Regarding Application of Pacific Lighting Gas Supply Com-
pany for Increase in Gas Rates

1. Pursuant to the provisions of sec-
tions 201(a)(4) and 205 (d) and (e) of the Federal Property and Adminis-
tration Act of 1949, 63 Stat. 377, as amended, authority to represent the
interest of the executive agencies of the Federal Government in the matter of
amendment to application of California Interstate Telephone Company for vari-
ous types of relief, before the California Public Utilities Commission, Amend-
ment to Application No. 42012, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby
authorized to redelegate any of the au-
thority contained therein to any officer,
official or employee of the Department of Defense.

3. The authority conferred herein
shall be exercised in accordance with
the policies, procedures and controls pre-
scribed by the General Services Adminis-
tration, and shall further be exercised in
cooperation with the responsible officers,
officials and employees of General Serv-
ces Administration.

4. This delegation of authority shall
be effective September 28, 1961.

Dated: October 9, 1961.

JOHN L. MOORE,
Administrator.

[Delegation of Authority No. 402]
SECRETARY OF DEFENSE
Delegation of Authority to Represent Interests of the Federal Govern-
ment Regarding Amendment to Ap-
lication of California Interstate
Telephone Company for Various
Types of Relief

1. Pursuant to the provisions of sec-
tions 201(a)(4) and 205 (d) and (e) of
the Federal Property and Administrative
Services Act of 1949, 63 Stat. 377, as
amended, authority to represent the
interest of the executive agencies of the
Federal Government in the matter of
amendment to application of California
Interstate Telephone Company for vari-
ous types of relief, before the California
Public Utilities Commission, Amend-
ment to Application No. 42012, is hereby
delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby
authorized to redelegate any of the au-
thority contained therein to any officer,
official or employee of the Department of Defense.

3. The authority conferred herein
shall be exercised in accordance with the
policies, procedures and controls prescribed
by the General Services Administration,
and shall further be exercised in coop-
eration with the responsible officers,
officials and employees of General Serv-
ces Administration.

4. This delegation of authority shall
be effective September 28, 1961.

Dated: October 9, 1961.

JOHN L. MOORE,
Administrator.

1 Partial dissenting opinion of Commis-
sioner Kuykendall filed as part of the origi-
nal document.

[F.R. Doc. 61-9818; Filed, Oct. 12, 1961; 8:47 a.m.]
NOTICES

Indenture dated April 1, 1947 (the 1947 Indenture) to Manufacturers Trust Company (Manufacturers), a corporation organized and existing under the laws of the State of New York, as Trustee. These debentures were registered under the Securities Act of 1933 and the 1947 Indenture was qualified under the Act.

(c) $250,000,000 principal amount of its Thirty-Year 7% percent Debentures due September 15, 1984 issued under an Indenture dated September 15, 1954 (the 1954 Indenture) to Hanover as Trustee. These debentures were registered under the Securities Act of 1933 and the 1954 Indenture was qualified under the Act.

(e) $250,000,000 principal amount of its Thirty-Seven Year 5% percent Debentures due November 1, 1986 issued under an Indenture dated November 1, 1959 (the 1959 Indenture) to Hanover as Trustee. These debentures were registered under the Securities Act of 1933 and the 1959 Indenture was qualified under the Act. As a result Manufacturers Hanover has succeeded to the trusteeships of Hanover and Manufacturers under the aforementioned five Indentures.

3. The 1947 Indenture, the 1954 Indenture, the 1959 Indenture and the 1961 Indenture were wholly unsecured. The Appellant is not in default under any of said Indentures.

4. Except as to defaulting amounts, dates, interest rates and redemption prices, and with respect to the 1961 Indenture the date on or after which debentures may be called for redemption (June 1, 1971), these five Indentures contain substantially the same provisions. Any difference in their provisions is unlikely to cause a conflict of interest in the trusteeships of Manufacturers Hanover under said five Indentures.

Notices of Application and Opportunity for Hearing

OCTOBER 6, 1961.

In the matter of American Telephone and Telegraph Company, File Nos. 2-5804 (22-425), 2-6942 (22-607), 2-1118 (22-1580), 2-15763 (22-2673), Notice is hereby given that American Telephone and Telegraph Company (Applicant) has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the Act), for a finding by the Commission that the trusteeship of Manufacturers Hanover Trust Company (Manufacturers Hanover) under the five indentures hereinafter described is not so likely to involve a material conflict of interest under the Act as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers Hanover from acting as trustee under all five indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined therein) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and is trustee under another indenture under which it has or may have an conflicting interest, either to disqualify such trustee from acting as trustee under one or more of such indentures.

Applicant alleges that:

1. It has outstanding, among others, the following five issues of unsecured debentures:

(a) $175,000,000 principal amount of its Thirty-Five Year 2 3/4% per cent Debentures due August 1, 1980 issued under an Indenture dated August 1, 1945 (the 1945 Indenture) to Central Hanover Bank and Trust Company, subsequently called The Hanover Bank, (Hanover), a corporation organized and existing under the laws of the State of New York, as Trustee. These debentures were registered under the Securities Act of 1933 and the 1945 Indenture was qualified under the Act.

(b) $400,000,000 principal amount of its Thirty-Five Year 2 3/4% per cent Debentures due April 1, 1982 issued under an

DEPARTMENT OF JUSTICE
Office of Alien Property
BRUNO TAUS ET AL.

Notice of Intent To Return Vested Property

Pursuant to section 32(1) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location


Kurt Josephsohn, Haifa, Israel; $602,58 in the United States.

Kurt Josephsohn, Gelsen, Tel-Aviv, Israel; $662,58 in the United States.

Rolf P. Krohn, Kibutz Usha, Kfar Hamakabi, Israel; $331,29 in the United States.

Monica Bernell, New York, N.Y.; $220.86 in the Treasury of the United States.


Alfred Bernell, New York, N.Y.; $220.86 in the Treasury of the United States.

Inge Ruth Bernell; $220.86 in the Treasury of the United States.

Jette Bernstein Samuel, Santiago, Chile; $662.58 in the Treasury of the United States.


Monique Bernstein, Casablanca, Morocco; $248.46 in the Treasury of the United States.


Inge Ruth Bernell as natural guardian for Jean-Claude Bernstein, Casablanca, Morocco; $248.46 in the Treasury of the United States.

Inge Ruth Bernell, New York, N.Y.:

(a) $10,43 in the Treasury of the United States.

(b) $15,000,000 in the Treasury of the United States.

(c) $662.58 in the Treasury of the United States.

(d) $662.58 in the Treasury of the United States.

(e) $662.58 in the Treasury of the United States.

(f) $662.58 in the Treasury of the United States.

(g) $662.58 in the Treasury of the United States.

(h) $662.58 in the Treasury of the United States.

(i) $662.58 in the Treasury of the United States.

(j) $662.58 in the Treasury of the United States.

(k) $662.58 in the Treasury of the United States.

(l) $662.58 in the Treasury of the United States.

(m) $662.58 in the Treasury of the United States.

(n) $662.58 in the Treasury of the United States.

(o) $662.58 in the Treasury of the United States.

(p) $662.58 in the Treasury of the United States.

(q) $662.58 in the Treasury of the United States.

(r) $662.58 in the Treasury of the United States.

(s) $662.58 in the Treasury of the United States.

(t) $662.58 in the Treasury of the United States.

(u) $662.58 in the Treasury of the United States.

(v) $662.58 in the Treasury of the United States.

(w) $662.58 in the Treasury of the United States.

(x) $662.58 in the Treasury of the United States.

(y) $662.58 in the Treasury of the United States.

(z) $662.58 in the Treasury of the United States.
FEDERAL REGISTER

Grounds for relief: Short-line distance formula and grouping.

Tariif: Supplement 178 to Southwestern Freight Bureau tariif F.C.C. 4252.

F.S.A. No. 27398: Bituminous fine coal from points in Missouri to Tama, Iowa. Filed by Western Trunk Line Committee, Agent (No. A-2210), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from points in Missouri, to Tama, Iowa.

Grounds for relief: Restore origin rate relationship.

Tariif: Supplement 95 to Western Trunk Line Committee tariif F.C.C. A-3989.

F.S.A. No. 37399: Substituted service—L&N and Wab. for Central & Southern Truck Lines, Inc. Filed by Central & Southern Truck Lines, Inc. (No. 2), for interested carriers. Rates on fresh or frozen meats and packinghouse products and other commodities, loaded in highway trailers and transported on railroad flat cars, from Council Bluffs, Iowa, on traffic originating at points beyond, as described in the application, to Birmingham, Montgomery, Mobile, and Montgomery, Ala., Pensacola, Fla., Atlanta, Ga., Louisville, Ky., New Orleans, La., Chattanooga, and Nashville, Tenn., on traffic destined to such points or points beyond, as described in the application.

Grounds for relief: Motor-truck competition.


[SEAL] HAROLD D. MCCOY, Secretary.

[FR Doc. 61-9801; Filed, Oct. 12, 1961; 8:46 a.m.]

[NORMAL PROCEEDINGS]

INTERSTATE COMMERCE COMMISSION

FIFTH SECTION APPLICATIONS FOR RELIEF

October 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR Part 140) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

F.S.A. No. 37397: Cinders from Rocky Flats, Colo., to Southwestern territory points. Filed by Southwestern Freight Bureau, Agent (No. B-8095), for interested rail carriers. Rates on cinders, clay or shale, or crushed, as described, may be graded to size, but not cleaned or further processed, in bulk, in carloads, from Rocky Flats, Colo., to points in New Mexico, Oklahoma, and Texas.

No. 196-5-5
NOTICES

Ridge, Tenn., and Sargent's, Ohio, such mine roof bolts, assembled or unassembled, New York, N.Y., a partnership, Nathan Greenberg and Charles Greenberg, 1961, the Transfer Board approved Frankfort, Ky., attorney for applicants.

The one hand, and, on the other, Oak tank vehicles, and empty containers used in oilfield operations, between New York and a described portion in New Jersey, building and excavating contractors' and mining machinery parts, and related contractors' materials and supplies, when their use of special equipment, related machinery parts, and transportation of which, because of their size or weight, requires use of special equipment, related machinery parts, and related contractors' materials and supplies, will, Ky., on the one hand, and, on the other, Points in Indiana, Ohio (except Columbus), Pennsylvania, West Virginia, and Tennessee, doing business as Greenberg Trucking Co., issued September 13, 1957, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., of Certificate No. MC 37934, issued September 13, 1957, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., authorizing the transportation of: Paper and paperboard, from New York, N.Y., to points in Maine on the one hand, and, on the other, points in Massachusetts; paper and paperboard, from Goodyear, Conn., through Rhode Island, and points in Massachusetts, to points in New York, N.Y., to points in Indiana, Ohio, and Kentucky, empty shipper-owned vehicles, other than tank vehicles, and empty containers for radioactive materials, between the site of the Atomic Energy Commission's plant, at or near Kevil, Ky., on the one hand, and, on the other, Oak Ridge, Tenn., and Sargent's, Ohio, such bulk commodities as are usually transported in loaded dump vehicles, between points in 26 counties in Kentucky, radioactive semiprocessed feed material, in granular form, in hopper type containers, from Fermall, Ohio, to Oak Ridge, Tenn., and mine roof bolts, assembled or unassembled, from Gadsden, Ala., to points in Kentucky west of U.S. Highway 31W, Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky., attorney for applicants.


No. MC-FC 64521. By order of October 3, 1961, the Transfer Board approved the transfer to William D. Wilson, doing business as R. D. Wilson, 147 Parkr Street, Manchester, Conn., of Certificate No. MC 109369, issued December 9, 1949, to Louise T. Wilson, doing business as R. D. Wilson, Manchester, Conn., authorizing the transportation of: Paper and paperboard, from Pittsfield, Fitchburg, Worcester, and Springfield, Mass., to Manchester, Conn.; household goods, between Manchester, Conn., and points in Connecticut within seven miles of Manchester, Conn., and, on the other, Points in Indiana, Ohio, and Kentucky, empty shipper-owned vehicles, other than tank vehicles, and empty containers for radioactive materials, between the site of the Atomic Energy Commission's plant, at or near Kevil, Ky., on the one hand, and, on the other, Oak Ridge, Tenn., and Sargent's, Ohio, such bulk commodities as are usually transported in loaded dump vehicles, between points in 26 counties in Kentucky, radioactive semiprocessed feed material, in granular form, in hopper type containers, from Fermall, Ohio, to Oak Ridge, Tenn., and mine roof bolts, assembled or unassembled, from Gadsden, Ala., to points in Kentucky west of U.S. Highway 31W, Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky., attorney for applicants.


No. MC-FC 64530. By order of October 3, 1961, the Transfer Board approved the transfer to Meyer Satsky, Elberon, N.J., of Permit No. MC 52533, issued November 17, 1941, to M. Satsky Co., Inc., Elberon, N.J., authorizing the transportation over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Maine on the one hand, and, on the other, points in Massachusetts; paper and paperboard, from Goodyear, Conn., through Rhode Island, and points in Massachusetts, to points in New York, N.Y., to points in Hudson, Bergen, Essex, Union, Middlesex, Monmouth, Sussex, Hunterdon, Morris, and Passaic, and Ocean Counties, N.J.; carbonated beverages, from Newark, N.J., to points in that part of New Jersey, New York, Pennsylvania, Delaware, Maryland, Connecticut, and Massachusetts, within 15 miles of Newark; and empty carbonated beverage containers, from points in the above-specified destination territory to Newark, N.J., Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.


No. MC-FC 64523. By order of October 3, 1961, the Transfer Board approved the transfer to J. Shalit, doing business as Manitoba Trucking Co., New York, N.Y., of Certificate No. MC 42035, issued February 3, 1961, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., of Certificate No. MC 37934, issued September 13, 1957, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., authorizing the transportation of: Paper and paperboard, from Pittsfield, Fitchburg, Worcester, and Springfield, Mass., to Manchester, Conn.; household goods, between Manchester, Conn., and points in Connecticut within seven miles of Manchester, Conn., and, on the other, Points in Indiana, Ohio, and Kentucky, empty shipper-owned vehicles, other than tank vehicles, and empty containers for radioactive materials, between the site of the Atomic Energy Commission's plant, at or near Kevil, Ky., on the one hand, and, on the other, Oak Ridge, Tenn., and Sargent's, Ohio, such bulk commodities as are usually transported in loaded dump vehicles, between points in 26 counties in Kentucky, radioactive semiprocessed feed material, in granular form, in hopper type containers, from Fermall, Ohio, to Oak Ridge, Tenn., and mine roof bolts, assembled or unassembled, from Gadsden, Ala., to points in Kentucky west of U.S. Highway 31W, Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky., attorney for applicants.

No. MC-FC 64529. By order of October 3, 1961, the Transfer Board approved the transfer to J. Shalit, doing business as Manitoba Trucking Co., New York, N.Y., of Certificate No. MC 42035, issued February 3, 1961, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., of Certificate No. MC 37934, issued September 13, 1957, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., authorizing the transportation of: Paper and paperboard, from Pittsfield, Fitchburg, Worcester, and Springfield, Mass., to Manchester, Conn.; household goods, between Manchester, Conn., and points in Connecticut within seven miles of Manchester, Conn., and, on the other, Points in Indiana, Ohio, and Kentucky, empty shipper-owned vehicles, other than tank vehicles, and empty containers for radioactive materials, between the site of the Atomic Energy Commission's plant, at or near Kevil, Ky., on the one hand, and, on the other, Oak Ridge, Tenn., and Sargent's, Ohio, such bulk commodities as are usually transported in loaded dump vehicles, between points in 26 counties in Kentucky, radioactive semiprocessed feed material, in granular form, in hopper type containers, from Fermall, Ohio, to Oak Ridge, Tenn., and mine roof bolts, assembled or unassembled, from Gadsden, Ala., to points in Kentucky west of U.S. Highway 31W, Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky., attorney for applicants.
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

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Friday, October 13, 1961
