

## PART I

# FEDERAL REGISTER

VOLUME 27

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Washington, Thursday, June 14, 1962

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[87th Cong., 1st Sess.]

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# Rules and Regulations

## Title 7—AGRICULTURE

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

#### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.3, Amdt. 3]

#### PART 815—ALLOTMENT OF SUGAR QUOTAS—PUERTO RICO

*Basis and purpose.* This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 815.3 (27 F.R. 3275, 4148, 4874), which

allots the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The

sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments", respectively.

Revision of Sugar Regulation 815.3 is necessary to allot the increase of 25,667 short tons, raw value, in the mainland quota for the area established by Sugar Regulation 811, Amendment 3 (27 F.R. 5255) and to substitute in the determination of allotments final data for the estimated data on 1961 marketings used in determining the allotments in effect prior to this amendment. Such data are reflected in the following table together with the measures of the three factors, "processings \* \* \* from proportionate shares \* \* \*", "past marketings", and "ability to market":

Processor	Processings—Average 1959-60 and 1960-61 crop year production		Past marketings—Average annual mainland and local marketings, 1957 through 1961		Ability to market—Highest annual production, 1959-60 and 1960-61 crops		Combined allotments of mainland and local quotas		Average 1960 and 1961 local marketings
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Percent of total	Short tons, raw value	Short tons, raw value
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Antonio Roig Sucesores, S. en C.	40,125	3.770	41,888	4.065	41,484	3.717	3.904	28,476	25,116
Asociacion Azucarera Cooperativa	29,525	2.774	28,084	2.726	30,835	2.763	2.747	20,037	00
Central Aguirre Sugar Co., a trust	119,684	11.246	118,597	11.510	129,637	11.615	11.470	83,662	366
Central Coloso, Inc.	73,998	6.953	66,638	6.467	74,852	6.707	6.649	48,498	172
Central Eureka, Inc.	38,323	3.601	36,464	3.538	41,567	3.724	3.600	26,258	666
Central Guamani, Inc.	13,311	1.251	13,286	1.289	13,702	1.228	1.264	9,220	00
Central Igualdad, Inc.	46,704	4.389	44,181	4.288	49,672	4.451	4.354	31,758	21,645
Central Juanita, Inc.	27,848	2.617	31,907	3.097	28,167	2.523	2.834	20,671	206
Central Mercedesita, Inc.	84,718	7.960	77,104	7.483	89,442	8.014	7.735	56,419	37,645
Central Monserrate, Inc.	27,286	2.564	24,431	2.371	27,906	2.500	2.452	17,885	00
Central San Francisco	13,622	1.302	12,626	1.225	14,495	1.299	1.263	9,212	2,048
Central San Vicente, Inc.	39,542	3.715	42,581	4.132	41,088	3.682	3.915	28,556	00
Compania Azucarera del Camuy, Inc.	17,118	1.608	14,506	1.408	17,893	1.603	1.507	10,992	00
Compania Azucarera del Toa	22,856	2.148	24,334	2.362	23,599	2.114	2.247	16,390	00
Cooperativa Azucarera Los Canos	33,476	3.146	31,907	3.097	33,924	3.040	3.095	22,575	14
C. Brewer Puerto Rico, Inc.	166,033	15.601	170,966	16.592	171,221	15.341	16.032	110,938	17,564
Land Authority of Puerto Rico	65,550	6.159	62,772	6.092	65,736	6.090	6.058	44,187	0
Mario-Mercado e Hijos	30,627	2.878	29,262	2.840	33,523	3.004	2.890	21,080	509
Plata Sugar Company	53,504	5.027	50,875	4.937	53,659	4.808	4.927	35,938	0
Soller Sugar Company	13,827	1.289	13,174	1.278	13,862	1.242	1.274	9,293	0
Sa. Puerto Rico Sugar Corp.	106,343	9.992	94,810	9.203	119,814	10.735	9.783	71,357	17,616
Total	1,064,250	100.000	1,030,392	100.000	1,116,078	100.000	100.000	729,402	123,567

It was found after notice and public hearing that this order shall be revised without further notice or hearing for the purpose of substituting revised estimated or final data for estimated data which are applicable in the determination of allotments and revising allotments to give effect to any increase, or decrease, in mainland or local quotas due to action pursuant to sections 201, 202(a), or 203 of the Act or from the prorotation of a deficit in the quota for any area pursuant to section 204(a) or section 408(b)(2) of the Act. The revised allotments are determined by the same method used in the initial order, Sugar Regulation 815.3, effective April 6, 1962.

*Change in part heading.* The heading of Part 815 is changed to read as follows: "Allotment of Sugar Quotas, Puerto Rico". This change is made because the allotment of the mainland and local quotas, as well as the allotment of the

direct-consumption portion of the mainland quota, is carried under Part 815.

*Effective date.* Allotments established in this amendment are larger than the allotments established in S.R. 815.3, Amendment 2 (27 F.R. 4874). Since relatively little time remains in the allotment period to arrange for and make shipments to the mainland, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: It is hereby

ordered, that the heading of § 815.3 and paragraph (a) of § 815.3 be amended to read as follows:

#### § 815.3 Allotment of the mainland and local sugar quotas for Puerto Rico for the six-month period ending June 30, 1962.

(a) *Allotments.* The sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Allotments	
	Mainland (1)	Local (2)
Antonio Roig Sucesores, S. en C.	15,264	13,212
Asociacion Azucarera Cooperativa	20,037	0
Central Aguirre Sugar Co., a Trust	83,469	193
Central Coloso, Inc.	48,407	91
Central Eureka, Inc.	25,908	350
Central Guamani, Inc.	9,220	0
Central Igualdad, Inc.	20,372	11,386
Central Juanita, Inc.	20,563	108
Central Mercedita, Inc.	36,617	19,802
Central Monserrate, Inc.	17,885	0
Central San Francisco	8,135	1,077
Central San Vicente, Inc.	28,556	0
Compania Azucarera del Camuy, Inc.	10,992	0
Compania Azucarera del Toa	16,390	0
Cooperativa Azucarera Los Caños	22,568	7
C. Brewer Puerto Rico, Inc.	107,699	9,239
Land Authority of Puerto Rico	44,187	0
Mario Mercado e Hijos	20,812	268
Plata Sugar Company	35,938	0
Soller Sugar Company	9,293	0
So. Puerto Rico Sugar Corp.	62,090	9,267
All other persons, liquid sugar only	20	0
Total	664,422	65,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119; sec. 1, Public Law 87-15)

Done at Washington, D.C., this 8th day of June 1962.

ROBERT G. LEWIS,  
Deputy Administrator,  
Price and Production.

[F.R. Doc. 62-5830; Filed, June 13, 1962; 8:51 a.m.]

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

[Milk Order No. 94]

### PART 1094—MILK IN NEW ORLEANS MARKETING AREA

#### Order Amending Order

#### § 1094.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued April 13, 1962, and the decision containing all amendment provisions of this order, was issued May 11, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans marketing area shall be in conformity to and in compliance with the terms and conditions

of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1a. In § 1094.10(a), the phrase reading "\$ 1094.61 or" is deleted.

1b. Change § 1094.10(a)(1) to read as follows:

(1) Disposition in the marketing area of fluid milk products on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

2. Change § 1094.14 to read as follows:

#### § 1094.14 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted:

(a) To the pool plant of another handler;

(b) To a nonpool plant during any month(s) of December and February through August;

(c) Except as provided in subparagraphs (1) and (2) of this paragraph, to a nonpool plant during each month of January and September through November, but not more than 15 days production of any dairy farmer during any such month: *Provided*, That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:

(1) A cooperative association may divert for its account the milk of any member producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member producer milk received by all pool handlers during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk received at such pool plant during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

3. In the preamble of § 1094.30, the phrase reading "\$ 1094.61 or" is deleted.

4. Delete § 1094.33 in its entirety.

5. In paragraph (c) of § 1094.50 change the present operator and plant location listed as "Wilson and Company, Macon, Mississippi" to "The Borden Company, Macon, Mississippi".

6. Delete § 1094.61 in its entirety.

7. In the preamble of § 1094.62, the phrase reading "§ 1094.61 or" is deleted. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 8, 1962.

JOHN P. DUNCAN, Jr.,  
Assistant Secretary.

[F.R. Doc. 62-5829; Filed, June 13, 1962; 8:50 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 204—PETITION FOR IMMIGRANT STATUS AS A HIGHLY SKILLED PERSON OR AS A MINISTER

#### PART 282—FORMS FOR SALE TO PUBLIC

#### PART 299—IMMIGRATION FORMS Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 204.1 is amended to read as follows:

##### § 204.1 Petition.

The petition required by section 204 of the Act shall be filed on a separate Form I-140 for each beneficiary and shall be accompanied by a fee of \$10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

2. Section 282.1 is amended to read as follows:

##### § 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: G-28, I-20, I-94, I-95, I-129B, I-130, I-131, I-140, and I-418.

##### § 299.1 [Amendment]

3. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto:

Form No.	Title and description
I-140	Petition To Classify Immigrant Status of Alien Whose Services Are Needed in the United States.

4. Section 299.2 is amended to read as follows:

##### § 299.2 Forms available from the Superintendent of Documents.

The following forms required for compliance with the provisions of subchapter

B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G-28, I-20, I-94, I-95, I-129B, I-130, I-131, I-140, and I-418. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

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

This order shall become effective on July 1, 1962. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: June 8, 1962.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 62-5806; Filed, June 13, 1962; 8:48 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Amdt. 4]

#### PART 105—STANDARDS OF CONDUCT

#### Miscellaneous Amendments

In Part 105, §§ 105.4-2, 105.4-3 and 105.10 (26 F.R. 8447) are revised to read as follows:

##### § 105.4-2 Interest in firms receiving SBA assistance.

No employee, his or her spouse, nor members of his or her immediate household shall purchase or otherwise acquire any interest, as a stockholder or otherwise, in any concern while an application of such concern for assistance from the Small Business Administration is pending and for a period of two years after such assistance is granted, regardless of whether the concern is a publicly held corporation.

##### § 105.4-3 Assistance by the Administration to businesses owned by or employing officers or employees of the Federal Government.

No assistance, other than disaster loans, shall be furnished to a business enterprise when the sole proprietor, a partner, an officer or director thereof, or a stockholder with a ten or more percent interest therein:

(a) Is (1) an employee of the Administration or an employee in Grade GS-13 or its equivalent, or higher, of any other department in the executive branch, or (2) an officer of the rank of major or lieutenant commander or its equivalent, or higher, in the Armed Services of the United States, or (3) an appointed consultant of the Administration, or a member of a Small Business

Advisory Council, or (4) a spouse of any of the above,

without the prior approval of the Ad Hoc Committee, or

(b) Is (1) an employee in Grade GS-12 or its equivalent or lower, of any other department in the executive branch, or (2) a member of the Armed Services of the United States of the rank of captain or lieutenant senior grade, or its equivalent, or lower, or (3) a spouse of any of the above,

without a prior written statement of no objection by the pertinent department or Armed Service of the United States.

#### § 105.10 Ad Hoc Committee.

An Ad Hoc Committee composed of the General Counsel, serving as Chairman thereof, the Assistant Administrator for Management and the Assistant Administrator for Information Services, is created for the purpose of advising and aiding the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interest, including the requirements of section 105.4-3. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

Effective date: June 5, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-5799; Filed, June 13, 1962; 8:48 a.m.]

[Rev. 2; Amdt. 11]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

#### Definition of Small Business for Government Procurement

On January 30, 1962, there was published in the FEDERAL REGISTER (27 F.R. 865) a notice of hearing to be held for the construction industry (except hydraulic dredgers) to determine the appropriate small business size standard to be applied to that industry. On February 20, 1962, such hearing was held and testimony received.

Interested persons were given an opportunity to present their comments or suggestions pertaining to the amendment of the definition of small business for the construction industry to the Office of Small Business Size Standards. Generally, the comments indicated that the existing size standard was inaccurate as it pertained to concerns which bid on Government construction projects. There was a clear indication that a higher figure of average annual receipts for concerns in the construction industry would permit many small businesses within the industry the opportunity to receive procurement assistance from the Small Business Administration.

After consideration of all such relevant matter as was presented by interested persons regarding the size stand-

ard for the construction industry, the amendment set forth below is hereby adopted.

Included in this amendment is the definition of a small business in the hydraulic dredging industry. On January 30, 1962, after an industry hearing, notice was published in the FEDERAL REGISTER (27 F.R. 865) that the size standard for the hydraulic dredging industry should remain at \$5,000,000.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634, 12069) is hereby further amended by deleting § 121.3-8(a)(2) and substituting in lieu thereof new § 121.3-8(a)(2) and adding new § 121.3-8(a)(13) as follows:

**§ 121.3-8 Definition of small business for Government procurement.**

(a) *Small business definitions.* \* \* \*

(2) *Construction contracts.* For the purpose of bidding on construction contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed \$7,500,000.

\* \* \* \* \*

(13) *Hydraulic dredging contracts.* For the purpose of bidding on hydraulic dredging contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed \$5,000,000.

Effective date: This amendment shall become effective on August 1, 1962.

Dated: June 1, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-5800; Filed, June 13, 1962;  
8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1170; Amdt. 450]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Navion & Twin Navion Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the nose gear retract link assembly on Navion and Twin Navion aircraft and replacement of cracked parts with a redesigned assembly was published in 27 F.R. 3999.

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

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

NAVION AND TWIN NAVION. Applies to all Navion Serial Numbers NAV-4-2 and up and all Twin Navion aircraft, Camair Model 480, Dauby, Riley, and Temco Models D-16 and D-16A.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 50 hours' time in service and thereafter every 100 hours' time in service from the last inspection.

Inspect by magnetic particle method or FAA approved equivalent, the nose gear retract link assembly P/N 145-34106 or 145-34106-10, for cracks in or near end fitting welds. Replace all cracked parts prior to further flight with Navion P/N 145-34106-20, Camair P/N 1-6031, or FAA approved equivalent, incorporating a longer lap weld center section that completely covers the turned down part of the end fitting. The inspection required by this AD may be discontinued after Navion P/N 145-34106-20, Camair P/N 1-6031, or FAA approved equivalent is installed.

This amendment shall become effective July 16, 1962.

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

Issued in Washington, D.C., on June 7, 1962.

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

[F.R. Doc. 62-5779; Filed, June 13, 1962;  
8:45 a.m.]

[Reg. Docket No. 1158; Amdt. 451]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Pratt & Whitney Aircraft JT3D Series Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rework of the fourth stage turbine rotor blades of Pratt & Whitney Aircraft JT3D Series engines was published in 27 F.R. 3820.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Subsequent to the publication of the notice of proposed rule making, the manufacturer issued a service bulletin to combine the Service Department letters, sketches and drawings referred to in the proposal. Reference to the service bulletin is substituted for the other documents in the 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:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft JT3D-1, JT3D-1-MC6, JT3D-1-MC7 and JT3D-3 turbofan engines equipped with fourth stage turbine rotor blades P/N 395304 Change H or earlier and P/N 434104 Change C or earlier.

Compliance required at first engine overhaul after the effective date of this AD unless already accomplished.

As the result of fourth stage turbine rotor blade failures, the following is required.

Rework all P/N 395304 Change H or earlier and P/N 434104 Change C or earlier, fourth stage turbine rotor blades as follows:

(a) Rework these blades to incorporate a 55° tip shroud lock angle in accordance with P&WA telegraphic message dated August 17, 1961, to all JT3D operators.

(b) Rework the first serration of the blade root at both rear corner radii and the entire trailing edge of the airfoil section in accordance with Pratt & Whitney Aircraft Service Bulletin No. 387 together with P&WA telegraphic message dated March 15, 1962, to all JT3D operators. Each blade must be fluorescent penetrant inspected prior to and after rework. Blades exhibiting any indications must be rejected.

(c) After completion of inspection, stress relieve all reworked blades at 1500° F. plus or minus 25° for four (4) hours. Glass beadpeen the reworked area of the airfoil trailing edge in accordance with AMS-2430 to an intensity of 15N2.

NOTE: This AD does not apply to engines equipped with blades P/N 395304 Change J or later, P/N 434104 Change D or later, or P/N 434104 which carry the inscription PL-5651 or PL-5670 on the blade root.

(Pratt & Whitney Aircraft Service Bulletin No. 387 and P&WA telegraphic messages dated August 17, 1961, March 15, 1962, and March 21, 1962, to all JT3D operators, cover this same subject.)

This amendment shall become effective July 16, 1962.

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

Issued in Washington, D.C., on June 8, 1962.

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

[F.R. Doc. 62-5780; Filed, June 13, 1962;  
8:45 a.m.]

[Reg. Docket No. 1207; Amdt. 449]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Pratt & Whitney JT4A Series Turbojet Engines

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an amendment to AD 62-10-4, Amendment 432, 27 F.R. 3971, was adopted on May 14, 1962, and made effective immediately as to all known United States operators of Pratt & Whitney JT4A Series turbojet engines. This amendment was adopted to permit greater latitude in complying with the turbine blade replacement provisions of AD 62-10-4.

Since this amendment relaxed a requirement and imposed no additional burden on any person, notice and public procedure thereon were unnecessary and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Pratt & Whitney JT4A Series turbojet engines by individual telegrams dated May 14, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR 507) to make it effective to all persons.

Amendment 432, Pratt & Whitney JT4A Series turbojet engines (27 F.R. 3971), is hereby amended by changing

the second sentence of the second paragraph to read as follows:

If any blade looseness or rattling is found, remove the engine for blade replacement prior to further flight, except that an operator conducting more frequent periodic inspections than at the 85-hour intervals may delay replacement of loose blades for one additional 15-hour period of time in service provided that time in service since a known no-loose blade condition will not exceed 85 hours.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by individual telegrams dated May 14, 1962.

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

Issued in Washington, D.C., on June 7, 1962.

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

[F.R. Doc. 62-5781; Filed, June 13, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-68]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway and Associated Control Areas

On March 15, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2481) stating that the Federal Aviation Agency proposed to amend §§ 600.6454 and 601.6454 of the regulations of the Administrator by extending VOR Federal airway No. 454 and its associated control areas from Lawrenceville, Va., to Hopewell, Va.

The Air Transport Association of America concurred with the proposed amendments. The Department of the Air Force offered no objection to the proposed amendments provided that no additional delays or restrictions would be imposed upon military aircraft executing TACAN approach procedures at Byrd Field, Richmond, Va. They suggested that the proposed airway be aligned with VOR Federal airway No. 157 from Lawrenceville to the Dalton Intersection (intersection of the Lawrenceville VOR 044° and the Flat Rock, Va., VORTAC 168° radials) thence to Hopewell.

Airspace protection requirements for the TACAN approaches in relation to the proposed airway extension are virtually the same as those established in relation to Victor 157. Therefore, no additional delays or restrictions to the TACAN approaches are anticipated. For the same reason, no advantage would be

gained by aligning the proposed airway via the Dalton Intersection. No other comments were received regarding the proposed amendments.

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

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

1. Section 600.6454 (14 CFR 600.6454) is amended as follows:

a. In the caption "Lawrenceville, Va." is deleted and "Hopewell, Va." is substituted therefor.

b. In the text "to the Lawrenceville, Va., VOR." is deleted and "Lawrenceville, Va., VOR; to the Hopewell, Va., VOR-TAC." is substituted therefor.

2. In the caption of § 601.6454 (14 CFR 601.6454) "Lawrenceville, Va." is deleted and "Hopewell, Va." is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

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

Issued in Washington, D.C., on June 7, 1962.

LEE E. WARREN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 62-5782; Filed, June 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-62]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airways and Controlled Airspace

The purpose of these amendments to the regulations of the Administrator is to change the name of the Fallon, Nev., VOR wherever it appears in Parts 600 and 601. This action is taken to preclude misunderstanding the Fallon VOR for the Fallon TACAN in radio communication.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

1. In the text of the following sections "Fallon" is deleted wherever it appears and "Hazen" is substituted therefor.

a. Section 600.6006 (14 CFR 600.6006, 26 F.R. 11823).

b. Section 600.6494 (26 F.R. 11824).

c. Section 600.1738 (26 F.R. 1093, 12215).

2. In the text of § 601.7001 (26 F.R. 6710) "Fallon, Nev., VOR" is deleted and "Hazen, Nev., VOR" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

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

Issued in Washington, D.C., on June 7, 1962.

LEE E. WARREN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 62-5783; Filed, June 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62-LA-10]

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

Designation of Transition Area

On March 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2292) stating that the Federal Aviation Agency proposed to designate a transition area at Fillmore, Calif.

No adverse comments were received regarding the proposed amendment.

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

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

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

§ 601.10958 Fillmore, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the N and NE by VOR Federal airway No. 12, on the E by VOR Federal airway No. 107, on the S by VOR Federal airway No. 25, and on the W by VOR Federal airway No. 25 and VOR Federal airway No. 485.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

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

Issued in Washington, D.C., on June 7, 1962.

LEE E. WARREN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 62-5784; Filed, June 13, 1962; 8:45 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 74—SCABIES IN SHEEP

##### Interstate Movement

On April 5, 1962, and on April 12, 1962, there were published in the FEDERAL REGISTER (27 F.R. 3259, 3521), notices with respect to proposals to amend § 74.3 (a), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), § 74.3(a) of said Part 74 is hereby amended to read as follows:

##### § 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all counties in the State of South Dakota lying east thereof;

(3) All counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(4) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(5) The following counties in Michigan: Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126); 19 F.R. 74, as amended)

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

The amendment adds the State of Kentucky and Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Counties in the State of Michigan to the list of eradica-

tion areas since the cooperative sheep scabies eradication program is now being conducted in such State and specified counties. This State and the specified counties are presently included in the infected areas as sheep scabies is known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such State and specified counties.

Done at Washington, D.C., this 8th day of June 1962.

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

[F.R. Doc. 62-5809; Filed, June 13, 1962; 8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7590]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Automotive Jobbers, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Automotive Jobbers, Inc. (Dallas, Tex.), et al., Docket 7590, Jan. 4, 1962]

*In the Matter of Automotive Jobbers, Inc., a Corporation; Mrs. Neva Baker, Doing Business Under the Firm Name and Style of Baker Auto Supply, a Sole Proprietorship; E. L. Bauer, Doing Business Under the Firm Name and Style of Bauer Auto Supply, a Sole Proprietorship; Blue Ribbon Auto Supply, Inc., a Corporation, H. B. Braden, Jr., Doing Business Under the Firm Name and Style of Braden's Automotive, a Sole Proprietorship; J. W. Mitchell and W. L. Brown, Copartners Doing Business Under the Firm Name and Style of Brown Auto Supply; John M. Carter, Doing Business Under the Firm Name and Style of Carter Auto Supply, a Sole Proprietorship; James Lacey, Doing Business Under the Firm Name and Style of Central Grinding & Auto Supply, a Sole Proprietorship; Thomas Clark, Doing Business Under the Firm Name and Style of Clark Auto Parts Supply, a Sole Proprietorship; Ralph Clark, Doing Business Under the Firm Name and Style of Ralph Clark Company, a Sole Proprietorship; C. E. Holder and M. W. Edgmon, Copartners Doing Business Under the Firm Name and Style of Edgmon-Holder Motor Supply; Eugene Straach, Doing Business Under the Firm Name and Style of Grove Auto Supply, a Sole Proprietorship; Rex Grove Auto Supply Company, Inc., a Corporation; M. R.*

*Walker, B. C. McKinley and J. O. Thompson, Copartners Doing Business Under the Firm Name and Style of Jobbers Warehouse Service; Sam Murphy, Doing Business Under the Firm Name and Style of Murphy Automotive Supply, a Sole Proprietorship; L. E. Shafer, Doing Business Under the Firm Name and Style of Senior Auto Parts, a Sole Proprietorship; Phil Crawford, O. J. Chase and R. R. Crawford, Copartners Doing Business Under the Firm Name and Style of Texas Automotive Supply; Vernon Pennington, Doing Business Under the Firm Name and Style of Vernon Parts Company, a Sole Proprietorship; James E. Walker, Doing Business Under the Firm Name and Style of Walker Auto Parts, a Sole Proprietorship; Ethel Waugh and Guy V. Cope, Copartners Doing Business Under the Firm Name and Style of A. G. Waugh Company; and Madie E. Wood, Doing Business Under the Firm Name and Style of Wood Tire & Supply Co., a Sole Proprietorship*

Order requiring a Texas association of jobbers of automotive products and supplies, which was simply a bookkeeping device and served as agent through which members were billed and made settlement for purchases, and its 19 members, to cease violating section 2(f) of the Clayton Act by inducing and receiving from suppliers what they knew were "discriminatory and illegal prices, discounts, allowances and rebates" resulting from their combined bargaining power and not available to their competitors.

The order to cease and desist is as follows:

*It is ordered,* That respondent Automotive Jobbers, Inc., a corporation; Mrs. Neva Baker, doing business under the firm name and style of Baker Auto Supply, a sole proprietorship; E. L. Bauer, doing business under the firm name and style of Bauer Auto Supply, a sole proprietorship; Blue Ribbon Auto Supply, Inc., a corporation; H. B. Braden, Jr., doing business under the firm name and style of Braden's Automotive, a sole proprietorship; J. W. Mitchell and W. L. Brown, copartners doing business under the firm name and style of Brown Auto Supply; John M. Carter, doing business under the firm name and style of Carter Auto Supply, a sole proprietorship; Thomas Clark, doing business under the firm name and style of Clark Auto Parts Supply, a sole proprietorship; Ralph Clark doing business under the firm name and style of Ralph Clark Company, a sole proprietorship; C. E. Holder and M. W. Edgmon, copartners doing business under the firm name and style of Edgmon-Holder Motor Supply; Eugene Straach, doing business under the firm name and style of Grove Auto Supply, a sole proprietorship; Rex Grove Auto Supply Company, Inc., a corporation; M. R. Walker, B. C. McKinley and J. O. Thompson, copartners doing business under the firm name and style of Jobbers Warehouse Service; Sam Murphy, doing business under the firm name and style of Murphy Automotive Supply, a

sole proprietorship; L. E. Shafer, doing business under the firm name and style of Senior Auto Parts, a sole proprietorship; Phil Crawford, O. J. Chase and R. R. Crawford, copartners doing business under the firm name and style of Texas Automotive Supply; Vernon Pennington, doing business under the firm name and style of Vernon Parts Company, a sole proprietorship; James E. Walker, doing business under the firm name and style of Walker Auto Parts, a sole proprietorship; Ethel Waugh and Guy V. Cope, copartners doing business under the firm name and style of A. G. Waugh Company; and Madie E. Wood, doing business under the firm name and style of Wood Tire & Supply Company, a sole proprietorship; and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchase of any automotive products or supplies in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Knowingly inducing or knowingly receiving or accepting any discrimination in the price of such products and supplies, by directly or indirectly inducing, receiving, or accepting from any seller a net price known by respondent to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondents' business, or where respondents are competing with other customers of the seller.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to James Lacey, now deceased.

By "Final Order", report of compliance was required as follows:

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

Issued: January 4, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-5790; Filed, June 13, 1962; 8:46 a.m.]

[Docket 7665]

**PART 13—PROHIBITED TRADE PRACTICES**

**Pati-Port, Inc., and Al B. Wolf**

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; § 13.70 *Fictitious or misleading guarantees*; § 13.155 *Prices*; § 13.155-10 *Bait*;

§ 13.155-40 *Exaggerated as regular and customary*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45 [Cease and desist order, Pati-Port, Inc. (Baltimore, Md.), et al., Docket 7665, Jan. 4, 1962])

**In the Matter of Pati-Port, Inc., a Corporation, and Al B. Wolf, Individually and as an Officer of Said Corporation**

Order requiring Baltimore installers of patios and carports, to cease using bait advertisements to get leads to prospects whom they then urged and frequently persuaded to buy much higher priced items; and representing falsely that the usual price of their carport and patio was \$249 but they were offering it at a special low price of \$77, that the merchandise was guaranteed, and that it was "all aluminum".

The order to cease and desist is as follows:

It is ordered, That respondent, Pati-Port, Inc., a corporation, and its officers, and respondent Abraham B. Wolf, also known as Al B. Wolf, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of carports, patios or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;
2. That any amount is respondents' usual and regular retail price of merchandise, when such amounts are in excess of the price at which said merchandise is usually and regularly sold at retail by respondents in the trade area or areas where the representations are made;
3. That merchandise is sold at a special or reduced price unless such price constitutes a reduction from the price at which the merchandise has been usually and regularly sold by respondents in the recent regular course of business;
4. That any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;
5. That said merchandise is of all-aluminum construction, or otherwise misrepresenting the materials of which any product is made.

By "Order Denying Petition for Review, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents Pati-Port, Inc. and Abraham B. Wolf, also known as Al B. Wolf, shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the or-

der to cease and desist contained in the initial decision.

Issued: January 4, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-5791; Filed, June 13, 1962; 8:47 a.m.]

**Title 21—FOOD AND DRUGS**

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

**SUBCHAPTER C—DRUGS**

**PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY**

**Anti-Biotic Drugs in Tablet Form; Disintegration-Time Requirements**

**Correction**

In F.R. Doc. 62-5641, appearing at page 5500 of the issue for Saturday, June 9, 1962, the subparagraph (3) added to § 141b.112(a) should read as follows:

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

**Title 39—POSTAL SERVICE**

**Chapter I—Post Office Department**

**PART 168—DIRECTORY OF INTERNATIONAL MAIL**

**Miscellaneous Amendments**

The regulations of the Post Office Department in Part 168—Directory of International Mail, are amended by making the following changes in § 168.5 *Individual country regulations*:

I. In the country "Algeria" as amended by 27 F.R. 3738, under Parcel Post, amend the second paragraph of the item *Prohibitions and import restrictions* by striking out "30,000" in the first sentence and inserting "300" in lieu thereof; and by deleting the last sentence. As so amended, the second paragraph reads as follows:

*Prohibitions and import restrictions.*

\* \* \* \* \*

Import licenses must be obtained for all commercial shipments and for gift parcels weighing 10 kilograms (22 pounds) or more, or valued at 300 francs (\$61) or more. Gift parcels under that weight and value and for the personal use of the addressees and their families are exempt from import licensing, provided they are sent infrequently.

II. In the country "Brazil" under Parcel Post, the fourth paragraph under the item *Observations* is amended to read as follows:

*Observations.*

\* \* \* \* \*

If parcels are found on arrival in Brazil to be in violation of any of the import regulations, they will be withheld from delivery and the addressees may be required to pay fines in addition to the customs duty. If the charges are not paid, the parcels are liable to seizure and are not released even if senders have requested return through the postal service.

III. In the country "Central African Republic", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

*Prohibitions.* All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Central African Republic authorities.

IV. In the country "Chad (Republic Of)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

*Prohibitions.* All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Chad authorities.

V. In the country "Comoro Islands", as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the

item "Prohibitions" together with the material thereunder.

VI. In the country "Congo (Republic Of) (Brazzaville)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

*Prohibitions.* All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Congo authorities.

VII. In the country "Congo (Republic Of The) (Leopoldville)", make the following changes:

A. Under Postal Union Mail, strike out the item *Prohibitions and import restrictions*, and insert in lieu thereof the following:

*Prohibitions.* Articles relating in any manner to "snowball" (Chain Letter Type) operations.

Articles relating to magic, except those of scientific nature.

B. Under Parcel Post, the item *Prohibitions* is amended to read as follows:

*Prohibitions.* Firearms of any caliber.

C. Under Parcel Post, delete the item *Import restrictions*.

VIII. In the country "Cyprus", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, strike out the item *Prohibitions and import restrictions*, and insert in lieu thereof the following:

*Import restrictions.* Same as for parcel post.

B. Under Parcel Post, delete the item *Prohibitions*, and amend the item *Import restrictions* to read as follows:

*Import restrictions.* The attention of senders should be called to the following requirement which is to be met by addressees:

Import licenses are required for parcels exceeding \$2.80 in value. To avoid delay in customs, the addressee should obtain the license before the parcel arrives.

IX. In the country "Dahomey (Republic Of)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, delete the item *Prohibitions and import restrictions*.

B. Under Parcel Post, delete the items *Prohibitions*, and *Import restrictions*.

X. In the country "Finland" as amended by 27 F.R. 3738, make the following changes:

A. Under Parcel Post, the item *Observations* is amended to read as follows:

*Observations.* The Finnish customs authorities permit duty-free entry and exemption from import license for gift parcels, or groups of such parcels containing only the articles listed below, provided no parcel or group exceeds 22 pounds in weight or 5,000 Finnish marks (about \$15.60) in value:

Foodstuffs other than coffee, cocoa, tea, or candy.

Coffee, cocoa, and candy up to 2 pounds 3 ounces each and tea up to 8¼ ounces.

Tobacco products not exceeding 100 cigarettes, 30 cigarillos, 25 cigars, or 3½ ounces of pipe tobacco.

Small quantities of clothing (new as well as used), soap, leather goods, razor blades, and similar articles of small value, not to be sold or used in commerce or trade.

If gift parcels contain articles exceeding the above limits, the addressees will be required to obtain import licenses and pay custom charges.

B. Under Parcel Post, the item *Import restrictions* is amended to read as follows:

*Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" concerning import licenses.

The authorization of the Ministry of the Interior is required for the importation of meat and meat products, crude animal products, rags, and firearms.

XI. In the country "Gabon Republic", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

*Prohibitions.* All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Gabon authorities.

XII. In the country "Ghana", as amended by 27 F.R. 3738, and 27 F.R. 1010-1011, make the following changes:

A. Under Postal Union Mail, strike out the item *Prohibitions and import restrictions*, and insert in lieu thereof the following:

*Import restrictions.* Same as for parcel post.

B. Under Parcel Post, delete the item *Prohibitions*.

XIII. In the country "Indonesia", under Parcel Post, make the following changes:

A. In the item "*Observations*", delete the third paragraph. As so amended the item reads as follows:

*Observations.* Commercial parcels are accepted only if the sender has marked the customs declaration with the number and date of the Indonesian import permit issued to the addressee for the parcel. A copy of the sender's invoice, also bearing the Indonesian permit number and date, must be enclosed in each parcel.

The following articles are not admitted in commercial parcels: Articles of gold and silver, including tableware; pens and pencils ornamented with precious metal; calendar watches; linen clothing; natural silk goods; children's toys operated by steam or electricity; leather goods; coffee essences and coffee substitutes; molasses and other substitutes for sugar.

Customs declarations must show both the gross weight of the entire parcel and the net weight of each item.

Parcel post service from Indonesia to the United States is suspended.

B. Amend the item *Import restrictions* to read as follows:

*Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for all gift parcels exceeding about \$13 in value, and for those which contain any articles which may be considered by the Indonesian authorities as luxury items.

Special authorization is required for the following: Arms and parts thereof; motion-picture films which must be inspected and approved by an official commission at Djakarta; antibiotic drugs.

XIV. In the country "Ivory Coast (Republic Of)" as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item *Prohibitions and import restrictions*.

XV. In the country "Kenya and Uganda", as amended by 27 F.R. 3738, under Parcel Post, amend the first paragraph of item *Prohibitions* to show that switchblade knives are prohibited to Uganda. As so amended the first paragraph under item *Prohibitions* reads as follows:

*Prohibitions.* For reasons of public safety. Arms including air guns of all kinds, safety pistols, toy pistols, alarm pistols, parts of the foregoing, and any articles resembling deadly weapons or capable of being converted into deadly weapons, are prohibited to Kenya. They may be imported into Uganda with special permission from the authorities of that territory. Switchblade knives, also

known as "flick knives", are prohibited to Uganda.

XVI. In the country "Madagascar (Malagasy Republic)", Madagascar, Ste. Marie-De-Madagascar and Nossi-Be", as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item *Prohibitions*.

XVII. In the country "Mali (Republic Of)" as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions and import restrictions*, to read as follows:

*Prohibitions and import restrictions.* Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, strike out the item *Prohibitions and import restrictions*, and immediately following the item *Observations*, add two new items to read as follows:

*Prohibitions.* Daggers, sword-canes, blackjacks and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

*Import restrictions.* The attention of senders should be called to the following requirements which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns. Distilling apparatus. Saccharine and artificial flavors for beverages and confectionery. Phonograph records. Arabic books and prints.

XVIII. In the country "Mauritania (Islamic Republic)", as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item *Prohibitions and import restrictions*.

XIX. In the country "Mexico" as amended by 27 F.R. 776, and 27 F.R. 3738, under Postal Union Mail, amend the item *Observations* to read as follows:

*Observations.* The Mexican requirements for import licenses and commercial invoices given in the item "Observations" under "Parcel Post" apply also to postal union mail packages.

Combination mailings as defined in § 112.9(a) of this chapter are accepted.

XX. In the country "Nigeria," as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, delete the item *Prohibitions*.

B. Under Parcel Post, delete the item *Observations, and Prohibitions*.

XXI. In the country "Philippines (Republic of the)," as amended by 27 F.R. 3738, under Parcel Post, make the following changes:

A. In the list of post offices and provinces which limit parcels to 22 pounds

in weight, insert the following post offices and provinces in their alphabetical sequence:

<i>Post Office and Province</i>	
*	*
Bacalod -----	Lanao del Norte.
Callang -----	Isabela.
Cumadcad -----	Castilla, Sorsogon.
Lamut -----	Mountain Province.
Lutopan -----	Toledo, Cebu.
Maitum -----	Cotabate.
Mangagoy -----	Bislig, Surigao del Sur.
Matag-ob -----	Leyte.
Panukulan -----	Quezon.
Real -----	Quezon.
Sultan Sa	
Barongia -----	Cotabato.

B. Amend the list of post offices and provinces which limit parcels to 11 pounds in weight to read as follows:

<i>Post Office and Province</i>	
Alcantara -----	Romblon.
Alilem -----	Ilocos Sur.
Ampatuan -----	Cotabato.
Anao-aon -----	Surigao del Norte.
Angaki -----	Ilocos Sur.
Baguias -----	Mt. Province.
Bagulin -----	La Union.
Bakum -----	Mt. Province.
Barlig -----	Mt. Province.
Barobo -----	Surigao del Sur.
Busuanga -----	Palawan.
Buug -----	Zamboanga del Sur.
Cabatuan -----	Isabela.
Cagayancillo -----	Palawan.
Camaligan -----	Carmarines Sur.
Claver -----	Surigao del Norte.
Compostela -----	Davao.
Dagohoy -----	Bohol.
Difun -----	Nueva Viscaya.
Esperanza -----	Masbate.
Famy -----	Laguna.
General Nakar -----	Quezon.
Hungduan -----	Ifugao, Mt. Province.
Isabela Capitol -----	Ilagan, Isabela.
Isulan -----	Cotabato
Ivana -----	Batanes.
Kabayan -----	Mt. Province.
Kibungan -----	Mt. Province.
Kumalarang -----	Zamboanga del Sur.
Lawaan -----	Samar.
Linamon -----	Lanao del Norte.
Llanera -----	Nueva Ecija.
Lupi -----	Camarines Sur.
Lidlidda -----	Ilocos Sur.
Magsaysay -----	Isabela.
Mahatao -----	Batanes.
Matanao -----	Davao.
Mayoyao -----	Mt. Province.
Natonin -----	Mt. Province.
Palanan -----	Isabela.
Pantabangan -----	Nueva Ecija.
Pinukpuk -----	Mt. Province.
Potia -----	Mt. Province.
Quezon -----	Isabela.
Ramon Magsaysay -----	Zamboanga del Sur.
Saguday -----	Nueva Viscaya.
Salvador -----	Lanao del Norte.
Samar Institute of Technology -----	Samar.
San Emilio -----	Ilocos Sur.
San Isidro -----	Samar.
San Pablo -----	Zamboanga del Sur.
San Policarpo -----	Samar.
Santo Tomas -----	Davao.
Siay -----	Zamboanga del Sur.
Sibul Spring -----	Bulacan.
Sigay -----	Ilocos Sur.
Tabuelan -----	Cebu.
Tanudan -----	Mt. Province.
Tuba -----	Mt. Province.
Tubod -----	Surigao del Norte.
Upi Agricultural High School -----	Cotabato.
Uyugan -----	Batanes.

XXII. In the country "Senegal (Republic Of)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions and import restrictions* to read as follows:

*Prohibitions and import restrictions.* Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, strike out the item *Prohibitions and import restrictions*, and immediately following the item *Observations*, add two new items to read as follows:

*Prohibitions.* Daggers, sword canes, blackjacks and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

*Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns. Distilling apparatus. Saccharine and artificial flavors for beverages and confectionery. Phonograph records. Arabic books and prints.

XXIII. In the country "Syria" as amended by 27 F.R. 404-405, under Parcel Post, amend the item *Import restrictions* to read as follows:

*Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import licenses for gift parcels exceeding 200 Syrian pounds (\$56.00) in value, and for all commercial parcels.

Special permission is required for the importation of the following:

Certain vegetable and fish oils, unless denatured for soapmaking.

Sporting guns.

Cigarettes, cigars, leaf tobacco and tumbeki.

XXIV. In the country "Togo", as amended by 27 F.R. 3738, under Parcel Post, insert a new item *Observations* immediately following the item *Indemnity* to read as follows:

*Observations.* Postage covers conveyance only to Lomé; additional charges for conveyance to destination are collected from the addressees.

XXV. In the country "Trinidad and Tobago", as amended by 27 F.R. 3738, under Parcel Post, the first paragraph under the item *Prohibitions* is amended to read as follows:

*Prohibitions.* Disguised firearms, switchblade knives (also known as "flick knives"), and sword canes. Other

arms require the permission of the Trinidad police authorities.

XXVI. In the country "Tunisia (Tunis)", as amended by 27 F.R. 3738, under Parcel Post, amend the item *Import restrictions* to read as follows:

*Import restrictions.* Addressees are required to obtain import licenses for all commercial parcels, and for gift parcels of the following categories: (1) Containing articles not for the addressee's personal use; (2) exceeding 22 pounds in weight or 10 dinars (about \$24) in value; (3) containing jewelry, precious metals, medicines, or cotton or woolen piece goods or hosiery; or (4) sent frequently or in large numbers.

Annual quotas are fixed by decree covering the importation of pure or mixed cotton fabrics, plain or twilled, and ticking, damasks and figured fabrics, clothing, lingerie and clothing accessories, with or without handwork.

XXVII. In the country "Union of Soviet Socialist Republics", under Parcel Post, make the following changes:

A. In the item *Observations*, delete the first paragraph therein.

B. In the item *Prohibitions and import restrictions*, make the following changes:

1. Add a new paragraph immediately following paragraph 1 to show that used clothing, linen and footwear are prohibited. As so amended, paragraphs 1, 2, and 3 of the item *Prohibitions and restrictions* read as follows:

*Prohibitions and import restrictions.* Addressees are required to obtain import licenses for all commercial parcels, and for gift parcels unless they contain exclusively articles shown in the following list, for the personal use of the addressee, and not exceeding in amount the quotas indicated. Import licenses are required for all parcels mailed by commercial firms, and when a number of parcels appear to have been mailed systematically.

Used clothing, linen and footwear are prohibited.

Foodstuffs are admitted in gift parcels without quantity limitation, except perishable foods, foods and drinks in glass containers and hermetically sealed foodstuffs, which are prohibited.

2. In the "List of articles allowed to enter without a permit when intended for personal use", amend the material under the column heading, *Name of commodity*, opposite item nos. 15, 16, 17, 19, 20, and 21 to read as follows:

Item No.	Name of commodity
15----	Clothing (new coats, suits, shawls).
16----	Body linen, bed linens and table linen (new).
17----	Shirts and blouses (new).
19----	Headwear, all kinds (new).
20----	Footwear, all kinds (new).
21----	Haberdashery:
	(a) Socks, stockings (new).
	(b) Gloves (new).
	(c) Briefcases and handbags.
	(d) All other articles of haberdashery.

XXVIII. In the country "Upper Volta (Republic Of)", make the following changes:

A. Under Postal Union Mail, make the following changes:

1. Amend the item *Special Delivery* to read as follows:

*Special Delivery.* No service.

2. Add a new item *Money orders*, immediately following the item *Special delivery* to read as follows:

*Money orders.* Yes. See § 61.2 of this chapter.

B. Under Parcel Post, delete the item *Prohibitions and import restrictions*.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,  
General Counsel.

[F.R. Doc. 62-5808; Filed, June 13, 1962; 8:48 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 1—PRACTICE AND PROCEDURE

##### Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June, 1962;

The Commission having under consideration Public Law 87-192, which broadens the Commission's authority to delegate its functions and which revises in certain respects the procedural provisions of the Communications Act of 1934, as amended; and a Report and Order (FCC 62-612) adopted this date establishing a Review Board and assigning specified functions to that Board; and

It appearing, That the Commission's rules of practice and procedure should be revised to implement Public Law 87-192, to establish procedures applicable to Review Board proceedings, and to expedite the conduct of Commission proceedings; and

It further appearing, that the amendments herein adopted are issued pursuant to authority contained in sections (4), 5(d), 303(r), 405, and 409 of the Communications Act of 1934, as amended; and

It further appearing, that the amendments adopted herein pertain to matters of procedure, and hence that section 4 of the Administrative Procedure Act is inapplicable;

It is ordered, Effective August 1, 1962, that Part 1, rules of practice and procedure, is amended as set forth below: *Provided, however,* That parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(Sec. 4, 48 Stat. 1066 as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 303, 405, 409, 66 Stat. 713, 48 Stat. 1082, 1095; 47 U.S.C. 155, 303, 405, 409)

Released: June 11, 1962.

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

1. Sections 1.13, 1.16, the undesignated center heading preceding § 1.41, and §§ 1.41-1.47 are amended, and § 1.48 is added, to read as follows:

**§ 1.13 Oppositions and replies to oppositions.**

Except as otherwise provided in this chapter, oppositions to motions, petitions, or other pleadings shall be filed within 10 days after such motions, petitions, or other pleadings are filed with the Commission, and replies to such oppositions shall be filed within 5 days after such oppositions are filed with the Commission: *Provided, however,* That oppositions to requests for stay of any order or decision of the Commission, or to other temporary relief, must be filed within 5 days after such requests are filed and replies thereto within 3 days after such oppositions are filed. No further pleadings may be filed unless specifically requested or authorized by the Commission or by the Review Board.

**§ 1.16 Reconsideration on Commission's own motion.**

The Commission may, on its own motion, set aside any action made or taken by it within 30 days after release of the document containing the full text of such action, or, in case such a document is not released, after release of a "Public Notice" announcing the action in question. (See also § 1.84 on reconsideration on motion of parties or others.)

**INTERLOCUTORY ACTIONS IN HEARING PROCEEDINGS**

**§ 1.41 General provisions.**

Interlocutory matters in hearing proceedings are acted upon by the Review Board, the Chief Hearing Examiner, or the presiding officer(s). The matters upon which such persons may act are specified in detail in Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information. (See §§ 0.207, 0.218, 0.224, and 0.231.) The procedural rules governing disposition of motions, petitions, and other pleadings by such persons are set forth in §§ 1.42-1.46. The rules governing reconsideration of, and appeals from, interlocutory rulings made by the presiding officer are set forth in §§ 1.47 and 1.48. The rules governing reconsideration and review of interlocutory rulings made by the Review Board, and the Chief Hearing Examiner are set forth in §§ 1.81-1.87.

**§ 1.42 Number of copies.**

An original and nine copies of each motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or presiding officer shall be filed.

**§ 1.43 Oppositions and replies.**

(a) Any party may file an opposition to a motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or presiding officer.

(b) Oppositions to pleadings to be acted upon by the Review Board shall be filed within 10 days after the pleading

is filed. Replies to such oppositions shall be filed within 5 days after the opposition is filed, and shall be limited to matters raised in the opposition.

(c) Oppositions to pleadings to be acted upon by the Chief Hearing Examiner or presiding officer shall be filed within 4 days after the pleading is filed. Replies to such oppositions will not be entertained. (See, however, § 1.432.)

**§ 1.44 Service.**

No pleading filed pursuant to § 1.42 or § 1.43 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

**§ 1.45 Oral argument.**

Oral argument with respect to any contested motion, petition, or other pleading before the Review Board, Chief Hearing Examiner, or presiding officer will be held when, in the opinion of the person or Board who is to make the ruling, the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument.

**§ 1.46 Rulings; time for action.**

(a) Unless it is found that irreparable injury would be caused one of the parties or that the public interest so requires, or unless all parties have consented, the Review Board, Chief Hearing Examiner, or presiding officer shall withhold consideration of any motion, petition, or other pleading until the time for filing oppositions (and replies, if replies are allowed) has expired.

(b) The Review Board, Chief Hearing Examiner, or presiding officer will dispose of any pending matter by written order which shall be released promptly. The order upon contested matters shall contain a statement of the reasons for the ruling therein, unless such order is self-explanatory or is merely an affirmation of a prior denial in which reasons have been given.

(c) Matters raised orally on the record of a hearing proceeding may, however, be disposed of orally by the presiding officer.

**APPEAL AND RECONSIDERATION OF PRESIDING OFFICER'S RULING**

**§ 1.47 Appeal from the presiding officer's adverse ruling; effective date.**

(a) Any party to a hearing proceeding may file an appeal from an adverse ruling made by the presiding officer. If a hearing examiner is presiding, the appeal will be acted on by the Review Board. If a commissioner or panel of commissioners is presiding, the appeal will be acted on by the Commission.

(b) The appeal shall be filed within five days after the order is released or the ruling is made. Oppositions to such appeals shall be filed within five days after the appeal is filed. Replies to oppositions shall be filed within five days after the opposition is filed and shall be limited to matters raised in the opposition. Appeals, oppositions, and replies shall be submitted to the Secretary, Federal Communications Commission,

Washington 25, D.C., and shall be served upon parties to the proceeding. Appeals and oppositions shall not exceed 15 double spaced typewritten pages. Replies shall not exceed 10 double spaced typewritten pages.

(c) Appeals, oppositions, and replies shall conform to the requirements of §§ 1.52, 1.54, and 1.55.

(d) The failure to file an appeal shall not preclude parties adversely affected from filing exceptions to rulings of the presiding officer.

(e) Unless the presiding officer orders otherwise, interlocutory rulings made by him shall be effective when the order is released or the ruling is made. If an appeal is filed, the Review Board or the Commission, as the case may be, may in its discretion stay the effect of the ruling until its review of the matters at issue has been completed.

**NOTE:** Unless the ruling complained of is fundamental and affects the conduct of the entire case, appeals should be deferred and raised as exceptions.

**§ 1.48 Reconsideration of presiding officer's adverse ruling.**

Any party may, after obtaining the oral consent of the presiding officer, file a petition requesting the presiding officer to reconsider an oral ruling or a written order. Such petitions will be considered in accordance with the provisions of §§ 1.42-1.46.

2. Sections 1.51 and 1.78(c) are amended to read as follows:

**§ 1.51 Length of pleadings.**

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. Other materials submitted with the pleading will be disregarded.

(b) Timely requests by a party for permission to file pleadings in excess of the length prescribed by the provisions of this chapter may be granted upon good cause shown. Where the filing period is 10 days or less, the request shall be made within 2 business days after the period begins to run. Where the filing period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See § 1.18.) If a timely request is made, the pleading need not be filed earlier than two business days after the Commission acts upon the request.

**§ 1.78 Revocation and/or cease and desist proceedings; after waiver of hearing.**

\* \* \* \* \*

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Review Board at the earliest practicable date shall issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

3. New sections 1.81-1.87 are added to read as follows:

RECONSIDERATION AND REVIEW OF ACTIONS  
TAKEN PURSUANT TO DELEGATED AUTHORITY;  
RECONSIDERATION OF ACTIONS  
TAKEN BY THE COMMISSION

§ 1.81 General provisions.

Under section 5(d) of the Communications Act of 1934, as amended, the Commission is authorized, by rule or order, to delegate certain of its functions to a panel of commissioners, an individual commissioner, an employee board, or an individual employee. Section 0.201(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information describes in general terms the basic categories of delegations which are made by the Commission. Subpart B of Part O, the Statement of Delegations of Authority, sets forth all delegations which have been made by rule. Sections 1.82-1.87 set forth procedural rules governing reconsideration and review of actions taken pursuant to authority delegated under section 5(d) of the Communications Act, and reconsideration of actions taken by the Commission. As used in §§ 1.82-1.87, the term "designated authority" means any person, panel, or board which has been authorized by rule or order to exercise authority under section 5(d) of the Communications Act.

§ 1.82 Effective dates of actions taken pursuant to delegated authority.

(a) *Final actions following review of an initial decision.* (1) Final decisions of the Review Board, a commissioner, or panel of commissioners following review of an initial decision shall be effective 40 days after public release of the full text of such final decision.

(2) If a petition for reconsideration of such final decision is filed, the effect of the decision is stayed until 40 days after release of the final order disposing of the petition.

(3) If an application for review of such final decision is filed, or if the Commission on its own motion orders the record of the proceeding before it for review, the effect of the decision is stayed until the Commission's review of the proceeding has been completed.

(b) *Non-hearing and interlocutory actions.* (1) Non-hearing or interlocutory actions taken pursuant to delegated authority shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question.

(2) If a petition for reconsideration of a non-hearing action is filed, the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration. Petitions for reconsideration of interlocutory actions will not be entertained.

(3) If an application for review of a non-hearing or interlocutory action is filed, or if the Commission reviews the action on its own motion, the Commission may in its discretion stay the effect of any such action until its review of the matters at issue has been completed.

§ 1.83 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final decisions of the Review Board following review of an initial decision and final actions taken by members of the Commission's staff on non-hearing matters. They do not apply to interlocutory actions of the Review Board or the Chief Hearing Examiner in hearing proceedings. (See § 1.85(e).)

(b) Any person desiring Commission consideration of a final action taken pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of release of the document containing the full text of such action, or in case such document is not released, after release of a public notice announcing the action in question. The petition for reconsideration will in all cases be acted upon by the designated authority. The application for review will in all cases be acted upon by the Commission.

(c) If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.

(d) Any person who has filed a petition for reconsideration may file an application for review within 30 days after final action on his petition. If a petition for reconsideration has been filed, any person who has filed an application for review may, within 30 days after final action on the petition for reconsideration, amend or withdraw his application for review or substitute an amended application therefor.

§ 1.84 Petition for reconsideration of final action taken by the Commission en banc or by a designated authority pursuant to a delegation.

(a) Petitions requesting reconsideration of a final action taken pursuant to delegated authority will be acted on by the designated authority. Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of an interlocutory ruling made by the Commission, the Review Board, or the Chief Hearing Examiner will not be entertained. See § 1.85(e). (2). (For purposes of reconsideration, an order disposing of a petition to intervene or a petition to deny, or designating a case for hearing, is not an interlocutory ruling.)

(b) Except where the Commission has denied an application for review without specifying reasons therefor, any party to the proceeding, or any other person aggrieved or whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in

which he is aggrieved or his interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.

(c) A petition for reconsideration which relies on facts which have not previously been presented to the Commission or to the designated authority, as the case may be, will be granted only under the following circumstances:

(1) The facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters;

(2) The facts relied on were unknown to petitioner until after his last opportunity to present such matters, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity; or

(3) The Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.

(d) (1) The petition for reconsideration shall, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. The petition may request that additional findings of fact and conclusions of law be made.

(2) The petition shall state with particularity the respects in which petitioner believes the action taken by the designated authority should be changed.

(3) The petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests.

(e) Where a petition for reconsideration is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition, in addition to meeting the other requirements of this section, must be accompanied by an affidavit of a qualified radio engineer. Such affidavit shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements, or by actual measurements made in accordance with the methods prescribed in this chapter, that electrical interference will be caused to the station within its normally protected contour.

(f) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of release of the document containing the full text of the action taken or, in case such document is not released, after release of a public notice announcing the action in question, and shall be served upon parties to the proceeding. The petition for reconsideration shall not exceed 25 double spaced typewritten pages. No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered except upon leave granted upon a separate pleading for leave to file, which shall state the grounds therefor.

(g) Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and shall be served upon petitioner and parties to the proceeding. Oppositions shall not exceed 25 double spaced typewritten pages.

(h) Petitioner may reply to oppositions within seven days after the last day for filing oppositions, and any such reply shall be served upon parties to the proceeding. Replies shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

(i) Petitions for reconsideration, oppositions, and replies shall conform to the requirements of §§ 1.52, 1.54, and 1.55 and shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C.

(j) The Commission or designated authority may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Where the petition for reconsideration relates to an instrument of authorization granted without hearing, the Commission or designated authority will take such action within 90 days after the petition is filed.

(k) (1) If the Commission or designated authority grants the petition for reconsideration in whole or in part, it may, in its order, rule on the merits of the petition.

(2) In the alternative, the Commission or designated authority may, in its order granting the petition, order such further procedure as may be useful to it in reaching a decision on the merits of the petition. In that event, its ruling on the merits will be deferred pending completion of such procedure.

(3) In ruling on the merits of the petition, the Commission or designated authority may affirm, reverse, modify or set aside its original action, or may remand the proceeding for such further action, including rehearing, as may be appropriate. Any order disposing of a petition for reconsideration which reverses, changes, or modifies the original order is subject to the same provisions with respect to reconsideration as the original order.

(l) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or the designated authority believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(m) (1) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission or by the designated authority, except where the person seeking such review was not a party to the proceeding resulting in the action, or relies on questions of fact or law upon which the Commission or designated authority has been afforded no opportunity to pass. (See § 1.85(c).) Persons in those categories who meet the requirements of this section may qualify to

seek judicial review by filing a petition for reconsideration.

(n) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown, the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration. (This paragraph applies only to actions of the Commission en banc. For provisions applicable to actions under delegated authority, see § 1.82.)

#### § 1.85 Application for review of action taken pursuant to delegated authority.

(a) Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission. Any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.

(b) (1) The application for review shall concisely and plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.

(2) The application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of a precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error.

(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

NOTE: If the Commission grants an application for review of a final decision of the Review Board, it will, as the usual practice, permit the parties to file briefs and present oral argument. The Commission will rarely dispose of the merits of a case upon the basis of the application for review and related pleadings. Thus, except where the matter is interlocutory in nature, the application for review should be prepared with the understanding that its purpose is not to obtain a Commission decision on the merits of the

issues but rather to convince the Commission to review those issues.

(c) No application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.

NOTE: Subject to the requirements of § 1.84, new questions of fact or law may be presented to the designated authority in a petition for reconsideration.

(d) Except as provided in paragraph (e) of this section, the application for review and any supplement thereto shall be filed within 30 days from the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a public notice announcing the action in question. Oppositions to the application shall be filed within 15 days after the application is filed. Replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the opposition.

(e) (1) Applications for review of interlocutory rulings made by the Review Board or the Chief Hearing Examiner shall be filed within five days after the order is released or the ruling is made. Oppositions to such applications shall be filed within five days after the application is filed. Replies to such oppositions shall be filed within five days after the opposition is filed and shall be limited to matters raised in the opposition.

(2) The failure to file an application for review of an interlocutory ruling, or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

NOTE: Unless the ruling complained of is fundamental and affects the conduct of the entire proceeding, requests for review should be deferred until the time when exceptions are filed.

(f) Applications for review and oppositions shall conform to the requirements of §§ 1.52, 1.54, and 1.55, and shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C. The application for review shall be served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person seeking review and parties to the proceeding. Applications for review and oppositions shall not exceed 25 double spaced typewritten pages and, in the case of interlocutory matters, shall not exceed 10 double spaced typewritten pages. Replies to oppositions shall not exceed 10 double spaced typewritten pages.

(g) The Commission may grant the application for review in whole or in part, or may deny the application, without specifying reasons for the action taken. No petition requesting reconsideration of an order which denies an application for review without specifying reasons therefor will be entertained.

(h) If the Commission grants the application for review, it may order such

further procedure, including briefs and oral argument, as it may deem useful, or may stay the effect of the action taken pursuant to delegated authority pending its further consideration of the matters at issue. (See § 1.82.)

(i) With or without any such additional procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

(j) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(k) The filing of an application for review shall be a condition precedent to judicial review of any action taken pursuant to delegated authority.

#### § 1.86 Review on motion of the Commission.

(a) Within 40 days after public notice is given of any action taken pursuant to delegated authority, the Commission may on its own motion order the record of the proceeding before it for review.

(b) If the Commission reviews the proceeding on its own motion, it may order such further procedure as may be useful to it in its review of the action taken pursuant to delegated authority.

(c) With or without such further procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

#### § 1.87 Action modified or set aside by person, panel, or board.

(a) Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

(b) Within 60 days after notice of any sanction imposed under delegated authority has been served on the person

affected, the person, panel, or board which imposed the sanction may modify or set it aside on its own motion.

(c) Petitions for reconsideration and applications for review shall be directed to the actions as thus modified, and the time for filing such pleadings shall be computed from the date upon which public notice of the modified action is given or notice of the modified sanction is served on the person affected.

4. Sections 1.111(b), 1.131(a), 1.140(c), 1.143(a), 1.152, and 1.154(c) and (e) are amended, and section 1.154(f) is added, to read as follows:

#### § 1.111 Prehearing conferences; hearing conferences.

\* \* \* \* \*

(b) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section.

#### § 1.131 Who may sign and issue.

\* \* \* \* \*

(a) Hearings before the Commission en banc, an individual commissioner, or a panel of commissioners: By any commissioner participating in the conduct of the hearing.

#### § 1.140 Procedure when an application is designated for hearing.

\* \* \* \* \*

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

#### § 1.143 Designation of presiding officer.

(a) Hearings will be conducted by the Commission, by one or more commissioners, or by an examiner designated pursuant to section 11 of the Administrative Procedure Act. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony, another presiding officer will be designated.

#### § 1.152 Delegation of review function; waiver of initial or recommended decision.

(a) The Commission may direct, by order or rule, that its review function in a case or category of cases be per-

formed by a commissioner, a panel of commissioners, or by the Review Board, in which event the commissioner, panel, or board shall exercise the authority and perform the functions which would otherwise have been performed by the Commission under §§ 1.151-1.155 and § 1.157.

NOTE: Parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(b) At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. If the Commission has directed that its review function in the case be performed by a commissioner, a panel of commissioners, or by the Review Board, the request shall be directed to the appropriate review authority. The Commission or such review authority may in its discretion grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

#### § 1.154 Exceptions; oral argument.

\* \* \* \* \*

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof. Except by special permission, such brief or memorandum of law will not be accepted if it exceeds 50 double spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief to which the same limitation in length applies. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

\* \* \* \* \*

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the officer who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served

upon all parties to the proceeding. The officer who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days' notice of the proposed corrections to all parties who participated in the oral argument.

(f) Any commissioner or member of the Review Board who is not present at oral argument and who is otherwise authorized to participate in a final decision may participate in making that decision after reading the transcript of oral argument.

**§ 1.191 [Deletion]**

5. Section 1.191 is deleted.

6. Sections 1.192 and 1.316(b)(1) are amended to read as follows:

**§ 1.192 Petition for reconsideration and grant without hearing.**

Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing. The petition shall not exceed 30 double spaced typewritten pages in length. Oppositions to the petition shall not exceed 20 double spaced typewritten pages. Replies to oppositions shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

**§ 1.316 Agreements between parties for amendment or dismissal of, or failure to prosecute broadcast applications.**

\* \* \* \* \*

(b)(1) Whenever two or more conflicting applications for construction permits for broadcast stations pending before the Commission involve a determination of fair, efficient and equitable distribution of service pursuant to section 307(b) of the Communications Act, and an agreement is entered into to procure the withdrawal (by amendment to specify a different community or by dismissal pursuant to § 1.312) of the only application or applications seeking the same facilities for one of the communities involved, all parties thereto shall file the joint request and affidavits specified in paragraph (a) of this section. If upon examination of the proposed agreement the Commission finds that withdrawal of one of the applications would unduly impede achievement of a fair, efficient and equitable distribution of radio service among the several States and communities, then the Commission shall order that further opportunity be afforded for other persons to apply for the facilities specified in the application or applications to be withdrawn before acting upon the pending request for approval of the agreement.

[F.R. Doc. 62-5823; Filed, June 13, 1962;  
8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ 43 CFR Part 185 ]

### MINERAL DEPOSITS

#### Common Varieties; Proposed Definition

*Basic and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 1, 61 Stat. 681, as amended; 30 U.S.C. 611, it is proposed to amend 43 CFR 185.121(b) as set forth below. The purpose of these amendments is to more clearly define "common varieties" consistent with the expressed intent of the Congress as set forth in the reports of the respective Committees on Interior and Insular Affairs in favorably recommending action on the bills that led to the Act of July 23, 1955.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (b) of § 185.121 is revised in its entirety as follows (and the footnote 2 deleted):

(b) "Common varieties" includes deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Mineral materials which occur commonly shall not be deemed to be "common varieties" if a particular deposit has distinct and special properties making it commercially valuable for use in a manufacturing, industrial, or processing operation. In the determination of commercial value, such factors may be considered as quality and quantity of the deposit, geographical location, proximity to market or point of utilization, accessibility to transportation, requirements for reasonable reserves consistent with usual industry practices to serve existing or proposed manufacturing, industrial, or processing facilities, and feasible methods for mining and removal of the material. Materials that are commercially valuable because of "distinct and special" properties, such as, for example, limestone suitable for use in the production of cement, metallurgical or chemical grade limestone, gypsum, and the like, are not "common varieties." This sub-

section does not relieve a claimant from any requirements of the mining laws.

JOHN A. CARVER, Jr.,  
*Assistant Secretary of the Interior.*

JUNE 8, 1962.

[F.R. Doc. 62-5794; Filed, June 13, 1962;  
8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 8 ]

### COLOR ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 706(d), 52 Stat. 1055, 21 U.S.C. 376(d)), notice is given that a petition (CAP 4) has been filed by Ethicon, Inc., Somerville, New Jersey, proposing the issuance of a regulation to provide for the safe use of 1,4-di-p-toluidino anthraquinone (presently known as D&C Green No. 6) as a color for polyethylene terephthalate sutures, including sutures for ophthalmic use.

Dated: June 6, 1962.

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

[F.R. Doc. 62-5803; Filed, June 13, 1962;  
8:48 a.m.]

[ 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 petitions (FAP 808, 843) have been filed by Chemical Products Division—Darworth Incorporated, Simsbury, Connecticut, proposing the issuance of a regulation to provide for the safe use of wood preservatives on articles in contact with food. The formulations contain the following substances:

Copper-8-quinolinolate.  
Hydrogenated methyl ester of rosin.  
Mineral spirits.  
Paraffin wax.  
Petroleum hydrocarbon resin.  
Zinc salt of sulfonated petroleum.

Dated: June 8, 1962.

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

[F.R. Doc. 62-5804; Filed, June 13, 1962;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 602 ]

[Airspace Docket No. 62-WA-61]

### JET ADVISORY AREAS

#### Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of terminal radar jet advisory areas at New Orleans, La., Houston, Tex., and Brownsville, Tex., from flight level 240 to 390, inclusive, and within 16 miles either side of the following routes:

a. New Orleans, La., VORTAC via the New Orleans VORTAC 220° True radial to the boundary of the Continental Control Area.

b. Houston, Tex., VORTAC via the Houston VORTAC 198° True radial to the boundary of the Continental Control Area.

c. Houston, Tex., VORTAC via the Houston VORTAC 207° True radial to the boundary of the Continental Control Area.

d. Galveston, Tex., RBN via the Galveston RBN 185° True bearing to the boundary of the Continental Control Area.

e. Brownsville, Tex., VORTAC via the Brownsville VORTAC 024° True radial to the boundary of the Continental Control Area.

The designation of these proposed terminal radar jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

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 June 7, 1962.

CLIFFORD P. BURTON,  
Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-5778; Filed, June 13, 1962;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4]

[Docket No. 14660; FCC 62-607]

### EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

#### Notice of Proposed Rule Making

In the matter of amendment of Parts 2 and 4 of the Commission rules and regulations concerning the use of remote pickup broadcast stations for emergency communications and other special purposes and for the operation of other classes of stations governed by Part 4, during emergencies, Docket No. 14660.

1. The National Industry Advisory Committee (NIAC) has informally discussed certain matters relating to the use of Remote Pickup Broadcast Stations by stations participating in the Emergency Broadcast System, or related emergency Survival Communications Systems for the purpose of providing program transmission circuits from places where official broadcasts of warnings, instructions, and information might originate and to provide a means of relaying such broadcast material between broadcasting stations participating in the Emergency Broadcast System. It is the view of NIAC that these broadcast auxiliary stations can serve as back-up circuits in case wirelines or commercial radio circuits normally used for such purposes are disrupted or destroyed and provide stand-by circuits from places where broadcast programs do not normally originate such as Civil Defense Headquarters, local government offices, etc. The discussions also touched upon the possibility that present restrictions which prevent the use of remote pickup stations for STL and intercity relay circuits or to provide a mobile telephone service for station personnel, might be relaxed to provide an incentive to broadcasters to invest in transmitting equipment.

2. We find merit in the suggested use of remote pickup facilities in the emergency or when an emergency is impending. We are not persuaded that relaxing the present restrictions so as to permit the use of remote pickup facilities to provide a mobile telephone service for station personnel or permit the use of remote pickup frequencies for fixed STL (studio-transmitter link) stations or intercity relay stations on a regular basis would do more than load these bands with non-conforming uses and thus diminish their availability for out-of-studio programming. Mobile telephone service is avail-

able to broadcasters from communication common carriers or by means of private mobile systems licensed in the Business Radio Service or Citizens Radio Service. Studio-transmitter links and intercity relay stations are available on frequencies allocated for that purpose under Subpart E of Part 4 of our rules or they may be obtained from communication common carriers.

3. Therefore, we propose to amend the rules relating to remote pickup stations to permit the installation of remote pickup base stations at suitable locations from which official broadcasts may originate in the event of war, a threat of war, a state of public peril or disaster, or other national, state or local emergency constituting a threat to the safety of life and property, and at suitable locations to interconnect broadcasting stations operating in the Emergency Broadcast System. Except for periodic tests or drills of short duration, stations installed at such locations may not be used for any purpose other than emergency communications intended to advise, inform or instruct the public or to coordinate the efforts of broadcasting stations to achieve that end.

4. At the same time, we are carrying forward with slight changes in wording the present provisions of § 2.405 of our rules relating to the use of all classes of stations during an emergency, in the form of a new § 4.21. This section will deal specifically with the use during communications emergencies of stations licensed under Part 4 of our rules. This is done primarily for the benefit of stations licensed under Part 4 which may not have access to Part 2 of our rules.

5. We also propose to make other changes in the rules governing remote pickup broadcast stations to clarify the permissible uses under normal conditions, provide for certain additional uses, and permit more freedom in the use of mobile stations with other broadcasting stations.

6. The proposed amendments are set forth below. Interested parties are invited to submit comments regarding the proposal on or before July 16, 1962, and replies to such comments on or before July 26, 1962. The Commission will consider all such comments filed but in reaching a final decision in this matter of general rule making, will not be limited to consideration of comments of record and will take into account all relevant information obtained from informed sources.

7. Authority for adoption of the proposed amendments is contained in sections 4(i) and 303(b) of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 6, 1962.

Released: June 11, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

1. The following definitions now appearing in § 2.1 are proposed to be amended to read as follows:

#### § 2.1 Definitions.

\* \* \* \* \*  
*Remote pickup broadcast base station.* A base station licensed for communicating with remote pickup broadcast mobile stations.

*Remote pickup broadcast mobile station.* A land mobile station licensed for the transmission of program material and related communications from the scene of events occurring outside a studio, to broadcasting stations.

2. It is proposed to add a new § 4.21 to read as follows:

#### § 4.21 Operation during an emergency.

(a) In an emergency where normal communication facilities have been disrupted or destroyed by storms, floods or other disasters, the stations licensed under the rules of this part may be operated for the purpose of transmitting essential communications intended to alleviate distress, dispatch aid, assist in rescue operations, maintain order, or otherwise promote the safety of life and property. In the course of such operation, a station of any class may communicate with stations of other classes and in other services. However, such operation shall be conducted only on the frequency or frequencies for which the station is licensed and the power used shall not exceed the maximum power authorized in the station license. In cases where such operation involves the use of frequencies shared with other stations, licensees are expected to cooperate fully to avoid unnecessary or disruptive interference.

(b) Whenever such operation involves communications of a nature other than those for which the station is licensed to perform, the licensee shall, at the earliest practicable time, notify the Commission in Washington, D.C., and the Engineer-in-charge of the radio district in which the operation occurs, of the nature of the emergency and the use to which the station is being put and shall subsequently notify the same offices when the emergency operation has been terminated.

(c) Emergency operation undertaken pursuant to the provisions of this section shall be discontinued as soon as substantially normal communications facilities have been restored. The Commission may at any time order discontinuance of such operation.

3. It is proposed to amend § 4.401 to read as follows:

#### § 4.401 Definitions.

*Associated broadcasting station.* The broadcasting station with which a remote pickup broadcast base or mobile station is licensed as an auxiliary and with which it is principally used.

*Operational communications.* Communications related to the technical operation of a broadcasting station and its auxiliaries, other than the transmission of program material and cues and orders directly concerned therewith.

*Remote pickup broadcast base station.* A base station licensed for communicating with remote pickup broadcast mobile stations.

*Remote pickup broadcast mobile station.* A land mobile station licensed for the transmission of program material and related communications from the scene of events, which occur outside a studio, to broadcasting stations. (As used in this Part, land mobile station includes hand-carried, pack-carried, and other portable transmitters.)

*Remote pickup broadcast station.* The term "remote pickup broadcast station" as used in this subpart includes "remote pickup broadcast base station" and "remote pickup broadcast mobile station" as defined in this section.

*Studio.* Any room or series of rooms equipped for the production of broadcast programs of various kinds. A broadcasting booth at a stadium, convention hall, church, or other similar place is not considered to be a studio.

4. It is proposed to amend § 4.403(b) to read as follows:

**§ 4.403 Frequency selection to avoid interference.**

\* \* \* \* \*

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 4.402 (a) (3):

(1) The transmission of program material for broadcast.

(2) The transmission of cues and orders immediately necessary thereto.

(3) Operational communications.

(4) Tests or drills to check the performance of stand-by emergency circuits. During an emergency or impending emergency, transmissions directly related to the safety of life and property shall take precedence over all other transmissions.

5. It is proposed to amend § 4.431 to read as follows:

**§ 4.431 Permissible service.**

(a) Remote pickup broadcast mobile stations may be used for the transmission of broadcast program material from the scene of events which occur outside a studio and for the transmission of cues and orders and other related communications necessary to the accomplishment of such broadcasts. The program material transmitted over a remote pickup broadcast mobile station shall be intended for simultaneous or delayed broadcasting either by its associated broadcasting station or some other broadcasting station or stations. Editing or rearranging such material to suit the needs of the broadcasting station is not precluded. Remote pickup broadcast mobile stations may communicate with the broadcasting station with which it is operating, with the base station or stations with which it is associated, and with other remote pickup broadcast mobile stations. Remote pickup broadcast mobile stations may relay the transmissions of other remote pickup broadcast mobile stations.

(b) Remote pickup broadcast base stations may be used for the transmis-

sion of cues, orders, and instructions to remote pickup broadcast mobile stations for the purpose of dispatching them to the scenes of events to be broadcast, and providing cues. Cueing may include the transmission of program material to the remote pickup unit, if necessary. Manually operated remote pickup broadcast base stations may be used to relay the transmissions of remote pickup broadcast mobile stations. Remote pickup broadcast base stations licensed pursuant to the provisions of § 4.432(d) (2) and (4) may communicate with other remote pickup broadcast base stations.

(c) Remote pickup broadcast base and mobile stations in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands may be used for any purpose related to the operation of the broadcasting station except for transmissions intended for direct reception by the general public.

(d) Remote pickup broadcast base and mobile stations may be used for operational communications on condition that such use does not interfere with the transmission of program material or preparations for the transmission of program material by other remote pickup stations.

(e) In the event of damage or impairment of the regular communication and program circuits of a broadcasting station due to storms, floods, fires, strikes, equipment failures, or other similar causes, remote pickup broadcast base and mobile stations may be used to provide such temporary circuits as may be needed to continue the broadcasting operation, pending the restoration of the regular circuits.

(f) Remote pickup base and mobile stations associated with broadcasting stations participating in the Emergency Broadcast System or related emergency survival communications systems may be used: (1) For the transmission, for broadcasting, of warnings, instructions and information relating to war, threat of war, a state of public peril or disaster, or other national, state, or local emergency constituting a threat to the safety of life or property; (2) for coordination of effort in connection with such broadcasts; and (3) for periodic tests or drills to ascertain the reliability of the circuit. Tests or drills should not be conducted more than once a week and should be completed as quickly as possible. The conduct of a test or drill is subject to the condition that no interference will be caused to remote pickup broadcast base or mobile stations engaged in the transmission of program material, the preparation for such transmission, or other authorized operation.

(g) Remote pickup broadcast mobile stations may be operated in conjunction with other broadcasting stations in the area in which it is licensed, at the discretion of the licensee. Remote pickup broadcast mobile stations may be operated in conjunction with broadcasting stations in other areas without prior authority of the Commission, provided that whenever the transmitting equipment will be out of the area in which it is licensed to operate, for more than one day, the Commission in Washington,

D.C., the Engineer-in-charge of the radio district in which the remote pickup station is licensed to operate, and the Engineer-in-charge of the radio district in which the operation will occur, are notified in writing in advance of such operation. In cases where the decision to continue operation for more than one day is not made until the operation has begun, the advance notice requirement is waived and the written notice shall be given when such decision is made. The same Commission offices shall be notified when the transmitting equipment has been returned to its licensed area. The licensee of the remote pickup station shall be responsible for the proper use and operation of the equipment regardless of whether it is used with its associated broadcasting station or with other broadcasting stations in the same or in other areas.

(h) The license of a remote pickup broadcast base or mobile station authorizes operation on only one of the assigned frequencies at any one time. A licensee may operate two or more remote pickup broadcast base or mobile stations simultaneously on different frequencies.

6. It is proposed to amend § 4.432 to read as follows:

**§ 4.432 Licensing policies.**

(a) A license for a remote pickup broadcast base or mobile station will be issued only to the licensee of a standard, FM, or television broadcasting station. More than one remote pickup broadcast base and mobile station may be authorized to a single licensee. A separate license is required for each transmitter. An application for a new remote pickup broadcast base or mobile station shall specify the frequency or frequencies desired and the transmitter shall be capable of operating on each frequency requested.

(b) The applicant shall specify the broadcasting station with which the remote pickup station is to be used principally and the area of operation shall be considered to be the community which the associated broadcasting station is licensed to serve and the surrounding area. In cases where the applicant is the licensee of more than one class of broadcasting station (standard, FM, or television) in the same area, it may select one for designation as the associated broadcasting station; such designation does not preclude use with other broadcasting stations in the same area at the discretion of the licensee. Remote pickup broadcast mobile stations will not be licensed for operation in more than one area; such operation may be conducted pursuant to the provisions of § 4.431 (f).

(c) Portable transmitters designed to be carried to the scene of events to be broadcast or mobile transmitters, i.e., those permanently installed in mobile vehicles and capable of being operated while in motion as well as during halts at unspecified places, will both be licensed as remote pickup broadcast mobile stations. Portable transmitters should normally be stored at the studio or transmitter location of the associated broadcasting station when not in use. Vehicles equipped with mobile transmit-

ters should be stored, when not in use, so as to be available for inspection upon request by any authorized representative of the Commission. In cases where a series of broadcasts are to be made from the same location, portable or mobile transmitters may be left at such locations for the duration of the series of broadcasts, provided that the transmitting apparatus is properly secured so that it may not be operated by unauthorized persons when unattended and it can be made available for inspection upon request by any authorized representative of the Commission.

(d) Transmitters permanently installed at fixed locations will be licensed as remote pickup broadcast base stations. The location of the transmitter will be specified in the station license and it may not be operated at any other location without prior authority of the Commission. Base stations will be licensed only for the following purposes:

(1) To provide communication with remote pickup broadcast mobile stations. Base stations licensed for this purpose will normally be located at the studio or transmitter location of the associated broadcasting station. Any of the frequencies listed in § 4.402 may be used for this purpose.

(2) To provide one-way or two-way voice communication between the studio and transmitter of a broadcasting station which is the licensee of an aural or television broadcast STL station used for program transmission between the same two points or to provide such voice communication between the point of origin and the destination of an aural or television broadcast intercity relay system operated by the same licensee. Such operation is limited to the frequencies listed in Groups I and J of § 4.402. Intermediate relay stations will not be authorized.

(3) To operate as program circuits between the studio and transmitter or to relay programs between broadcasting stations in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands. Except in emergencies, such use is not permitted within the 48 contiguous United States or the District of Columbia. Any of the frequencies listed in § 4.402 as available in the above place, may be used.

(4) Base stations may be authorized at suitable locations to provide: (1)

Stand-by program circuits from places where official broadcasts may be made during a war, threat of war, or a state of local emergency constituting a threat to the safety of life and property; and (2) circuits to interconnect broadcasting stations participating in the Emergency Broadcast System or related emergency survival communications systems. Any of the frequencies listed in § 4.402 may be used for this purpose.

[F.R. Doc. 62-5826; Filed, June 13, 1962; 8:50 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 142 ]

[Ex Parte No. 73]

### EXTENSION OF CREDIT TO SHIPPERS

#### Payment of Rates and Charges; Petition for Modification of Rules

MAY 31, 1962.

Notice is hereby given that the National Association of Freight Forwarders, Inc., 3401 West Pershing Road, Chicago 32, Illinois, by its secretary Mr. Leonard Stelzer, has filed a petition (Ex Parte No. 73) with the Interstate Commerce Commission praying that the Commission enter an order modifying the existing railroad credit regulations as provided in § 142.8 of the Code of Federal Regulations, to require that sufficient information to render a freight bill be made available to the railroad within a reasonable period of time after delivery, or after shipment leaves origin, such determination to be made by the Commission after investigation of the matter.

Any persons interested in any of the matters in said petition may, on or before July 9, 1962, file replies to the petition supporting or opposing the relief sought. An original and 14 copies of such replies must be filed with the Commission and must show service of two copies upon the petitioner's secretary at the above address.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-5820; Filed, June 13, 1962; 8:49 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

Office of the Secretary  
ARKANSAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Boone County, Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of June 1962.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 62-5810; Filed, June 13, 1962;  
8:48 a.m.]

### FORT LEONARD WOOD MILITARY RESERVATION, MISSOURI

#### Order Interchanging Administrative Jurisdiction of Military and National Forest Land

##### Correction

In F.R. Doc. 62-5645, appearing at page 5515 of the issue for Saturday, June 9, 1962, the following corrections are made in the land description:

1. Under Exhibit A, "T. 36 N., R. 12 W.," should read "T. 34 N., R. 12 W.,".
2. Under Exhibit B, the second comma should be deleted from the Section 15 listing under T. 34, N., R. 12 W., so that the opening coordinates read as follows: "Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , \* \* \*".

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 063465]

MINNESOTA

### Notice of Filing of Plat of Survey

JUNE 6, 1962.

The Plats of Surveys of the lands described below will be officially filed in this office effective 10 a.m. on July 16, 1962.

#### FIFTH PRINCIPAL MERIDIAN

T. 132 N., R. 29 W.,  
Sec. 5, lot 5, 0.17 acre.  
T. 140 N., R. 29 W.,  
Sec. 22, lot 9, 0.74 acre.

5670

T. 132 N., R. 40 W.,  
Sec. 25, lot 7, 2.02 acres.  
T. 138 N., R. 42 W.,  
Sec. 5, lot 9, 4.43 acres.  
Sec. 6, lot 11, 2.74 acres; lot 12, 1.36 acres.  
T. 138 N., R. 43 W.,  
Sec. 1, lot 13, 0.83 acre.

The area described aggregates 12.29 acres.

The surveys were made as an administrative determination based upon requests and applications for surveys filed by interested parties.

The omitted land areas of the islands included in these surveys are largely rolling uplands of sandy loam formation, with some stone. Timber is largely elm, boxelder, basswood, poplar, willow and cottonwood with some ash, birch, pine, cedar and maple. All of the islands are upland in character.

The formation of the islands are similar to that of the upland on the mainland, and the species and size of the timber growth is also similar to that on the mainland. This fact attests that the islands were in existence in 1858, when Minnesota was admitted into the Union, and at the dates of the original surveys, and at all subsequent dates, and therefore the islands have the status of public land.

The public lands affected by this notice are hereby opened to the operations of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, rules and regulations.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,  
Manager, Land Office.

[F.R. Doc. 62-5792; Filed, June 13, 1962;  
8:47 a.m.]

[I-44]

### UTAH

#### Notice of Proposed Withdrawal of Lands for Reclamation Purposes

JUNE 7, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Utah 087798, for the withdrawal of lands described below, located in Wasatch and Summit Counties, Utah, under the First Form of withdrawal for reclamation purposes in connection with the Provo River Channel Revision, Provo River Project. The withdrawal, if effected, will modify the continuing full operation of the public land laws to restrict from the withdrawn area the construction of any camping, picnic, recreational, or other facilities that would be subject to flooding or would interfere with the convey-

ance of project water or with the operation and maintenance of the river channel. However, the Forest Service may develop small areas of high ground within the withdrawal boundaries which the Service considers adaptable for camping, picnicking, or recreational purposes, whenever it determines that such developments can be made without interference or conflict to the primary purposes of the withdrawal.

The proposed withdrawal covers lands essential for conveying imported project water along with natural stream flow in the river channel and control and maintenance of the river channel where necessary. The proposed use will not result in contamination of the area.

The withdrawal is requested under authority of section 3 of the Act of June 17, 1902 (32 Stat. 388) and would continue indefinitely.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

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

The lands involved in the application are:

#### SALT LAKE BASE AND MERIDIAN, UTAH

T. 3 S., R. 7 E.,

Sec. 1: Lots 3, 4, N $\frac{1}{2}$  Lot 5, N $\frac{1}{2}$ S $\frac{1}{2}$  Lot 5, N $\frac{1}{2}$  Lot 6, N $\frac{1}{2}$ S $\frac{1}{2}$  Lot 6, N $\frac{1}{2}$  Lot 7, N $\frac{1}{2}$ NW $\frac{1}{4}$  Lot 8, S $\frac{1}{2}$ N $\frac{1}{2}$  Lot 8, N $\frac{1}{2}$ S $\frac{1}{2}$  Lot 8;

Sec. 2: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 3 S., R. 8 E.,

Sec. 2: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$  Lot 1, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 5: W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 6: SW $\frac{1}{4}$ NW $\frac{1}{4}$  Lot 1, SW $\frac{1}{4}$  Lot 1, SW $\frac{1}{4}$  SE $\frac{1}{4}$  Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$  Lot 2, NW $\frac{1}{4}$  Lot 2, N $\frac{1}{2}$ SE $\frac{1}{4}$  Lot 2, E $\frac{1}{2}$ NE $\frac{1}{4}$  Lot 3, SW $\frac{1}{4}$  NE $\frac{1}{4}$  Lot 3, S $\frac{1}{2}$ NW $\frac{1}{4}$  Lot 3, N $\frac{1}{2}$ SW $\frac{1}{4}$  Lot 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$  Lot 3, S $\frac{1}{2}$  Lot 4, E $\frac{1}{2}$  SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 9: S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$  NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  NW $\frac{1}{4}$ .

The above area aggregates 701.19 acres.

R. D. NIELSON,  
State Director.

[F.R. Doc. 62-5795; Filed, June 13, 1962; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-2]

### CROSSROADS MARINE DISPOSAL CORP. AND ALLIED-CROSSROADS NUCLEAR CORP.

#### Notice of Transfer of License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 20-685-2 which authorizes the transfer of the license from Crossroads Marine Disposal Corporation to Allied-Crossroads Nuclear Corporation.

License No. 20-685-2 authorizes the possession, storage, and disposal of waste byproduct, source, and special nuclear material.

Allied-Crossroads Nuclear Corporation will:

(1) Purchase all the physical assets, property and equipment now owned by Crossroads Marine Disposal Corporation.

(2) Employ the present employees of Crossroads Marine Disposal Corporation

(3) Conduct its operations at the location specified in the license and in accordance with its terms and conditions.

The amendment to the license provides that the transfer will be effective upon receipt by the Commission of a notice, in writing, signed by an officer of Crossroads Marine Disposal Corporation and an officer of Allied-Crossroads Nuclear Corporation, or counsel therefor, that all assets of Crossroads Marine Disposal Corporation have been transferred to Allied-Crossroads Nuclear Corporation and Allied-Crossroads Nuclear Corporation has assumed control of and full responsibility for all activities conducted under the license.

The Commission has determined, pursuant to the provisions of §§ 30.38, 40.46, and 70.36, 10 CFR Parts 30, 40, and 70, respectively, that Allied-Crossroads Nuclear Corporation is qualified to be the holder of the license and that transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

In accordance with the Commission's "Rules of Practice", Title 10, Code of Federal Regulations, Chapter I, Part 2, the Commission will direct the holding of a formal hearing upon receipt of a request from the licensee or an intervenor within fifteen (15) days after publication of this notice. A copy of the application for transfer of the license is on file in Docket No. 27-2 in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The text of the amendment is set forth below.

Dated at Germantown, Md., June 8, 1962.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division  
of Licensing and Regulation.

[License No. 20-685-2 (D64); Amtd. 6]

In accordance with application dated April 24, 1962, License No. 20-685-2 is amended as follows:

License No. 20-685-2 is transferred from Crossroads Marine Disposal Corporation to Allied-Crossroads Nuclear Corporation provided, however, that this condition shall not be effective until notice in writing signed by an officer of Crossroads Marine Disposal Corporation and Allied-Crossroads Nuclear Corporation, or counsel therefore, has been filed by deposit in the mail addressed to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., stating that:

(1) All assets of Crossroads Marine Disposal Corporation have been transferred to Allied-Crossroads Nuclear Corporation, and

(2) Allied-Crossroads Nuclear Corporation has assumed control of and full responsibility for all activities conducted under the license.

Upon such notification all references in the license to "Crossroads Marine Disposal Corporation" shall read "Allied-Crossroads Nuclear Corporation". All other conditions and limitations specified in the license remain the same.

Date of issuance: June 8, 1962.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division  
of Licensing and Regulation.

[F.R. Doc. 62-5777; Filed, June 13, 1962; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11898]

### CUNARD EAGLE AIRWAYS LTD.

#### Notice of Cancellation of Prehearing Conference

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned for June 12, 1962, is canceled.

Dated at Washington, D.C., June 8, 1962.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 62-5831; Filed, June 13, 1962; 8:51 a.m.]

[Docket 7723 etc.]

### REOPENED TRANSPACIFIC ROUTE CASE

#### Notice of Oral Argument

Pursuant to Board Order E-18429, notice is hereby given that oral argument with respect to the U.S. mainland-Tahiti portion of the above-entitled proceeding is assigned to be heard on June 27, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 11, 1962.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 62-5832; Filed, June 13, 1962; 8:51 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 62-612]

### STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

In the matter of amendment of Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information to Implement Public Law 87-192, FCC Reorganization Act.

1. On August 31, 1961, S. 2034, 87th Cong., was signed by the President and became Public Law 87-192 (75 Stat. 420). The purpose of that law is set out in the House Report (No. 723), 87th Cong., 1st sess., p. 1:

The purpose of this legislation is to modify the Communications Act of 1934 so that the Federal Communications Commission will be able, by making better use of its own time and more effective use of its experienced and technically qualified personnel, to handle its large workload of adjudication cases with greater speed and efficiency than is presently possible.

It is hoped and believed that these changes in the law will enable the Commission to devote more of its time to major matters of policy and planning and to the more significant adjudication cases—primarily these involving issues of general communications importance.

See, also, S. Rept. No. 576, 87th Cong., 1st sess., p. 5. The Commission, in the attached appendices, has set forth the rule changes which it believes will best accomplish that purpose.

2. Review Board: The crux of the rule changes is the creation of a new Review Board, as contemplated by Public Law 87-192. That Board will consist of not less than three experienced Commission employees, who will be designated by the Commission and will continue to serve indefinitely. The Board will be responsible only to the Commission, but the Commission will not discuss the merits of any matter pending before the Board with the Board or any of its members.

3. Interlocutory matters: We have authorized the Review Board to take original action on the following interlocutory matters previously acted upon by the Commission, the Motions Commissioner, or the Chief Hearing Examiner (see section 0.207(b)):

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file additional pleadings provided for in § 1.13 of the Commission's rules.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.316 of the Commission's rules, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.362 of the Commission's rules insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of the Commission's rules.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.77(c), and petitions for acceptance of late written statements pursuant to § 1.78(b) of the Commission's rules.

(10) Termination of hearing proceedings in accordance with § 1.78(c) of the Commission's rules.

(11) All pleadings filed in cases or matters which are before the Board.

The office of Motions Commissioner is abolished. The Review Board also will act on all appeals from interlocutory rulings of the hearing examiner (0.207(c)). The Chief Hearing Examiner will continue to act on those original interlocutory matters peculiar to the hearing process itself (section 0.224; e.g., time and place of hearings; designation of the hearing examiner). Interlocutory matters arising in the course of the hearing, not delegated to the Review Board or to the Chief Hearing Examiner, are ruled upon by the presiding officer, under the authority vested in him to control the conduct of the hearing. See sections 7(a) and (b) of the Administrative Procedure Act.

4. Review of initial decisions: The Commission has determined to assign certain categories of cases to the Review Board, for review of the exceptions to the initial decision. Other cases will be assigned on a case-to-case basis, either at the time of designation for hearing or after the filing of exceptions. The categories of cases delegated to the Board for review are set out in section 0.207(a), and are as follows:

(a) All AM and FM proceedings, except (i) revocation, renewal, cease and desist and forfeiture proceedings; (ii) 319(c) proceedings; and (iii) proceed-

ings involving Class II A operation on clear channel frequencies;

(b) TV translator proceedings;

(c) Proceedings on applications of communications common carriers filed under Title III of the Communications Act;

(d) Proceedings involving complaints against communications common carriers for recovery of overcharges;

(e) Safety and Special Radio Services proceedings;

(f) Proceedings involving suspension of operators permits.

Unless the Commission specifies to the contrary, usually at the time of designation for hearing, all cases falling within the above categories will be reviewed by the Board. Further, after designation the Commission will not entertain any request that it, rather than the Board, review the initial decision; a party may bring such a delegated case to the Commission only by application for review of the Board's decision. (See *infra*, par. 7.) A party may, however, petition the Board to certify the case to the Commission for decision (see *infra*, par. 5(ii); section 0.206(b)).

5. We have chosen the foregoing categories after careful study of the possibilities and in the light of the legislative history of Public Law 87-192. It is, of course, difficult to draw lines in this area of appropriate categories for delegations to the Review Board. But if we are to accomplish the salutary purpose of Public Law 87-192, a choice must be made and, in our view, it can best be made along the foregoing lines.<sup>1</sup>

We further recognize that some cases not falling within the categories should nevertheless be heard by the Board, and that some others, within the categories, should more appropriately be considered by the Commission. As to the first group, we would delegate review of such cases to the Board either at the time of designation or after filing of exceptions. As to the second category, we think there are the following safeguards:

(i) At the time of designation (when, significantly, the Commission has in mind the issues of the case), the Commission may, in view of some unusual feature of the case, specify that any re-

<sup>1</sup> The alternative would be for the Commission, at the time of exceptions, to consider whether a case should be reviewed by the Commission or the Review Board. But this would require Commission analysis of what is involved in the case; and while we recognize that such analysis need not be of the thorough character required for actual decision on the merits, it is nevertheless time-consuming and a burden on the Commission. Since the whole purpose is to avoid such burdens and to cut down so-called administrative lag, this extra step in the already complex hearing process should be avoided, if some reasonable alternative procedure can be devised to accomplish the Commission's essential goal of having the important case reviewed by itself and the routine case by the Board. We think that the above-described delegations would accomplish that goal.

view be before the Commission, not the Board.<sup>2</sup>

(ii) If an apparently routine case takes on unexpected importance because of some development at the hearing, the Board is given the authority to certify such a case to the Commission and request that the Commission review the case (section 0.206(b)). We would expect the Board to employ this authority whenever a novel or important question of law or policy is presented to it, since it would make little sense for the Board to review such a question, knowing that there would have to be full review of its own decision by the Commission.

(iii) Similarly, when the Commission determines that a matter before the Board involves a novel or important issue of law or policy warranting review by the full Commission, it may order that the matter be certified to it for decision (0.206(c)).

(iv) Assuming that a case involving a novel or important question of law or policy is not picked up under any of the above procedures (and we think this most unlikely), the Commission would have the final remedy of granting the application for review of the Board's decision or, indeed, of reviewing the case on its own initiative.

6. Panels of Commissioners: In line with the new law, we have amended sections 0.218 and 1.152 to permit delegation of review of initial decision to a Commissioner or panel of Commissioners. The Commission will determine, on a case by case basis, what cases shall be delegated to a Commissioner or panel for review.

7. Review of delegated decisions: Review of actions taken by designated authorities such as a panel, the Review Board, the Chief Hearing Examiner, or the Chief of the Broadcast Bureau, may be obtained only by filing an application for review to the Commission. (See § 1.85.) Such an application may be granted or denied without specifying any reasons, and no petition for reconsideration of the Commission's grant or denial will be entertained. Interlocutory rulings of the presiding officer are not made under a delegation pursuant to section 5(d) of the Communications Act but rather under the authority vested in the examiner by section 7 of the Administrative Procedure Act; appeals from interlocutory rulings of the hearing examiner must be filed with the Review Board, which must rule on the merits of the appeal. (See § 1.47.) We shall briefly set out the procedures applicable to review (a) of interlocutories, and (b) of all other delegated actions.

(a) *Interlocutories*. In the case of the examiner's ruling, an appeal may be filed with the Review Board within five days of the ruling. Oppositions may be

<sup>2</sup> There is a delegation to the Chief of the Broadcast Bureau, to designate for hearing mutually exclusive applications for new or modified AM and FM facilities (section 0.241(b)), but this authority is exercised by that official only where the case is clearly routine in nature. Where there are unusual features, the case is brought to the Commission's attention.

filed within five days after the appeal is filed, and replies within 5 days thereafter. In the case of a ruling on an interlocutory matter by the Board or Chief Hearing Examiner, an application for review may be filed with the Commission within five days after release of the Board's or Chief Hearing Examiner's final order. Oppositions may be filed within five days after the application for review is filed, and replies within five days thereafter. If the Commission grants the application, it may order such further procedure as it deems useful (e.g., submission of additional memoranda; oral presentation). However, the Commission will often dispose of the matter on the basis of the application and related pleadings. If the Commission denies the application for review, the party may still, upon filing exceptions to the initial decision, request review of the ruling complained of.

(b) *Other delegated actions.* The effective dates of actions taken pursuant to delegated authority are set out in § 1.82. Final decisions of the Review Board, a Commissioner or a panel of Commissioners designated to review an initial decision shall be effective 40 days after release of the full text of the decision, unless an application for review or a petition for reconsideration is filed; in the former event the effect of the decision is stayed until the Commission's review is completed; in the latter, until 40 days after release of the final order disposing of the petition for reconsideration. All other delegated actions become effective immediately, unless the Commission or the designated authority stays their effect.

After release of an action taken pursuant to delegated authority, a party or person aggrieved or adversely affected has 30 days within which to file a petition for reconsideration or an application for review (but not both). If in a multi-party proceeding one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the latter until final action has been taken on the petition for reconsideration; at that time, the applicant for review has 30 days to amend or withdraw his application for review or substitute a new application (see § 1.83).

The application for review cannot rely on any question of fact or law upon which the designated authority has been afforded no opportunity to pass. The application, which may not exceed 25 double-spaced typewritten pages in length, should concisely and plainly state the questions presented for review and the factors warranting review by the Commission. See § 1.85(b). Oppositions, also limited to 25 pages, must be filed within 15 days, and replies, limited to ten pages, are to be filed within 10 days thereafter. If the Commission denies the application, that is the end of the case at the administrative level; it is then ripe for judicial review.

If the Commission grants the application, it will, as the usual practice, permit the parties to file briefs and, if thought to be useful, present oral argument. It is important for the parties to bear this in

mind. For, it means that except where the matter is interlocutory in nature, the application for review should be prepared with the understanding that its purpose is not to obtain Commission decision on the merits of the issues presented but rather to convince the Commission to review those issues. Other than in the interlocutory field, the Commission will rarely dispose of the merits of a case upon the basis of the application for review and related pleadings.

8. Oral argument: Section 1.154 has been amended to delete its mandatory oral argument provisions. The Commission or other designated authority will now specify when oral argument will be afforded. Oral argument will be the usual course in cases involving review of an initial decision by the Commission, a panel, or the Review Board; only rarely would it not be afforded. However, oral presentation will be the rare exception in the case of appeals or review of interlocutory matters.

9. Conclusion: Under section 4 of the Administrative Procedure Act, the attached rules, being of a procedural or organizational nature, may be adopted without notice of rule making. We have elected to follow this course. We recognize that the rules may not be perfect. Indeed, we think it most likely that as experience is gained some revisions will be required. But it is our view that this scheme constitutes the one most likely to achieve the statutory purpose and that with procedural changes of this nature, experience is by far the best guide to future revisions. For that reason, we intend to review the entire subject at periodic intervals. And, in connection with this review, we would especially welcome the suggestions of the Bar and other interested parties, based on their experience in working with the rules.

10. The amendments herein adopted are issued pursuant to authority contained in sections 4(i), 5(d), 303(r), 405 and 409 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, Effective August 1, 1962, that Part O, the Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below. A companion Order (FCC 62-613) amending Part 1, Rules of Practice and Procedure, in accordance with this report and order was adopted this date.

Adopted: June 6, 1962.

Released: June 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Acting Secretary.

1. Sections 0.201, 0.202, the undesignated center heading "Motions Commissioner", and §§ 0.221, 0.222, and 0.223 are deleted.

2. New sections 0.201, 0.202, 0.206, and 0.207 are added to read as follows:

<sup>3</sup>Statement of Commissioner Ford concurring in part and dissenting in part, in which Commissioner Lee joins, filed as part of original document.

GENERAL

SEC. 0.201 *General provisions.* (a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Hearing Examiner.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Hearing Examiner are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.231.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners, or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.41-1.46 of the Commission's rules. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.47. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.48. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.81-1.87. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.53-1.55.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

SEC. 0.202 *Authority of person, panel, or board to which functions are delegated.* (a) The person, panel, or board

to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.82 of the Commission's rules, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

#### REVIEW BOARD

**SEC. 0.206 Review Board.** (a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Board also takes original action on certain interlocutory matters which arise during the course of hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.207. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be reviewed by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be reviewed by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.151-1.155 and § 1.157 of the rule of practice and procedure.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending

before the Board with the Board or any of its members.

(f) A minimum of three members will participate in each case referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

(h) Actions taken by the Review Board shall be recorded in writing and filed in the official minutes of the Commission.

**SEC. 0.207 Authority delegated to the Review Board on a regular basis.** (a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of hearing examiners in the following proceedings:

(1) Television translator proceedings.  
(2) Standard (AM) and FM broadcast proceedings, except as follows:

(i) Revocation, renewal, cease and desist, and forfeiture proceedings.

(ii) Proceedings which involve section 319(c) of the Communications Act of 1934, as amended.

(iii) Proceedings which involve initial application for construction permit for a Class II-A station on clear channel frequencies.

(3) Proceedings on applications of communications common-carriers filed under Title III of the Communications Act.

(4) Proceedings involving complaints against communications common carriers for recovery of overcharges.

(5) Safety and Special Radio Services proceedings.

(6) Proceedings involving suspension of operator licenses or permits.

(b) *Original action on interlocutory matters.* The Review Board shall take original action on the following interlocutory matters in proceedings conducted by hearing examiners:

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file additional pleadings provided for in § 1.13 of the Commission's rules.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.316 of the Commission's rules, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.362 of the Commission's rules insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of the Commission's rules.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.77(c), and petitions for acceptance of late written statements pursuant to § 1.78(b) of the Commission's rules.

(10) Termination of hearing proceedings in accordance with § 1.78(c) of the Commission's rules.

(11) All pleadings filed in cases or matters which are before the Board.

(c) *Action on appeals from interlocutory rulings.* The Review Board shall act on appeals from interlocutory rulings of the hearing examiner.

3. Sections 0.218, 0.224, and 0.231 are amended to read as follows:

**SEC. 0.218 Authority of, and delegated to, an individual commissioner or commissioners.** (a) One or more members of the Commission may be designated to preside in a hearing proceeding. The commission or commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

#### CHIEF HEARING EXAMINER

**SEC. 0.224 Authority delegated.** The Chief Hearing Examiner shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by section 0.255.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.111(a) of the Commission's rules. (The hearing examiner named to preside at the hearing may order an initial prehearing conference although the Chief Hearing Examiner may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.111(b) of the Commission's rules.)

(d) Petitions requesting the first change in the place of a hearing where the hearing is scheduled to begin in the District of Columbia.

(e) Petitions of applicants requesting permission to file written appearances beyond expiration of the 20 day period provided for in § 1.140(c) of the Commission's rules.

(f) Dismissal of applications with prejudice in accordance with the provisions of § 1.140(c) of the Commission's rules.

(g) Petitions filed by an applicant requesting that its application or the proceedings thereon be dismissed, except as

such petitions are acted on by the Review Board under section 0.207(b).

(h) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions.

(i) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Hearing Examiner.

**Sec. 0.231 Authority of Hearing Examiner.** After a hearing examiner has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another hearing examiner, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except the following:

(a) Those which are to be acted upon by the Review Board under section 0.207(b).

(b) Those which are to be acted upon by the Chief Hearing Examiner under section 0.224.

[F.R. Doc. 62-5824; Filed, June 13, 1962; 8:50 a.m.]

**STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION**

The Commission having under consideration sections 0.93, 0.126, and 0.271 of its Statement of Organization, Delegations of Authority, and Other Information; and

It appearing that references in sections 0.93 and 0.126 to the Office of Civil and Defense Mobilization, and the reference in section 0.271 to the Airspace Subcommittee of the Air Coordinating Committee, are obsolete, and that these references should be replaced by references to the Office of Emergency Planning and the Federal Aviation Agency respectively; and

It further appearing that the amendments adopted herein are editorial in nature, and hence that compliance with the public notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for issuance of these amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 8th day of June 1962, that effective June 14, 1962, the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: June 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Acting Secretary.

[SEAL]

**Sec. 0.93 Division of Defense Coordination.**

(a) \* \* \*

(7) To serve as agency representative of the Commission for liaison and coordination of defense activities (other than CONELRAD and radio frequency management activities of the Chief Engineer) with staff representatives of the Office of Emergency Planning, other federal agencies, and local civil defense authorities.

(11) To coordinate the activities of the Commission's Damage Assessment Unit and the Commission's Damage Assessment Officer assigned to the Office of Emergency Planning.

**Sec. 0.126 Frequency Allocation and Treaty Division.** The Frequency Allocation and Treaty Division makes continuing studies of new technical developments affecting frequency requirements and of utilization of the frequencies between the several radio services to establish their allocation requirements; proposes adjustments in the Table of Frequency Allocation when necessary; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Emergency Planning; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communi-

cates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

**Sec. 0.271 Matters delegated to the Bureau Chief and Chief, Field Operating Division.**

(a) \* \* \*

(1) Except as otherwise provided in §1.67 of the Commission's rules, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of its rules and regulations: *Provided, however,* That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Engineering and Monitoring Bureau advises the Bureau concerned in order that it may submit the application to the Commission for appropriate action.

[F.R. Doc. 62-5825; Filed, June 13, 1962; 8:50 a.m.]

[Canadian List No. 171]

**CANADIAN BROADCAST STATIONS**  
**List of Changes, Proposed Changes, and Corrections in Assignments**

MAY 18, 1962.

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.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
New	Port Credit, Ontario	790 kilocycles	DA-1	U	III	EIO 5-15-62.
CKSW	Swift Current, Saskatchewan.	1400 kilocycles	ND	U	II	NIO with increased daytime power.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-5827; Filed, June 13, 1962; 8:50 a.m.]

**FEDERAL MARITIME COMMISSION**

**CITY OF PORT HURON AND PORT HURON TERMINAL CO.**

**Notice of Agreement Filed for Approval**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8795, between the city of Port Huron (Port) and the Port Huron Terminal Company (Operator), provides for a 5-year lease of certain terminal property and facilities in the city of Port Huron, Michigan. The Operator shall be responsible for the handling of all cargo and shall provide for storage, stevedoring and other services customarily furnished by marine terminals. All terminal charges assessed by the Operator shall be subject to Port approval. The Port may by regulation limit the tonnage of any one commodity not to

exceed 50 percent of the total tonnage handled.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 11, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-5828; Filed, June 13, 1962;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. AR61-1 etc.]

### AREA RATE PROCEEDING ET AL.

#### Order Terminating Proceedings as to Certain Respondents

JUNE 7, 1962.

Area Rate Proceeding, Docket No. AR61-1, Claude E. Aikman, Docket No. G-18466, et al., North Central Oil Corporation, Docket No. CI60-435, et al.

The Commission, in its order issued herein on December 23, 1960, instituting the area rate proceeding, designated the following named parties as respondents in these consolidated proceedings.

R. C. Barnes.  
Bayview Oil Corporation.  
Bond Oil Corporation.  
Coronet Oil Company.  
Ben Dansby, Jr.  
Falcon Oil Corporation.  
Hanlon-Boyle Inc.  
Alvin H. Howard and D. E. Vassar.  
Indian Royalty Co.  
H. Bryan Poff.  
Katherine Ryan.  
James H. Snowden.

A subsequent review of the Commission records indicated that the sales of gas by these respondents in the Permian Basin Area were under percentage type casinghead gas contracts. Accordingly, by Commission letter these respondents were advised that their respective rate schedules were rejected for the reason that the sales of gas involved were made under percentage-type gas contracts which under § 154.91(e) of the Commission's regulations are not permitted to be filed as rate schedules. Additionally, these respondents were advised that the certificates authorizing their sales of gas from the Permian Basin area covered by the rejected rate schedules were terminated.

In view of such facts, these proceedings should be terminated as to the above-named respondents.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act for the reasons hereinbefore stated that these

proceedings be terminated as to the above-named respondents as hereinafter ordered.

The Commission orders: These proceedings are terminated as to Respondents: R. C. Barnes, Bayview Oil Corporation, Bond Oil Company, Coronet Oil Co., Ben Dansby, Jr., Falcon Oil Corp., Hanlon-Boyle, Inc., Alvin H. Howard and D. E. Vassar, Indian Royalty Co., H. Bryan Poff, Katherine Ryan, and James H. Snowden.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5811; Filed, June 13, 1962;  
8:48 a.m.]

[Docket No. G-9262 etc.]

### FLORIDA GAS TRANSMISSION CO. AND COASTAL TRANSMISSION CORP.

#### Order Accepting Proposed Settlement, Modifying Certificates of Public Convenience and Necessity, Severing and Terminating Certain Proceedings, Terminating Other Proceedings in Part, and Discharging Refund Obligations

JUNE 8, 1962.

Florida Gas Transmission Company,<sup>1</sup> Docket Nos. G-9262, RP61-3, RP62-4; Coastal Transmission Corporation, Docket Nos. G-9960, RP61-4.

On April 18, 1962, Florida Gas Transmission Company (Florida Gas) and Coastal Transmission Corporation (Coastal) submitted a proposed settlement in the above-listed consolidated proceedings. The hearing on the consolidated proceedings was recessed on April 2, 1962, for the purpose of holding conferences, looking towards limitation and settlement of issues. On April 30, 1962, the Presiding Examiner certified to the Commission the stipulation and agreement (Tr. 4586 to 4617) which resulted from said conference.<sup>2</sup> No objections to the proposed settlement have been received from any party to these proceedings.

The proceeding in Docket No. RP61-3 involves proposed increases in rates by Florida Gas under its Rate Schedules G, T-1, and T-2, and a discount under its Rate Schedule G for gas used by consumers for winter heating and summer cooling. The proceedings in Docket Nos. G-9262 and G-9960 involve proposed modifications of the certificates of public convenience and necessity issued to Florida Gas and Coastal (16 FPC 118) to eliminate specific requirements as to rate of return, form of tariff and separation of charges for sales and transporta-

<sup>1</sup> Formerly Houston Texas Gas and Oil Corporation.

<sup>2</sup> Filed as Exhibit I as part of the original document. For convenience only, the text of the agreement and Appendix B were attached as part of the original. Appendices A, C, and D, not here reproduced, are comprised of revised tariff sheets to be filed by the companies pursuant to the terms of the settlement.

tion. Coastal's proposed amendment to its certificate resulted in an increase in its cost of service tariff for sales of natural gas for resale to Florida Gas, which proposed increase was suspended in Docket No. RP61-4. The proceeding in Docket No. RP62-4 involves a proposed waiver of the minimum bill provisions under Florida Gas' Rate Schedule I.

The offer of settlement provides that Florida Gas will file with the Commission revised tariff sheets proposed to be effective as of May 1, 1962, containing the following base rates:

Rate Schedule G, 57.0 cents per MMBtu base price; 15.0 cents per MMBtu air conditioning discount.

Rate Schedule T-1, 14.5 cents per MMBtu.  
Rate Schedule T-2, 18.5 cents per MMBtu.

In addition, the revised tariff sheets would change the present application of the minimum bill provision in Rate Schedule G from a monthly basis to a calendar year basis, include a one-year make up provision for gas paid for but not taken by the buyer under such rate schedule provision, and would reduce the minimum bill in Florida Gas' Rate Schedule I to zero. It is further stipulated that Florida Gas will not file for increases in its Rate Schedules G, I, T-1 and T-2 above the rates contained in the agreement, which would be made effective (after suspension) prior to January 1, 1964, except to recoup increased costs resulting from purchased gas costs and increased taxes where the aggregate effect could result in an annual increase of \$200,000 or more in costs applicable to resale jurisdictional sales.

The aforesaid stipulation and agreement provide that two issues be reserved for further conference and hearing, if necessary, in the proceedings in Docket Nos. RP61-3 and RP61-4. Those issues involve: (1) The proper cost for accounting purposes under the Uniform System of Accounts of constructing the facilities of Florida Gas and (2) the accrual for Federal income taxes on the books of Coastal for accounting purposes under the Uniform System of Accounts.

The offer of settlement also provides that the rate conditions set forth in the Commission's order and opinion issued December 28, 1956 in Docket Nos. G-9262 and G-9960 (16 FPC 118) be amended so that the words "in accordance with usual Commission standards and based on an annual rate of return of not in excess of 6 percent" be deleted from ordering clause (B) (1) and that ordering clause (C) (3) be changed by substituting 6.5 for 6 percent in such clause on and after May 1, 1962. The modification of Florida Gas' certificate will enable it to file a tariff change, under section 4 of the Natural Gas Act and the regulations with respect thereto, without requesting or obtaining prior or concurrent modification under section 7 of the Natural Gas Act of its certificates of public convenience and necessity presently outstanding.

In their offer of settlement, Florida Gas and Coastal state and agree that they will diligently prosecute their application, filed on April 2, 1962 in Docket

No. CP62-232, to merge Coastal into Florida Gas.

Our review of the terms of the settlement agreement and the studies in support thereof indicates that said agreement and settlement of these proceedings is in the public interest and should be approved.

The Commission finds: The proposed settlement submitted by Florida Gas and Coastal on April 18, 1962 in these proceedings<sup>2</sup> is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be approved as hereinafter provided.

The Commission orders:

(A) The increased rates and charges filed by Florida Gas and Coastal in these consolidated proceedings are hereby disallowed and denied, as of May 1, 1962.

(B) The settlement of these proceedings on the basis of the stipulation and agreement set forth in the transcript of these proceedings (Tr. 4586 to 4617), is approved and made effective, subject to the terms and conditions hereinafter specified.

(C) Within 30 days after the date of issuance of this order, Florida Gas shall file, in a form satisfactory to the Commission, revised tariff sheets in conformity with the requirements of the said stipulation to be effective as of May 1, 1962.

(D) Ordering Clause (B) (1) of the order issued December 28, 1956 (16 FPC 118 at p. 144) is amended to read as follows: The rates set forth in the tariffs for firm sales for resale, interruptible sales, and for transportation, shall be commensurate with the cost of service determined on a reasonable allocation of costs between these services.

(E) Ordering Clause (C) (3) of the order issued December 28, 1956 (16 FPC 118 at p. 145) is hereby modified to the extent and only to the extent of substituting "6.5" percent for "6" percent in such clause, effective on and after May 1, 1962.

(F) Within 60 days from the date of issuance of this order, the Commission staff shall convene a conference between the parties and interveners in Docket Nos. RP61-3 and RP61-4 at a convenient date and place for the purpose of discussing and deciding upon the procedure to be followed in disposing of the reserved issues set forth in Article VI of said stipulation and, if possible, to define and reduce said reserved issues.

(G) Upon full compliance by Florida Gas and Coastal with all the terms and provisions of this order and the said stipulation, each of the above-entitled proceedings are hereby severed from the above-entitled consolidated proceedings and shall be deemed terminated, except as to the reserved issues defined in Article VI of said stipulation, which issues remain outstanding in Docket Nos. RP61-3 and RP61-4.

(H) Upon compliance with paragraph (C) above, Florida Gas and Coastal are hereby released and discharged from any and all obligations under their respective bonds filed in these proceedings.

(I) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, Florida Gas, Coastal or any other part affected by this order, in any proceeding now pending or hereafter instituted by or against Florida Gas and/or Coastal or any other person.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5812; Filed, June 13, 1962;  
8:48 a.m.]

[Docket No. RI62-193 etc.]

**T. L. JAMES & CO., INC., ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Making Rates Effective Subject To Refund; Correction**

JUNE 6, 1962.

T. L. James & Company, Inc., et al., Docket No. RI62-193, et al.; Chanplin Oil & Refining Company (Operator), et al., Docket No. RI62-194.

In the order providing for hearings on and suspension of proposed changes in rates and making rates effective subject to refund, issued November 22, 1961 and published in the FEDERAL REGISTER December 1, 1962 (F.R. Doc. 61-11358; 26 F.R. 11398): In the chart, under Docket No. RI62-194, Chanplin Oil & Refining Company (Operator), et al., change *Producing Area* from "Stratton-Agua Dulce Field, Nueces and Jim Wells Counties, Texas (R.R. Dist. No. 4)" to "San Salvador Field, Hidalgo County, Texas."

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5813; Filed, June 13, 1962;  
8:48 a.m.]

[Docket No. RI62-421 etc.]

**J. RAY McDERMOTT & CO., INC., ET AL.**

**Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction**

JUNE 6, 1962.

J. Ray McDermott & Company, Inc., et al., Docket No. RI62-421, et al.; United Producing Company, Inc. (Operator) et al., Docket No. RI62-426.

In the order providing for hearing on and suspension of proposed changes in rates, issued May 11, 1962 and published in the FEDERAL REGISTER May 18, 1962 (F.R. Doc. 62-4811; 27 F.R. 4745): In the chart, Docket No. RI62-426, United Producing Company, Inc. (Operator), et al., under column headed "Supp. No." change 6 to read 8.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5814; Filed, June 13, 1962;  
8:48 a.m.]

[Docket No. CP62-246]

**MISSISSIPPI RIVER FUEL CORP.**

**Notice of Application and Date of Hearing**

JUNE 8, 1962.

Take notice that on April 23, 1962, Mississippi River Fuel Corporation (Applicant), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP62-246 an application for a certificate of public convenience and necessity authorizing the construction during the calendar year 1962 and the operation of certain miscellaneous natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it may become necessary or desirable to move, relocate, alter or reconstruct existing facilities, or to construct and operate substitute facilities for existing facilities, in order to accommodate the desires or activities of others, including governmental authorities, landowners, and direct industrial and resale customers. For the most part, such changes would be made in response to requests of others. The cost of relocating or altering Applicant's facilities in such instances will usually be borne entirely or partly by the party desiring the change and will not ordinarily involve any increase or decrease in the designed capacity of the particular facilities being altered or replaced, nor any essential change in the character of Applicant's service to any of its customers.

Applicant further states that it will not undertake more than nine projects during the calendar year 1962. The total cost of the facilities will not exceed \$500,000, with no single project to exceed a cost of \$200,000. The foregoing amounts represent Applicant's gross costs which may be offset entirely or reduced by reimbursement from others.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

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with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5815; Filed, June 13, 1962; 8:49 a.m.]

[Docket No. RI62-431 etc.]

**SHELL OIL CO. ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction**

JUNE 6, 1962.

Shell Oil Company (Operator), et al., Docket Nos. RI62-431, et al.; Shell Oil Company, Docket No. RI62-432.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 23, 1962 and published

in the FEDERAL REGISTER May 30, 1962 (F.R. Doc. 62-5210; 27 F.R. 5112): In the chart, Docket No. RI62-432, under column headed "Rate Schedule No." change "157" to read "166".

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5816; Filed, June 13, 1962; 8:49 a.m.]

[Docket No. RI62-407 etc.]

**UNION OIL COMPANY OF CALIFORNIA, ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction**

JUNE 6, 1962.

Union Oil Company of California, et al., Docket Nos. RI62-407, et al.; Texaco Inc., Docket No. RI62-416.

In the order providing for hearings on and suspension of proposed changes in rates, issued April 27, 1962 and published in the FEDERAL REGISTER May 4, 1962 (F.R. Doc. 62-4335; 27 F.R. 4317): In

the chart, Docket No. RI62-416, under column headed "Amount of Annual Increase", change "30,267" to read "\$16,647".

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5817; Filed, June 13, 1962; 8:49 a.m.]

[Docket Nos. RI62-458—RI62-460]

**SUTTON PRODUCING CO. ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

JUNE 6, 1962.

Sutton Producing Company (Operator), et al., Docket No. RI62-458; Gulf Oil Corporation, Docket No. RI62-459; Nafco Oil and Gas, Inc. (Operator), et al., Docket No. RI62-460.

The above named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date <sup>1</sup> unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI62-458...	Sutton Producing Co. (Operator), et al. P.O. Box 6446, San Antonio 9, Tex.	62	3	Transcontinental Gas Pipe Line Corp. (S. E. Dilworth Field, McMullen County, Tex.) (R.R. District No. 1).	\$4,949	5-11-62	6-22-62	11-22-62	\$ 14.1890	\$ 15.2025	-----
RI62-459...	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	57	5	El Paso Natural Gas Co. (Big Piney and East La Barge Pools, Sublette County, Wyo.).	9,984	5-9-62	6-10-62	11-10-62	\$ 15.0	\$ 16.0	-----
RI62-460...	Nafco Oil and Gas Inc. (Operator), et al., Fourth Floor, C & I Bldg., Houston 2, Tex.	18	4	Natural Gas Pipeline Co. of America (Spearman and Twin Fields, Hansford County, Tex.) (R.R. District No. 10).	4,957	5-10-62	6-10-62	11-10-62	\$ 16.0	\$ 17.0	-----

<sup>1</sup> The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.  
<sup>2</sup> Pressure base is 14.65 psia.  
<sup>3</sup> Periodic rate increase.

<sup>4</sup> Subject to downward Btu adjustment.  
<sup>5</sup> Pressure base is 15.025 psia.  
<sup>6</sup> Referred to as "Rate Schedule No. 3" in the Notice of Change.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have 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 CFR 1.8 and 1.37(f)) on or before July 24, 1962.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5786; Filed, June 13, 1962; 8:45 a.m.]

[Docket No. CP62-69]

**UNITED GAS PIPE LINE CO.**

**Notice of Application and Date of Hearing**

JUNE 7, 1962.

Take notice that on September 19, 1961, as supplemented on May 3, 1962, United Gas Pipe Line Company (Applicant) 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-69 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.0076 miles of 2-inch pipeline, a sales meter station, and appurtenant facilities near milepost 119 on Applicant's Napoleonville-to-Kosciusko-30-inch pipeline in St. Helena Parish, Louisiana, for the sale and delivery of natural gas to Othur K. Herring d.b.a. Herring Utilities (Herring), for resale and distribution in the northeast section of Livingston Parish, Louisiana, all as

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Herring has received a franchise to construct and operate the proposed distribution system from the Police Jury of Livingston Parish and estimates the annual and peak day requirements of the area to be served as follows:

	Mcf at 14.9 psia		
	1st year	2d year	3d year
Peak day.....	315	320	325
Annual.....	23, 136	23, 435	23, 747

The application states that the facilities necessary for the delivery of gas to Herring will cost \$6,162.

The proposed sale would be made pursuant to Rate Schedule G-J of Applicant's FPC Gas Tariff, First Revised Volume No. 1.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 62-5787; Filed, June 13, 1962; 8:46 a.m.]

[Docket No. RFP62-8]

**ARKANSAS LOUISIANA GAS CO.**

**Order Providing for Hearing on and Suspending Proposed Change in Rates, and Allowing Increased Rates To Become Effective Subject To Refund**

*Correction*

In F.R. Doc. 62-5498, appearing at page 5411 of the issue for Thursday,

June 7, 1962, the Docket No. appearing in the bracket heading should read as set forth above.

**FEDERAL RESERVE SYSTEM  
THE BANK OF WOOD COUNTY  
COMPANY**

**Order Approving Consolidation of Banks**

In the matter of the application of The Bank of Wood County Company for approval of consolidation with The Perrysburg Banking Company.

There has come before the Board of Governors, pursuant to the "Bank Merger Act of 1960" (12 U.S.C. 1828(c)), an application for the Board's prior approval of the consolidation of The Bank of Wood County Company, Bowling Green, Ohio, a member bank of the Federal Reserve System, with The Perrysburg Banking Company, Perrysburg, Ohio, under the charter and title of the former, the office of The Perrysburg Banking Company to be operated as a branch of The Bank of Wood County Company.

Pursuant to said Act, notice of the proposed consolidation, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

*It is ordered*, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be, and hereby is approved, provided that said consolidation shall not be consummated (a) sooner than seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 8th day of June, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
*Secretary.*

[F.R. Doc. 62-5788; Filed, June 13, 1962; 8:46 a.m.]

**THE CONTINENTAL BANK AND TRUST COMPANY**

**Order Making Show Cause Hearing Open to the Public**

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

The Board's Order of May 28, 1962 (27 F.R. 5357) continuing the date for the commencement of a Show Cause Hearing in this matter to July 23, 1962, provided that such hearing shall be held in accordance with the substantive and procedural requirements designated and specified in the Board's Order for Hearing dated June 28, 1961, except that the

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

hearing would be private, attended only by representatives, counsel, and witnesses of Respondent and of the Board of Governors of the Federal Reserve System, "unless Respondent makes a written request to the Hearing Examiner that other persons be permitted to attend or that the hearing be made public, in which event such other persons may attend or the hearing shall be open to the public as so requested."

In a letter addressed to the Board, dated June 4, 1962, counsel of record for the Respondent requested that the hearing so scheduled be open to the public. This request has been referred to the Hearing Examiner designated to conduct the hearing in this matter for inclusion in the record of such hearing and, in view of the provisions of the Board's Order of May 28, 1962,

*It is hereby ordered*, That the request that the Show Cause Hearing scheduled in this matter be open to the public is hereby granted and the Board's Secretary is instructed to make the docket in this proceeding available to the public, provided, however, that, in accordance with the limitation set forth in the Board's Order of June 28, 1961, the names or identities of persons indebted to Respondent shall not in any way be disclosed or introduced in evidence.

Dated at Washington, D.C., this 8th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
*Secretary.*

[F.R. Doc. 62-5789; Filed, June 13, 1962; 8:46 a.m.]

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 811-592]

**D & Z EMPLOYEES' TRUST FUND**

**Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company**

JUNE 7, 1962.

Notice is hereby given that D & Z Employees' Trust Fund ("Applicant"), 1700 Sansom Street, Philadelphia 3, Pennsylvania, a trust organized under Pennsylvania law and an open-end, non-diversified management company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission which is summarized below.

D & Z Employees' Trust Fund was organized in 1939 to provide a medium by which employees of Day & Zimmermann, Inc. could, by means of a relatively small weekly or other periodic payments, acquire Day & Zimmermann's outstanding common stock with the view of confining the ownership of such stock to persons employed by the company. During 1961, H. L. Yoh Company, Inc. acquired con-

trol of Day & Zimmermann, Inc. and Applicant's assets, consisting primarily of the common stock of Day & Zimmermann, Inc. were distributed to the Unit holders of the Applicant in accordance with the amended Declaration of Trust. The final distribution of Applicant's assets was completed on December 18, 1961, and the trust was thereby terminated.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 25, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air-mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-5796; Filed, June 13, 1962;  
8:47 a.m.]

[File No. 31-664]

## PETROLANE GAS SERVICE, INC.

### Notice of Filing of Application for Exemption

JUNE 7, 1962.

Notice is hereby given that Petrolane Gas Service, Inc. ("Petrolane"), Signal Hill, California, has filed with this Commission an application, pursuant to section 3(a) (3) of the Public Utility Holding Company Act of 1935 ("Act"), for exemption of itself, as a holding company, and of its subsidiary companies, as such, from the provisions of the Act.

All interested persons are referred to the application on file at the office of the Commission for a statement of the asserted grounds for exemption and the

facts in support thereof, which are summarized as follows:

Petrolane asserts that it is only incidentally a holding company, being primarily engaged in a business other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company. As the factual basis for such assertion, the application states as follows:

Petrolane is a California corporation engaged directly and through subsidiary companies in the sale and distribution, both at wholesale and retail, of liquefied petroleum gas in eleven western States and in Alaska, Illinois, Indiana, and Missouri. Petrolane has 73 subsidiary companies, all but two of which distribute liquefied petroleum gas in portable containers. Two subsidiary companies, Desert Gas Co., Inc. ("Desert Gas") and Nevada Gas Utilities, Inc. ("Nevada Gas"), distribute propane-air gas through underground pipe lines, in Twentynine Palms, California, and in Carson City, Nevada, respectively. These companies obtain their supplies of propane from other system companies. Seventy of the subsidiary companies, including Desert Gas and Nevada Gas, are wholly-owned; the other three companies are owned 80 percent or more.

At December 31, 1961, the consolidated capitalization of Petrolane and its subsidiaries consisted of \$7,209,449 of long-term debt, \$229,297 of minority interests, and \$7,454,915 of common capital stock and surplus. As of the same date, the consolidated assets, less reserves for depreciation, aggregated \$19,212,369, and the consolidated plant and property, less \$4,465,158 reserves for depreciation, aggregated \$12,523,650. The combined assets of Desert Gas and Nevada Gas, as of the same date, amounted to \$363,636, and their combined plant and property, less \$56,202 reserves for depreciation, was \$299,021.

For its fiscal year ended September 30, 1961, the consolidated revenues and net income of Petrolane and its subsidiaries were \$18,970,801 and \$1,625,796, respectively. For the year ended December 31, 1961, the combined revenues and combined net incomes of Desert Gas and Nevada Gas were \$206,072 and \$17,216, respectively.

Notice is further given that any interested person may, not later than June 28, 1962, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the

point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted; or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-5797; Filed, June 13, 1962;  
8:47 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 386]

### KANSAS

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Sedgwick and Harvey Counties in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain and flood and accompanying conditions occurring on or about June 1, 1962.

#### Offices—

Small Business Administration Regional Office,

Home Savings Building, Fifth Floor,  
1006 Grand Avenue,  
Kansas City 6, Mo.

Small Business Administration Branch Office,

Board of Trade Building, Room 215,  
120 South Market Street,  
Wichita 2, Kans.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1962.

Dated: June 5, 1962.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 62-5798; Filed, June 13, 1962;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 650]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64825. By order of June 5, 1962, the Transfer Board approved the transfer to Alfred Bergman and Melvin Bergman, a partnership, doing business as A & A Bergman, Pigeon, Mich., of the operating rights in Permit No. MC 110981, issued August 6, 1956, to Alfred Bergman and Adolph Bergman, a partnership, doing business as A. & A. Bergman, Pigeon, Mich., authorizing the transportation, over irregular routes, of sweet cream, plain and sweetened condensed skimmed milk, plain and sweetened whole milk, cottage cheese, butter, and animal feed, from Bad Axe and Detroit, Mich., to Columbus and Cleveland, Ohio, and Parkersburg and Huntington, W. Va. William D. Elmer, 1800 Buhl Building, Detroit, 26, Mich., applicants' attorney.

No. MC-FC 64846. By order of June 5, 1962, the Transfer Board approved the transfer to Alfred Bergman and Melvin Bergman, a partnership, doing business as A & A Bergman, Pigeon, Mich., of the operating rights in Permit No. MC 55893, issued August 15, 1960, to Century Produce System, Inc., Zeeland, Mich., authorizing the transportation, over irregular routes, of beans, from a described portion of Michigan to Ashland and Paducah, Ky., Wheeling, Huntington, and Parkersburg, W. Va., points in Illinois, Indiana, and Ohio, points in a described portion of Iowa, and points in a described portion of Missouri, fertilizer, from Lockland and Columbus, Ohio, to points in a described portion of Michigan, feed, from Chicago, Ill., to points in a described portion of Michigan, and from points in the Chicago, Ill., Commercial Zone, to points in a described portion of Michigan, and fence materials, from Sterling, Ill., to points in a described portion of Michigan. William B. Elmer, 1800 Buhl Building, Detroit 26, Mich., applicants' attorney.

No. MC-FC 64856. By order of June 5, 1962, the Transfer Board approved the transfer to Allen Transfer Co., A Corporation, Longmont, Colo., of Certificate No. MC 83216, issued November 23, 1956, to The McKie Transfer Company, A Cor-

poration, Longmont, Colo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Denver, Colo., and Berthoud, Colo., serving the intermediate point of Longmont, Colo., and those between Berthoud and Longmont: From Denver over U.S. Highway 287 to Berthoud and return over the same route. John P. Thompson, 220 Denver Club Building, Denver 2, Colo., attorney for applicants.

No. MC-FC 64969. By order of June 5, 1962, the Transfer Board approved the transfer to J. P. Graham III, doing business as J. P. Graham Transfer, Rochester, Pa., of Certificates Nos. MC 21779, and MC 21779 Sub 1, issued January 22, 1947 and October 17, 1950, respectively, to Joseph P. Graham, Jr., doing business as J. P. Graham Transfer, Rochester, Pa., authorizing the transportation of: general commodities with the usual exceptions including household goods and commodities in bulk, and Petroleum products in containers, iron and steel and products thereof, borax and borax products, zinc oxide, empty containers for the above commodities, copper, brass, and bronze articles, burlap bags, chemicals, and empty chemical containers, from, to or between specified points in Ohio, Pennsylvania, and West Virginia. J. Frank Kelker, Esq., 233 Brighton Avenue, Rochester, Pa., attorney for applicants.

No. MC-FC 64983. By order of June 5, 1962, the Transfer Board approved the transfer to Edward D. Marshall, St. Louis, Mo., of Certificate No. MC 117807, issued June 8, 1959, to John F. Anders, doing business as Anders Service, St. Louis, Mo., authorizing the transportation of: Wrecked and disabled motor vehicles, by use of wrecker equipment only, between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, points in Arkansas and Illinois. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo., applicants' representative.

No. MC-FC 65003. By order of June 5, 1962, the Transfer Board approved the transfer to Cape Transport Co., a corporation, Cape Girardeau, Mo., of Permit No. MC 123411, issued February 5, 1962, to E. D. Grojean, doing business as Cape Transport Company, Cape Girardeau, Mo., authorizing the transportation of: Building materials except cement and pre-cast concrete, from Cape Girardeau, Mo., to specified points in Illinois, Arkansas and Kentucky. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

No. MC-FC 65093. By order of June 5, 1962, the Transfer Board approved the transfer to Thomas James Gemmell and Matthew Maines Gemmell, a partnership, doing business as Gemmells Transfer, 205 Commerce Street, Box 694, Pulaski, Va., of Certificate No. MC 65410 issued March 18, 1954, to C. C. Abell, Dora Highway, Pulaski, Va., authorizing the transportation of household goods, over irregular routes, between Pulaski, Va., and points in Virginia within 25 miles of Pulaski, on the one hand, and,

on the other, points in North Carolina, West Virginia, and Tennessee.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-5819; Filed, June 13, 1962;  
8:49 a.m.]

[No. 34034]

### OKLAHOMA INTRASTATE FREIGHT RATES AND CHARGES

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

It appearing that in the ex parte proceedings set out in Appendix A hereto the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition dated March 30, 1962, has been filed on behalf of The Arkansas Western Railway Company and other common carriers by railroad operating to, from, and between points in the State of Oklahoma, named in Appendix A to the petition, averring that the Oklahoma Corporation Commission has refused to authorize or permit increases in rates and charges on the commodities described in Appendices B thru M to the petition moving in intrastate commerce corresponding to the increases authorized by the Commission in the proceedings listed in said Appendix A hereto on interstate traffic as more fully set forth in the petition;

It further appearing that petitioners allege that the failure of the Oklahoma Corporation Commission to permit the increases in rates and charges on intrastate traffic, referred to in the preceding paragraph, causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against, and undue burden on, interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Oklahoma:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the said rates and charges of the common carriers by railroad, or any of them, operating in the State of Oklahoma for the intrastate transportation of the commodities listed in the appendices to the petition, made or imposed by authority of the State of Oklahoma, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic

in the proceedings listed in said Appendix A hereto, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

*It is further ordered,* That all common carriers by railroad operating within the State of Oklahoma, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Oklahoma be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of the said State and to the Oklahoma Corporation Commission at Oklahoma City, Okla.;

*It is further ordered,* That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C.;

*And it is further ordered,* That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,  
Secretary.

Ex Parte No. 162—*Increased Railway Rates, Fares, and Charges, 1946—264* I.C.C. 695, 266 I.C.C. 537.

(See Appendix "B" to the petition.)

Ex Parte No. 166—*Increased Freight Rates, 1947—269* I.C.C. 33, 270 I.C.C. 81, 270 I.C.C. 93, 270 I.C.C. 403.

(See Appendices "C", "D", and "E" to the petition.)

Ex Parte No. 168—*Increased Freight Rates, 1948—272* I.C.C. 695, 276 I.C.C. 9.

Ex Parte No. 175—*Increased Freight Rates, 1951—280* I.C.C. 179, 281 I.C.C. 557, 284 I.C.C. 589.

(See Appendices "F", "G", and "H" to the petition.)

Ex Parte No. 196—*1956 Increased Freight Rates—298* I.C.C. 279.

(See Appendix "I" to the petition.)

Ex Parte No. 206—*Increased Freight Rates, Eastern and Western Territories, 1956—299* I.C.C. 429, 299 I.C.C. 557.

(See Appendix "J" to the petition.)

Ex Parte No. 206—*Increased Freight Rates, Eastern, Western and Southern Territories, 1956—300* I.C.C. 633.

(See Appendix "K" to the petition.)

Ex Parte No. 212—*Increased Freight Rates, 1958—302* I.C.C. 665, 304 I.C.C. 289.

(See Appendix "L" to the petition.)

Ex Parte No. 223—*Increased Freight Rates, 1960—311* I.C.C. 373.

(See Appendix "M" to the petition.)

[F.R. Doc. 62-5821; Filed, June 13, 1962; 8:49 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

##### LONG-AND-SHORT HAUL

FSA No. 37789: *Pipe line coating from Cody, Wyo., to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2250), for interested rail carriers. Rates on moisture or condensation or rust preventative pipe line coating, in carloads, from Cody, Wyo., to points in Western trunk-line territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplements 8 and 9 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37790: *Tin or terne plate to Galveston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8224), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, as described in the application, in carloads, from points in official (including Illinois), southern, southwestern, and western trunk-line territories, to Galveston, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 257 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37791: *Feather meal between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8227), for interested rail carriers. Rates on feather meal, in carloads, between points in southwestern territory, also between points in southwestern territory, on the one hand, and Memphis, Tenn., Natchez, and Vicksburg, Miss., on the other.

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

Tariff: Supplement 17 to Southwestern Freight Bureau tariff I.C.C. 4454.

FSA No. 37792: *Scrap from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2252), for interested rail carriers. Rates on scrap, aluminum, brass, bronze or copper, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 8 to Western Trunk Line Committee tariff I.C.C. A-4422.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-5818; Filed, June 13, 1962; 8:49 a.m.]

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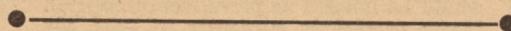
VOLUME 27

NUMBER 115

Washington, Thursday, June 14, 1962

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## Federal Aviation Agency



## Proposed Recodification of Procedural Rules

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 11 [New], 13 [New],  
15 [New], 405, 406, 408, 409 ]

[Reg. Docket No. 1242, Draft Release No.  
62-27]

### PROCEDURAL RULES

#### Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 405, 406, 408, and 409 of the regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter B—Procedural Rules [New] containing the proposed recodified regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written information and views as they desire. Communications may be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All comments received before July 20, 1962 will be considered before taking action of the proposed recodification. The proposal may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive change has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part

1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to proposed Subchapter B [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of the notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

Consideration is being given to splitting up current Part 406 by transferring the provisions applicable to the several types of certification to the parts relating to that type of certification. For example, if the transfers were made, those sections of Part 406 dealing with procedures for medical certification would be transferred to proposed Part 67—Medical Standards and Certification [New], now under notice of proposed rule making (see 27 F.R. 4175). Similarly, provisions of Part 406 relating to airman certification and airworthiness certification would be transferred to the basic parts relating to those subjects. As transferred, the pertinent provisions would be labeled as procedural material. Many provisions currently in Part 406 duplicate provisions in other parts and thus require the issuance of two amendments when a change is necessary. Further, an interested person today must obtain Part 406 in addition to that part which contains the substantive requirements for the certificate he seeks. Comment is particularly invited as to whether the changes proposed in this paragraph would be a convenience to the user or whether a recodification and continuation of present Part 406 (as set forth in this notice) would be more convenient. It is emphasized that the transfers of the provisions of Part 406 to other regulations would not result in substantive changes, but in its placement with other materials to which it is closely related.

Throughout the revised subchapter, the elimination of unnecessary and inconsistent regulatory materials has been done only in a manner which results, not in any increased regulatory burden on the public, but in lessening that burden.

In view of the foregoing, it is proposed to amend Chapter III of Title 14 of the Code of Federal Regulations by deleting Parts 405, 406, 408, and 409, and to amend Chapter I of Title 14 by adding Subchapter B [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 303(d), 313(a), 501-505, 601-608, and 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1354(a), 1401-1405, 1421-1428, and 1481).

Issued in Washington, D.C., on June 8, 1962.

N. E. HALABY,  
Administrator.

#### SUBCHAPTER B—PROCEDURAL RULES [New]

- Part
- 11 General Rule-Making Procedures [New].
  - 13 General Certification Procedures [New].
  - 15 Enforcement Procedures [New].

## PART 11—GENERAL RULE-MAKING PROCEDURES [New]

### Subpart A—General

- Sec.
- 11.1 Applicability.
  - 11.11 Docket.

### Subpart B—Rules Other Than Airspace Assignment and Use

- 11.21 Scope.
- 11.23 Initiating rule-making procedures.
- 11.25 Petitions for rule making or exemption.
- 11.27 Action on petitions for rule making or exemption.
- 11.29 Notice of proposed rule making.
- 11.31 Participation of interested person in rule-making procedures.
- 11.33 Additional rule-making proceedings.
- 11.35 Participation by Civil Aeronautics Board in rule-making proceedings.
- 11.37 Requests for informal appearances.

### Subpart C—Processing of Rules Other Than Airspace Assignment and Use

- 11.41 Scope.
- 11.43 Processing of petitions for rule making or exemption from parts of this chapter, except Part 67.
- 11.45 Issue of notice of proposed rule making.
- 11.47 Proceedings after notice of proposed rule making.
- 11.49 Adoption of final rules.
- 11.51 Denial of petition for rule making.
- 11.53 Grant or denial of exemption, other than from Part 67.
- 11.55 Exemptions from Part 67.

### Subpart D—Rules and Procedures for Airspace Assignment and Use

- 11.61 Scope.
- 11.63 Filing of proposals.
- 11.65 Issue of notice of proposed rule making.
- 11.67 Hearings.
- 11.69 Adoption of rules or orders.
- 11.71 Exemptions.
- 11.73 Petitions for rehearing or reconsideration of rules or orders.
- 11.75 Petitions for revoking or modifying rules or orders.

### Subpart A—General

#### § 11.1 Applicability.

This part applies to the issue, amendment, and repeal of—

(a) Rules and orders for airspace assignment and use issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and

(b) Other substantive rules, including those applicable to a class of persons, and those addressed to and served on named persons whenever the Administrator decides to use public rule-making procedures in such a case.

[Revision note: Combines §§ 405.11(a) and 409.11(a)]

#### § 11.11 Docket.

Official FAA records relating to rule-making actions, including proposals, notices of proposed rule making, written material received in response to notices, petitions for rule making, petitions for rehearing or reconsideration, petitions for modification or revocation, notices granting or denying exemptions, reports of proceedings conducted under § 11.47, notices denying proposals, and final rules or orders are maintained in docket form in the Office of the General Coun-

sel. Any interested person may examine any docketed material at that office, except material that is ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504), and may obtain a photostatic or duplicate copy of it upon paying the cost of the copy.

[Revision note: Combines §§ 405.28 (last sentence of (b)), 405.33, and 409.19]

### Subpart B—Rules Other Than Airspace Assignment and Use

#### § 11.21 Scope.

(a) Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, the FAA issues notices of proposed rule making and allows interested persons to participate in rule-making proceedings involving a substantive rule.

(b) Unless the Administrator determines that notice and rule-making procedures are to be followed, interpretive rules, general statements of policy, and rules of FAA organization, procedure, or practice are prescribed as final without notice or rule-making procedures.

(c) Whenever the Administrator so determines, the procedures prescribed in this subpart apply to exempting persons and classes from the requirements of a substantive rule.

[Revision note: Based on § 405.11 (less (a))]

#### § 11.23 Initiating rule-making procedures.

The Administrator initiates rule-making procedures upon his own motion. However, in doing so, he considers the recommendations of other agencies of the United States and the petitions of other interested persons.

[Revision note: Based on § 405.12]

#### § 11.25 Petitions for rule-making or exemptions.

(a) Any interested person may petition the Administrator to issue, amend, or repeal a rule whether or not it is a substantive rule within the meaning of § 11.21, or for an exemption from any rule issued under Title III or VI of the Federal Aviation Act of 1958.

(b) A petition filed under this section must—

(1) Set forth the text or substance of the rule or amendment proposed, or of the rule from whose requirements the exemption is sought, or specify the rule the petitioner seeks to have repealed, as the case may be;

(2) Contain information, views, and arguments that the petitioner considers support the action he seeks; and

(3) Indicate the interest of the petitioner in the action he seeks.

[Revision note: Combines §§ 405.13 and 405.19]

NOTE: §§ 405.13 (last sentence) and 405.19 (last sentence) are omitted as covered by § 11.25 of this chapter.

#### § 11.27 Action on petitions for rule making or exemption.

(a) No public hearing, argument, or other formal proceeding is held directly on a petition filed under § 11.25, before its disposition by the FAA.

(b) If the Administrator determines that the petition discloses adequate reasons, he issues a notice of proposed rule making, or adopts a final rule, or, if it is in the public interest, grants the exemption.

(c) If the Administrator determines that the petition does not justify instituting rule-making procedures or granting the requested exemption, he notifies the petitioner to that effect.

[Revision note: Combines §§ 405.14 and 405.20]

#### § 11.29 Notice of proposed rule making.

(a) Each general notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding, as prescribed by §§ 11.31 and 11.33.

[Revision note: Based on § 405.15]

#### § 11.31 Participation of interested persons in rule-making procedures.

(a) Each interested person is entitled to participate in rule-making proceedings by submitting written information, views, or arguments. In addition, he may comment on the original information, views, and arguments submitted by other persons, if, after receiving them, the Administrator considers it desirable.

(b) In any appropriate case, the Administrator also allows interested persons to participate in the rule-making procedures described in § 11.33.

[Revision note: Based on § 405.16]

#### § 11.33 Additional rule-making proceedings.

(a) The rule-making procedure also includes any further procedural steps that best serve the purposes of a particular proceeding. For example, interested persons may be allowed to make oral arguments, participate in conferences between the Administrator or his representative and interested persons and organizations, appear at informal hearings presided over by a designated FAA official at which a stenographic transcript is made, or participate in any other procedure whenever it is desirable and appropriate to assure informed administra-

tive action and adequate protection of private interests.

(b) Any appropriate combination of the procedures described in paragraph (a) of this section may be used in addition to the basic procedure of allowing interested persons to participate in rule-making proceedings by submitting written information, views, or arguments.

[Revision note: Based on § 405.17]

#### § 11.35 Participation by Civil Aeronautics Board in rule-making proceedings.

(a) Under section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481), the Civil Aeronautics Board may appear and participate as an interested party in any proceeding conducted by the Administrator under Title III of that Act, and in any proceeding under Title VI of that Act that cannot be appealed to the Board.

(b) To indicate its intention to participate in any proceeding described in paragraph (a) of this section, the Board may file written information, views, or arguments in response to a notice of proposed rule making issued by the Administrator. The Board is entitled to the procedural privileges accorded other parties and is equally free to participate.

[Revision note: Based on § 405.18]

#### § 11.37 Requests for informal appearances.

(a) Upon his request, any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rule-making function of the FAA.

(b) A request for an appearance under this section must be sent in writing to the Federal Aviation Agency, Washington 25, D.C., or to the Regional or District Office nearest to the person making the request.

[Revision note: Based on § 405.21]

### Subpart C—Processing of Rules Other Than Airspace Assignment and Use

#### § 11.41 Scope.

(a) This subpart prescribes the supplemental procedures to be followed by the Offices and Services of the FAA in rule-making proceedings and in granting or denying exemptions from rules. It also designates the Office or Service that is authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) This subpart does not apply to rule-making procedures under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

[Revision note: Based on § 405.25]

#### § 11.43 Processing of petitions for rule making or exemptions from parts of this chapter, except Part 67.

Whenever the FAA receives a petition for rule making or for an exemption (other than from Part 67 of this chapter), a copy of the petition is referred for action, as provided in § 11.27 to the Office or Service having substantive responsibility for the subject involved.

[Revision note: Combines §§ 405.26 and 405.31(a) (1st two sentences)]

NOTE: §§ 405.26 (last sentence) and 405.31(a) (2d sentence) are omitted as covered by § 11.11 of this chapter.

#### § 11.45 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny any request to extend the time specified in a notice for submitting information, views, or arguments in response thereto.

[Revision note: Based on § 405.27]

NOTE: § 405.27 (last sentence) is omitted as covered by § 11.11 of this chapter.

#### § 11.47 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the head of the Office or Service concerned determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

[Revision note: Based on § 405.28 (less last sentence of (b))]

NOTE: § 405.28(a) (last sentence) is omitted since it is only internal FAA in effect.

#### § 11.49 Adoption of final rules.

After the Office or Service concerned has completed its analysis and evaluation of the information, views, and arguments submitted with respect to a proposed rule, representatives of that Office or Service and the Office of the General Counsel prepare an appropriate rule, subject to the approval of the General Counsel as to form and legality. The rule is then submitted, with the recommendations of the head of the Office or Service concerned and the General Counsel, to the Administrator for his consideration. If he adopts the rule, it is published in the FEDERAL REGISTER.

[Revision note: Based on § 405.29]

NOTE: § 405.29 (last 10 words of last sentence) is omitted as covered by § 11.25 of this chapter.

#### § 11.51 Denial of petition for rule making.

Whenever it is determined that a petition for rule making filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the General Counsel with respect to form and legality, a notice of denial for the Administrator's signature.

[Revision note: Based on § 405.30]

NOTE: § 405.30 (last sentence) is omitted as covered by § 11.11 of this chapter.

#### § 11.53 Grant or denial of exemption, other than from Part 67.

(a) The head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition for an exemption (other than from Part 67 of this chapter). However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the General Counsel to the Administrator for final action.

(b) Whenever a petition is granted or denied under this section, the Office or Service concerned prepares, subject to the approval of the General Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

[Revision note: Based on § 405.31 (less 1st two sentences of (a))]

NOTE: § 405.31(b) (last sentence) is omitted as covered by § 11.11 of this chapter.

#### § 11.55 Exemptions from Part 67.

(a) A copy of each petition for an exemption from any provision of Part 67 of this chapter, and the medical information that the Aviation Medical Service has concerning the petitioner, is referred to an appropriate advisory panel of medical specialists for their recommendation.

(b) The function of the advisory panel of medical specialists is to examine the petitioner's medical condition and advise the Administrator whether it considers that the specific nature of the applicant's medical defect that makes him unable to meet the medical standards for his certificate is such that he can be exempted from those standards without endangering public safety during the period the medical certificate would be in effect. The panel shall obtain the views of the Civil Air Surgeon on the matters involved in each petition for exemption.

(c) If the advisory panel desires additional medical information or further medical examination of the petitioner, it shall so advise the Civil Air Surgeon who shall send the request to the petitioner. The Civil Air Surgeon shall give any information so obtained to the panel immediately after he receives it and shall send a copy to be placed in the official rule-making docket.

(d) The Civil Air Surgeon shall make the facilities of his Service available to the advisory panel to the extent it considers helpful, furnish it with such administrative services as it requests in connection with a petition for exemption, and advise the panel of his views on each petition.

(e) Based on the public interest and in light of the specific situation involved, the Administrator grants or denies the petition after receiving the panel's recommendation. A notice of the action taken by the Administrator is sent to the petitioner.

[Revision note: Based on § 405.32]

NOTE: § 405.32 (a) (1st and last sentences) and (e) (last sentence) is omitted as covered by § 11.11 of this chapter.

### Subpart D—Rules and Procedures for Airspace Assignment and Use

#### § 11.61 Scope.

(a) This subpart establishes procedures for initiating, processing, issuing, and publishing rules and orders issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), including—

(1) Designations of Federal airways, control zones, control areas, control area extensions, terminal control areas, positive control route segments, coded jet routes, transition areas, and antenna farm areas;

(2) Assignments of segments or parts of the navigable airspace for special use purposes, such as restricted areas, military climb corridors, and experimental flight test areas; and

(3) Special rules or orders relating to the assignment or use of navigable airspace.

(b) This subpart does not apply to emergency cases and cases in which the procedures described in paragraph (a) of this section are found to be impractical, unnecessary, or contrary to the public interest.

[Revision note: Based on § 409.11 (less (a))]

#### § 11.63 Filing of proposals.

(a) Each proposal, except one arising in the FAA, for the designation of Federal airways or other areas for normal air traffic use, the assignment of navigable airspace for special use purposes, or the issue of a special rule or order relating to the use of navigable airspace, must be filed in writing, in triplicate, with a Regional Assistant Administrator or the Director of the Air Traffic Service.

(b) The director may, on his own motion, initiate the procedures prescribed in this subpart for proposals arising within the FAA.

(c) A proposal requesting the assignment of navigable airspace for special use purposes, or for the designation of an area for air traffic purposes, must include at least the following:

(1) The location and a description of the airspace desired for assignment or designation.

(2) A complete description of the activity or use to be made of that airspace, including a detailed description of the type, volume, duration, time, and place of the operations to be conducted in the assigned or designated area.

(3) A description of the air navigation, air traffic control, surveillance, and communication facilities available and to be provided if the assignment or designation is made.

(4) The name and location of the agency, office, facility, or person to whom authority would be delegated to permit the use of the airspace during those times it would not be used for the purpose to which it would be assigned.

(d) Subject to the approval of the General Counsel with respect to form

and legality, the Director issues a notice of any rejected proposal.

[Revision note: Based on § 409.12]

§ 11.65 Issue of notice of proposed rule making.

(a) If it is determined that the subject matter of a proposal should be submitted to the rule-making process, or if rule-making action is to be taken on his own motion, the Director of the Air Traffic Service, subject to the approval of the General Counsel with respect to form and legality, issues a notice of proposed rule making.

(b) Normally, a notice of proposed rule making is issued within approximately 30 days after receipt of a proposal with respect to which it has been determined that action might be taken.

(c) Each notice of proposed rule making is published in the FEDERAL REGISTER and includes at least the following:

(1) A statement of the time, place, and nature of the public rule-making proceedings.

(2) A reference to the authority under which it is proposed.

(3) Either the terms or substance of the proposed action or a description of the subjects and issues involved.

(d) Approximately 30 days are allowed for submitting written information, views, or arguments on the notice.

(e) If a public hearing is to be held, either the original notice of proposed rule making or a revised notice gives approximately 30 days notice. The Director may grant or deny any request to extend the time specified in the notice for submitting written material and may change the date of any hearing previously noticed.

(f) Written information, views, and arguments submitted in response to a notice of proposed rule making, or that are requested after the notice, must be submitted in triplicate.

(g) Each interested person is entitled to discuss or confer informally with appropriate FAA officials concerning a proposed action. However, to become a part of the formal record for consideration, any information, views, or arguments presented during a conference must also be submitted in writing in accordance with the notice.

[Revision note: Based on § 409.13]

§ 11.67 Hearings.

(a) Sections 7 and 8 of the Administrative Procedures Act do not apply to proceedings used to formulate rules under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Whenever the Director of the Air Traffic Service, in his discretion, considers that a hearing is necessary to provide informed Administrative action and assure adequate protection of private or public interests, he may hold an informal public hearing. However, any rule or order issued in a case in which such a hearing is held is not based exclusively on the record of the hearing.

(b) The Director designates a presiding officer for each hearing and the General Counsel designates a legal adviser.

(c) Normally, hearings held under this section are held in the vicinity of the affected airspace. Interested persons are allotted time to make an oral presentation without interruption and a verbatim transcript is made of the proceedings by a certified court reporter.

(d) The procedure in hearings held under this section is as follows:

(1) The presiding officer makes an opening statement with particular reference to the notice of proposed rule making.

(2) The presiding officer designates interested persons or their authorized representatives to speak at the hearing.

(3) The presiding officer allots enough time to each interested person on an equal basis so that his position may be expressed fully and placed on the record, with those who favor it speaking first followed by those who oppose it, initial statements being made as far as possible without interruption, and questions permitted after initial statements have been made by all designated persons.

(4) Arguments and oral statements are limited to the subject named in the notice of proposed rule making.

(5) Written information, views, arguments, or briefs may be offered for the record, but may not be accepted after the hearing unless good cause is shown or the submission is requested by the presiding officer or the Director.

(e) The presiding officer of a hearing may deviate from the procedures prescribed in this section to assure a more complete and informative record.

[Revision note: Based on § 409.14]

§ 11.69 Adoption of rules or orders.

(a) After the closing date for submitting written comments on a notice or, if a hearing is held, after the hearing, the Airspace Utilization Division of the Air Traffic Service studies the entire matter of a proposed rule or order. It then recommends a rule, order, or notice of denial to the Director of the Air Traffic Service. If the Director approves it, he sends it, subject to the approval of the General Counsel with respect to form and legality, to the Administrator for his action.

(b) Each rule or order issued by the Administrator is published in the FEDERAL REGISTER and in such other publications as the Director considers desirable. Each notice of denial is sent to the person who made the proposal and to such other interested persons as the Director considers desirable.

(c) Each rule or order issued under this subpart becomes effective not less than 30 days after it is published, except in an emergency, or when it is impractical, unnecessary, or contrary to the public interest.

[Revision note: Based on § 409.15]

§ 11.71 Exemptions.

(a) A petition for an exemption from any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) may be filed with the Director of the Air Traffic Service. Such a petition must be in triplicate and state clearly the nature of the requested exemption and the reasons why it should be granted.

(b) The Director may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition filed under this section and shall notify the petitioner of his action.

[Revision note: Based on § 409.16]

§ 11.73 Petitions for rehearing or reconsideration of rules or orders.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Such a petition must be filed, in triplicate, within 30 days after the rule or order is published in the FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule or order is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose, and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

[Revision note: Based on § 409.17]

§ 11.75 Petitions for revoking or modifying rules or orders.

(a) Any interested person may petition to revoke or modify any rule or order covered by this subpart. Such a petition must be filed, in triplicate, with the Director of the Air Traffic Service and must clearly state the information, views, and arguments the petitioner considers necessary to support the requested action and must clearly indicate the effect the action would have on the use of navigable airspace.

(b) A petition filed under this section is processed in the same manner as an original proposal, or in any other manner that the Director considers necessary or desirable.

[Revision note: Based on § 409.18]

PART 11—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
405.1-----	( <sup>1</sup> )	405.29-----	11.49
405.11(a)-----	11.1	405.30-----	11.51
405.11 (less		405.31(a) (1st	
(a) )-----	11.21	two sen-	
405.12-----	11.23	tences)-----	11.43
405.13-----	11.25	405.31 (less	
405.14-----	11.27	1st two sen-	
405.15-----	11.29	tences of	
405.16-----	11.31	(a) )-----	11.53
405.17-----	11.33	405.32-----	11.55
405.18-----	11.35	405.33-----	11.11
405.19-----	11.25	409.1-----	( <sup>1</sup> )
405.20-----	11.27	409.11(a)-----	11.1
405.21-----	11.37	409.11 (less	
405.25-----	11.41	(a) )-----	11.61
405.26-----	11.43	409.12-----	11.63
405.27-----	11.45	409.13-----	11.65
405.28 (less		409.14-----	11.67
last sentence		409.15-----	11.69
of (b) )-----	11.47	409.16-----	11.71
405.28 (last		409.17-----	11.73
sentence of		409.18-----	11.75
(b) )-----	11.11	409.19-----	11.11

<sup>1</sup> Transferred to Part 1.

## PART 13—GENERAL CERTIFICATION PROCEDURES

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13.5 Applications.  
13.7 Tests and medical examinations.

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13.19 Delegation of authority.  
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### Subpart E—Air Carrier Certificates

- 13.61 Applicability.  
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### Subpart F—Air Agency Certificates

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13.73 Kinds of certificates; authority; forms; reports.

### Subpart G—Air Navigation Certificates and Notices

- 13.81 Applicability.  
13.83 Authority to operate a true light.  
13.85 Notice of construction or alteration of structures or establishment, alteration, or deactivation of a landing area.

### Subpart H—Crewmember Certificates

- 13.91 Applicability.  
13.93 Application and issue.

### Subpart A—General

#### § 13.1 Applicability.

(a) This part prescribes the general procedures that apply to the issuance, by the FAA, of—

- (1) Medical certificates;
- (2) Airman certificates;
- (3) Aircraft certificates;
- (4) Air carrier certificates; and
- (5) Air agency certificates.

(b) Specific requirements for the issuance of the certificates named in paragraph (a) of this section are set out in Subchapters C, D, and H of this chapter, and in this part.

[Revision note: Based on § 406.11(c) ]

#### § 13.3 Forms and documents.

Forms and documents prescribed in this part that refer to specific units of FAA organization are not affected by changes in the names of those units. Such a form or document continues in use until it is superseded or revoked.

[Revision note: Based on § 406.2 ]

#### § 13.5 Applications.

Except as otherwise prescribed in this part, an application for a certificate named in § 13.1 may be obtained from, and should be submitted to, any representative of the FAA or any regional, district, or field office of the FAA.

[Revision note: Based on § 406.11(a) ]

#### § 13.7 Tests and medical examinations.

(a) A representative of the FAA gives each theoretical or written test that is required by this chapter. However, a flight instructor may test a student pilot on the regulations of this chapter.

(b) Written tests required by this chapter are given at FAA Flight Standards Service District Offices and at selected recognized airports. Itineraries of the inspectors who give the tests are posted at most airports or are mailed to any person at his request.

(c) Aviation medical examiners give the required medical examinations, as provided in Subpart B of this part.

[Revision note: Based on § 406.11 (less (a) and (c) ) ]

### Subpart B—Medical Certificates

#### § 13.11 General.

(a) Medical certificates are issued on Form FAA—1004.1, "Medical Certificate", with the appropriate class named thereon.

(b) The specific medical requirements for medical certificates are set forth in Part 67 of this chapter.

[Revision note: Based on § 406.12 (a) (3) and (4), (b) (3) and (4), and (c) (3) and (4) ]

#### § 13.13 First class.

(a) Each applicant for an airline transport pilot certificate, and each holder of such a certificate who exercises its privileges, must have a current first class medical certificate.

(b) Any aviation medical examiner who is specifically designated for the purpose may give the examination for the first class certificate. Any interested person may obtain a list of these aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

[Revision note: Based on § 406.12(a) (1) and (2) ]

#### § 13.15 Second class.

(a) Each applicant for a commercial pilot certificate, air-traffic control-tower operator certificate, flight navigator certificate, or flight engineer certificate, and each holder of such a certificate who exercises its privileges, must have at least a current second class medical certificate, except as provided in section -- of this chapter [present § 20.102].

(b) Any aviation medical examiner may give the examination for the second class certificate. Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

[Revision note: Based on § 406.12(b) (1) and (2) ]

#### § 13.17 Third class.

(a) Each applicant for a student pilot certificate, private pilot certificate, or free balloon pilot certificate, and each holder of such a certificate who exercises its privileges, must have at least a current third class medical certificate, except as provided in section -- of this chapter [present §§ 20.82 and 20.92].

(b) Any aviation medical examiner may give the examination for the third class certificate. Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

[Revision note: Based on § 406.12(c) (1) and (2) ]

#### § 13.19 Delegation authority.

(a) The authority of the Administrator, under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422), to issue or deny medical certificates is delegated to the Civil Air Surgeon, to the extent necessary to—

(1) Examine applicants for and holders of medical certificates for compliance with applicable medical standards; and

(2) Issue, renew, or deny medical certificates to applicants and holders based upon compliance or noncompliance with applicable medical standards.

Subject to limitations in this chapter, the authority delegated in subparagraphs (1) and (2) of this paragraph is also delegated to aviation medical examiners and to authorized representatives of the Civil Air Surgeon within the FAA.

(b) The authority of the Administrator, under subsection 314(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1355(b)), to reconsider the action of a medical examiner is delegated to the Civil Air Surgeon, and his authorized representatives within the FAA. However, any action taken under this paragraph by such a representative is subject to reconsideration by the Civil Air Surgeon.

(c) The authority of the Administrator, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), to re-examine any civil airman, to the extent necessary to determine an airman's qualification to continue to hold an airman medical certificate, is delegated to the Civil Air Surgeon and his authorized representatives within the FAA.

[Revision note: Based on § 406.12(d) ]

#### § 13.21 Denial of medical certificate.

(a) Any person who is denied a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon may, within 30 days after the date of the denial, apply in writing to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., for reconsideration of that denial. He must send with his application a copy of it addressed to the aviation medical examiner, or representative of the Civil Air Surgeon, concerned. If he does not apply for reconsideration during 30 days after the date of denial, he is considered to have withdrawn his application for a medical certificate.

(b) The denial of a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon is not a denial by the Administrator under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422). The denial of a medical certificate by the Civil Air Surgeon is considered to be a denial by the Administrator under that section.

[Revision note: Based on § 406.12(e)]

§ 13.23 Medical certificates by senior flight surgeons of armed forces.

(a) The FAA has designated senior flight surgeons of the armed forces on specified military posts, stations, and facilities, as aviation medical examiners.

(b) An aviation medical examiner described in paragraph (a) of this section may give physical examinations to applicants for FAA medical certificates who are on active duty or who are, under Department of Defense medical programs, eligible for FAA medical certification as civil airmen. In addition, such an examiner may issue or deny an appropriate FAA medical certificate in accordance with the regulations of this chapter and the policies of the FAA.

(c) Any interested person may obtain a list of the military post, stations, and facilities at which a senior flight surgeon has been designated as an aviation medical examiner, from the Surgeon General of the armed force concerned or from the Chief of the Medical Certification Division, AM-30, Federal Aviation Agency, Washington 25, D.C.

[Revision note: Based on § 406.12 (less (a)-(f))]

§ 13.25 Medical records.

Whenever the Administrator finds that additional medical history is necessary to determine whether an applicant for or the holder of a medical certificate meets the physical standards for it, he requests that person to authorize any clinic, hospital, doctor, or other person to release to the Administrator any available information or records concerning that medical history. If the applicant, or holder, refuses to authorize the release, the Administrator may suspend, modify, or revoke any medical certificate that he holds or may, in the case of an applicant, refuse to issue a medical certificate to him.

[Revision note: Based on § 406.31]

Subpart C—Airman Certificates

§ 13.31 Applicability.

(a) This subpart describes the airman certificates that are issued to qualified applicants and the general procedures for obtaining those certificates.

(b) The specific requirements for airman certificates and the privileges they confer are set forth in Subchapter D of this chapter.

[Revision note: Based on § 406.13 (introductory paragraph), (a) (4), (b) (4), (c) (4), (d) (4), (e) (4), (f) (4), (g) (4), (h) (4), (i) (4), (j) (4), and (k) (4)]

§ 13.33 Kinds of certificates; authority; forms.

The kinds of airman certificates issued by the FAA, the authority they confer upon the holders thereof, and the forms for their application and issue are as follows:

Kind of certificate	Authorizes holder to—	Apply on form—	Issued on form—
Student Pilot....	Pilot aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 "Application for Student or Private Pilot Certificate."	FAA-340
Private Pilot.....	do.....	FAA-355 "Application for Student or Private Pilot Certificate" or Form FAA-356 "Application on Basis of Military Competence."	FAA-1710
Commercial Pilot.	do.....	FAA-342 "Application for Commercial Pilot or Flight Instructor Certificate or Rating" or Form FAA-356 "Application on Basis of Military Competence."	FAA-1710
Flight Instructor.	Instruct in the piloting of aircraft, in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-342 "Application for Commercial Pilot or Flight Instructor Certificate or Rating."	FAA-1710
Airline Transport Pilot.	Pilot aircraft in accordance with the applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-342A "Application for Airline Transport Pilot Certificate or Rating Thereon."	FAA-1710
Lighter-than-air Pilot.	Pilot lighter-than-air aircraft in accordance with the applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 "Application for Student or Private Pilot Certificate."	FAA-1710
Special Purpose Pilot.	Pilot aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 or FAA-342, as appropriate.	-----
Free Balloon Pilot.	Pilot free balloons in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 "Application for Student or Private Pilot Certificate."	FAA-1710
Flight Engineer..	Assist pilot in the mechanical operation of aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-1863A "Application for a Flight Engineer Certificate."	FAA-1710
Flight Navigator.	Navigate aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-1863 "Application for a Flight Navigator Certificate."	FAA-1710
Air-traffic control-tower Operator.	Control air-traffic in accordance with applicable provisions of the chapter and the limitations prescribed on the certificate.	FAA-374 "Application for Control-tower Operator or Aircraft Dispatcher Certificate and Rating."	FAA-1710
Aircraft Dispatcher.	Exercise responsibility with the pilot in command in the operational control of aircraft in accordance with this chapter and the limitations prescribed on the certificate.	FAA-374 "Application for Control-tower Operator or Aircraft Dispatcher Certificate and Rating."	FAA-7110
Mechanic.....	Perform or supervise the maintenance or alteration of an aircraft, or part thereof, in accordance with this chapter and the limitations prescribed on the certificate.	FAA-363 "Application for Airman Mechanic, Repairman, or Parachute Rigger Certificate or Rating."	FAA-1710
Repairman.....	Perform or supervise the maintenance of an aircraft, or part thereof, in accordance with this chapter and the limitations prescribed on the certificate.	FAA-363 "Application for Airman Mechanic, Repairman, or Parachute Rigger Certificate or Rating."	FAA-1710
Parachute Rigger.	Pack, maintain, or alter any parachute for which he is rated, in accordance with this chapter and the limitations prescribed on the certificate.	FAA-363 "Application for Airman Mechanic, Repairman, or Parachute Rigger Certificate or Rating."	FAA-1710

[Revision note: Based on § 406.13 (a) (less (4)), (b) (less (4)), (c) (less (4)), (d) (less (4)), (e) (less (4)), (f) (less (4)), (g) (less (4)), (h) (less (4)), (i) (less (4)), (j) (less (4)), and (k) (less (4))]

Subpart D—Aircraft Certificates

§ 13.41 Applicability.

This subpart describes the aircraft certificates that are issued to qualified applicants and the general procedures for obtaining those certificates.

[Revision note: Supplied]

§ 13.43 Type certificate.

(a) A type certificate certifies that an aircraft, aircraft engine, propeller, or appliance specified in the regulations in this chapter as eligible for a type certificate is of proper design, material, specifications, construction, and performance for safe operation, and meets the requirements of this chapter.

(b) An application for a type certificate is made on Form FAA-312 "Application for a Type Certificate" obtained from, and submitted to, the Engineering and Manufacturing Branch of

the FAA regional office for the area in which the manufacturer's plant is located. The certificate is issued on Form FAA-331.

(c) The specific requirements for a type certificate are set forth in Part -- of this chapter [present Part 1].

[Revision note: Based on § 406.14(a) (less (4))]

§ 13.45 Production certificate.

(a) A production certificate certifies that a manufacturing facility is adequate for producing duplicates of a product for which a type certificate is in effect.

(b) An application for a production certificate is made on Form FAA-332 "Application for Production Certificate" obtained from, and submitted to, the Engineering and Manufacturing Branch of the FAA regional office for the area in which the manufacturer's plant is located. A person who desires an amend-

ment to a production certificate also applies to that regional office. The certificate is issued on Form FAA-333 and includes a Form FAA-333A "Production Limitation Record" that sets forth the applicable type certificate.

(c) The specific requirements for a production certificate are set forth in Part -- of this chapter [present Part 11.

[Revision note: Based on § 406.14(b) (less (4))]

#### § 13.47 Aircraft registration certificate.

(a) An aircraft registration certificate satisfies the provisions of the Federal Aviation Act of 1958 that require that an aircraft be registered by its owner before it is operated or navigated.

(b) An application for a registration certificate is obtained from any Flight Standards Service District Office and is made on Form FAA-500, consisting of three Parts: Part A "Certificate of Registration"; Part B "Application for Registration"; and Part C "Bill of Sale". The applicant must mail the original and duplicate of Part A, the original of Part B, and the original of Part C (or any other bill of sale or form of conveyance described in section -- of this chapter [present § 501.4(b)(2)]), and a fee of \$4.00 to the FAA Aircraft Registration Branch, Oklahoma City, Oklahoma. If he also submits a contract of conditional sale, he must send an additional fee of \$4.00 for recording it. The certificate is issued on Form FAA-500, Part A "Certificate of Registration".

(c) The specific requirements for the registration certificate are set forth in Part -- of this chapter [present Part 5011.

[Revision note: Based on § 406.14(c)]

NOTE: § 406.14(c)(2) (last sentence) is omitted as covered by section -- of this chapter [present § 501.3(a)(4)]

#### § 13.49 Dealer's aircraft registration certificate.

(a) A dealer's aircraft registration certificate provides an alternate form of registration to permit the operation, demonstration, and merchandising of civil aircraft moving in ordinary trade channels from a manufacturer, distributor, or dealer to an ultimate buyer.

(b) An application for a dealer's aircraft registration certificate is obtained from any Flight Standards Service District Office and is made on Form FAA-1706 "Application for Issuance of Dealer's Aircraft Registration Certificate(s)". It requires a statement of the dealer's citizenship and information concerning his status as a bona fide dealer in aircraft. He must submit an application each time he requests certificates, for as many certificates as he needs at that time. The application is obtained from, and returned to, the Engineering and Manufacturing Branch of the FAA regional office for the area in which the

applicant's business is located. The fee is \$5.00 for the first certificate and \$1.00 for each later certificate issued to the same dealer. The certificate is issued on Form FAA-1707 "Dealer's Aircraft Registration Certificate", and is valid for 12 months. The FAA does not issue duplicates.

(c) The specific requirements for the dealer's registration certificate are set forth in Part -- of this chapter [present Part 502].

[Revision note: Based on § 406.14(d)]

#### § 13.51 Aircraft airworthiness certificate.

(a) An aircraft airworthiness certificate certifies that the aircraft identified thereon is airworthy when maintained and operated in accordance with applicable requirements of this chapter.

(b) An application for an aircraft airworthiness certificate is made on Form FAA-305 "Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft." Ordinarily, the aircraft manufacturer obtains the certificate, and it thereafter remains with the aircraft. If the manufacturer does not obtain it, the registered owner of the aircraft, or his agent, may apply for it. The certificate is issued on Form FAA-1362A or FAA-1362B "Certificate of Airworthiness," whichever is applicable.

(c) The specific requirements for an airworthiness certificate are set forth in Part -- of this chapter [present Part 11.

[Revision note: Based on § 406.14(e)]

#### § 13.53 Special flight permits.

(a) A special flight permit is an airworthiness certificate that authorizes the flight of an aircraft that may not meet the applicable airworthiness requirements of this chapter, but is capable of safe flight.

(b) An application for a special flight permit is made, in duplicate, on Form FAA-1779 "Application and Authorization for Ferry Permit" by the registered owner of the aircraft or his agent. It consists of two parts. The applicant completes Part I, giving a description of the aircraft and details of the proposed flight. The permit is issued by completion of Part II of the form by the Administrator, prescribing the conditions and limitations under which the flight is to be made. However, in appropriate cases, an application for, and the issuing of the permit, may be made by telephone or telegraph.

(c) The specific requirements for a special flight permit are set forth in Part -- of this chapter [present Part 11.

[Revision note: Based on § 406.14(f)]

#### § 13.55 Export certificate of airworthiness.

(a) An export certificate of airworthiness certifies that the type-cer-

tificated product concerned meets certain general and special requirements for export to a particular foreign citizen or country.

(b) An application for an export certificate of airworthiness is made on Form FAA-306 "Application for Export Certificate of Airworthiness." It is issued on Form FAA-26 "Export Certificate of Airworthiness."

[Revision note: Based on § 406.14(g)]

#### Subpart E—Air Carrier Certificates

##### § 13.61 Applicability.

This subpart describes the air carrier certificates that are issued to qualified applicants and the general procedures for obtaining those certificates.

[Revision note: Supplied]

##### § 13.63 Air Carrier operating certificates.

(a) An air carrier operating certificate describes the operations authorized for an air carrier. It is required for all air carriers engaged in scheduled, supplemental, or air taxi, operations.

(b) An application for a scheduled air carrier operating certificate is made by letter. An application for a supplemental or air taxi air carrier operating certificate is made on Form FAA-1602 "Application for Certificates under CAR 42, 45, or 47". Each person applying for a certificate under this section shall send the application to the FAA regional office or the appropriate Air Carrier or General Aviation District Office for the area in which the applicants' principal office is located.

(c) The specific requirements for air carrier operating certificates are set forth in Parts --, --, --, and -- of this chapter [present Parts 40, 41, 42 and 47].

[Revision note: Based on § 406.15]

#### Subpart F—Air Agency Certificates

##### § 13.71 Applicability.

(a) This subpart describes the air agency certificates and ratings that are issued to qualified applicants and the general procedures for obtaining those certificates.

(b) The specific requirements for air agency certificates are set forth in Subchapter H of this chapter.

[Revision note: Based on § 406.16 (a) (5), (b) (5), (c) (5), (d) (5), (e) (5), (f) (5), (g) (4), (h) (5), (i) (4), (j) (4), and (k) (4)]

##### § 13.73 Kinds of certificates; authority; forms; reports.

The kinds of air agency certificates issued by the FAA, the authority they confer on the holders thereof, the forms for their application and issue, and the reports required under them are as follows:

Kind of certificate or rating—	Authorizes holder to—	Apply on Form—	Issued on Form—	Reports required—
Basic ground school rating. Advanced ground school rating.	Operate as a basic ground school. Operate as an advanced ground school.	FAA-387 "Application for Airmen Agency Certificate and Rating, and Inspection Report" (a new application is required at least every 2 years).	FA-390 "Air Agency Certificate."	Form FAA-1784 "Air Agency Activity Report," whenever holder is able to report on 32 students, but at least each 6 months.
Primary flying school rating. Commercial flying school rating. Instrument flying school rating. Flight Instructor school rating.	Operate as a primary flying school. Operate as a commercial flying school. Operate as an instrument flying school. Operate as a flight instructor flying school.	FAA-394 Parts I and II "Application for Repair Station Certificate and Rating."	FAA-390 "Air Agency Certificate" (Form FAA-390.1 "Repair Stations Operations Specifications" is a part of the certificate).	
Repair station certificate.	Perform and approve for return to service, maintenance and alterations on airframes, powerplants, propellers, instruments, radios, or accessories for which rated.	FAA-614 "Mechanic School Application and Inspection Report."	FAA-390 "Air Agency Certificate."	
Mechanic school certificate.	Operate as a mechanic school.	FAA-1371 "Application for a Parachute Loft Certificate and Rating."	FAA-390 "Air Agency Certificate."	
Parachute loft certificate.	Perform maintenance and alterations on parachutes for which rated.	FAA-360 "Application for Ground Instructor Certificate or Rating."	FAA-1710	
Ground Instructor Certificate and Rating.	Serve as a ground instructor.	FAA-1602 "Application for a certificate under CAR 42, 45, or 47."	FAA-1603	
Commercial operator certificate.	Serve as a commercial operator.			

PART 13—DISTRIBUTION TABLE

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406.1	(1)
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406.11(c)	13.1
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406.13 (introductory paragraph), (a) (4), (b) (4), (c) (4), (d) (4), (e) (4), (f) (4), (g) (4), (h) (4), (i) (4), (j) (4), and (k) (4)	13.31
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406.14(a) (less (4))	13.43
406.14(a) (4)	(3)
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406.14(b) (4)	(3)
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406.14(d)	13.49
406.14(e)	13.51
406.14(f)	13.53
406.14(g)	13.55
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406.17(a)	13.83
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[Revision note: Based on § 406.16 (a) (less (5)), (b) (less (5)), (c) (less (5)), (d) (less (5)), (e) (less (5)), (f) (less (5)), (g) (less (4)), (h) (less (5)), (i) (less (4)), (j) (less (4)), and (k) (less (4))]

**Subpart G—Air Navigation Certificates and Notices**

**§ 13.81 Applicability.**

This subpart describes the air navigation certificates that are issued to qualified applicants, the notices of construction or alteration affecting air navigation that are required, and the general procedure for obtaining those certificates and notices.

[Revision note: Based on § 406.17 (less (a) and (b))]

**§ 13.83 Authority to operate a true light.**

(a) An applicant who certifies that he will, in accordance with applicable requirements of the FAA, establish, maintain, and operate a light as an aid to air navigation is entitled to an authorization to operate that light as a "true light".

(b) An application for authority to operate a true light is made on Form FAA-114 "Certification and Lawful Authority To Operate a True Light".

[Revision note: Based on § 406.17(a)]

**§ 13.85 Notice of construction or alteration of structures or establishment, alteration, or deactivation of an airport.**

(a) Each person who proposes to construct or alter certain structures, as set forth in Part \_\_ of this chapter [present Part 626], that may affect navigable airspace, shall send a notice to the Administrator, in the manner required by that part, on Form FAA-117 "Notice of Proposed Construction or Alteration."

(b) Each person who proposes to establish, alter, or deactivate an airport shall send a notice to the Administrator, in triplicate, in the manner prescribed

in Part \_\_ of this chapter [present Part 625], on Form FAA-2681 "Notice of Proposed Establishment, Alteration, or Deactivation of Landing Area".

[Revision note: Based on § 406.17(b)]

**Subpart H—Crewmember Certificate**

**§ 13.91 Applicability.**

This subpart describes the certificates that are issued to United States citizens who are employed by air carriers or commercial operators as flight crewmembers or crewmembers on United States registered aircraft engaged in international air commerce. The purpose of the certificate is to facilitate the entry and clearance of those members into ICAO contracting states. They are issued under Annex 9, as amended, to the Convention on International Civil Aviation.

[Revision note: Based on § 406.19(a)]

**§ 13.93 Application and issue.**

(a) An application for a crewmember certificate is made on Form FAA-2116 "Application for Crewmember Certificate", to the Air Carrier District Office in charge of the air carrier or commercial operator by whom the applicant is employed. The certificate is issued on Form FAA-2116.1 "Crewmember Certificate".

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom he is employed, shall surrender the certificate for cancellation at the nearest Air Carrier District Office at the end of the holder's assignment in international air commerce with that carrier or operator.

[Revision note: Based on § 406.19 (less (a))]

- <sup>1</sup> Transferred to Part 1.
- <sup>2</sup> Surplusage.
- <sup>3</sup> Transferred to Part 21.

**PART 15—ENFORCEMENT PROCEDURES [New]**

**Subpart A—Enforcement Processes**

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| 15.1 | Reports of violations. |
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15.57	Subpoenas and witness fees.
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### Subpart A—Enforcement Processes

#### § 15.1 Reports of violations.

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, or of any regulation or order issued under it, may report it to appropriate personnel of an FAA regional or district office.

(b) Each report made under this section is investigated by FAA personnel. The results of that investigation are the basis for determining the enforcement action that the FAA will take.

[Revision note: Based on § 408.11]

#### § 15.3 Investigations.

(a) Under section 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1354), the Administrator may conduct public hearings or investigations and take evidence and depositions, issue subpoenas, and compel testimony as provided in section 1004 of the Act (49 U.S.C. 1484).

(b) For the purpose of investigating alleged violations of the Act, or any regulation or order issued under it, the Administrator's authority under sections 313 and 1004 has been delegated to the General Counsel, the Deputy General Counsel, each Associate General Counsel, and each Regional Counsel.

[Revision note: Based on § 408.12]

### Subpart B—Enforcement Actions

#### § 15.11 Reports for record.

If, after his investigation, it appears to the reporting inspector that a violation of the Federal Aviation Act of 1958, or an order or regulation issued under it, was so minor and unintentional as not to require disciplinary or remedial action, he may, in accordance with standard Agency practices file a report of that violation for the record or may terminate the report by a letter of correction. The Regional Flight Standards Office and the Regional Counsel concerned may review each action under this section.

[Revision note: Based on § 408.21]

#### § 15.13 Reprimands.

The General Counsel or the Regional Counsel concerned may send a letter of reprimand to any person who commits a minor violation of the Federal Aviation Act of 1958, or any rule or order issued under it. A letter of reprimand terminates the action, but the violation will be considered in determining the action to be taken on any future violation committed by that person.

[Revision note: Based on § 408.22]

#### § 15.15 Civil penalties.

(a) Under section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471), a person who violates any provision of Title III, V, VI, or XII of that Act, or any regulation or order issued under one of those titles, is subject to a civil penalty

of not more than \$1,000 for each violation.

(b) The Administrator may compromise any civil penalty. If a civil penalty is contemplated and it is considered advisable to compromise it, the General Counsel or the Regional Counsel concerned sends a letter to the person charged with the violation, advising him of the charges against him and the law, regulation, or order that he is charged with violating, and offering to compromise the penalty. The person charged with the violation may present, to the official who signed the letter, any oral or written material or information in answer to the charges, explaining, mitigating, or denying the violation, or showing extenuating circumstances. Material or information so presented is considered in making the final determination as to probable liability for a civil penalty, or the amount for which it will be compromised.

(c) If the person charged with the violation offers to compromise for a specific amount, he shall send a certified check or money order for that amount, payable to the Federal Aviation Agency. The General Counsel or the Regional Counsel concerned may accept or refuse it.

(d) If the compromise amount is accepted, the person charged with the violation is notified, by letter, that the acceptance is full settlement of the civil penalty for the violation.

(e) If a compromise settlement of the civil penalty cannot be made, the Administrator may instigate proceedings in a United States District Court, under section 903 of the Act (49 U.S.C. 1473), to collect the penalty.

[Revision note: Based on § 408.23]

#### § 15.17 Seizure of aircraft.

(a) Under section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), a State or Federal law enforcement officer, or a Federal Aviation Agency safety inspector, authorized in an order of seizure issued by the Assistant Administrator of the region in which the aircraft is located, may summarily seize an aircraft that is involved in a violation for which a civil penalty may be imposed on its owner or operator.

(b) Each person seizing an aircraft under this section shall place it in the nearest available and adequate public storage facility in the judicial district in which it was seized.

(c) The Assistant Administrator, without delay, sends a written notice and a copy of this section, to the registered owner of the seized aircraft, and to each other person shown by FAA records to have an interest in it, stating the—

(1) Time, date, and place of seizure;

(2) Name and address of the custodian of the aircraft;

(3) Reasons for the seizure, including the violations believed, or judicially determined, to have been committed; and

(4) Amount that may be tendered as—

(i) A compromise of a civil penalty for the alleged violation; or

(ii) Payment for a civil penalty imposed by a Federal court for a proven violation.

(d) The Regional Counsel of the region in which an aircraft is seized under this section immediately sends a report to the United States District Attorney for the judicial district in which it was seized, requesting him to institute proceedings to enforce a lien against the aircraft.

(e) The Assistant Administrator directs the release of a seized aircraft whenever—

(1) The alleged violator pays a civil penalty or an amount agreed upon in compromise, and the costs of seizing, storing, and maintaining the aircraft;

(2) The aircraft is seized under an order of a Federal Court in proceedings in rem to enforce a lien against the aircraft, or the United States Attorney for the judicial district concerned notifies the FAA that he refuses to institute those proceedings; or

(3) A bond in the amount and with the sureties prescribed by the Assistant Administrator is deposited, conditioned on payment of the penalty, or the compromise amount, and the costs of seizing, storing, and maintaining the aircraft.

[Revision note: Based on § 408.24]

#### § 15.19 Certificate action.

(a) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), the Administrator may reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, and may re-examine any civil airman.

(b) If, as a result of such a re-inspection, re-examination, or other investigation made by him, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate.

(c) Before issuing an order under paragraph (b) of this section, the General Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked. The holder may elect to—

(1) Admit the charges and surrender his certificate;

(2) Answer the charges in writing;

(3) Request an opportunity to be heard in an informal conference with the FAA counsel; or

(4) Have a formal hearing, either in place of or in addition to the informal conference, before a Hearing Officer appointed by and representing the Administrator.

Unless the holder has submitted a request for a formal hearing, the General Counsel or the Regional Counsel concerned, after considering the answer and information submitted by the holder, issues the order of the Administrator. If the holder requests a formal hearing,

the Hearing Officer shall issue an oral or written Order of the Administrator after holding a hearing in accordance with this part.

(d) Any person whose certificate is affected by an order issued under this section may appeal to the Civil Aeronautics Board. If the certificate holder files an appeal with the Board, the Administrator's order is stayed unless he advises the board that an emergency exists and safety in air commerce requires that the order becomes effective immediately. If he so advises the Board, the order remains effective and the Board shall finally dispose of the appeal within 60 days after the date of the advise.

[Revision note: Based on § 408.25]

#### § 15.21 Military aircraft.

If a report made under this Part indicates that, while performing his official duties, a member of the armed forces, or a civilian employee of the Department of Defense who is subject to the Uniform Code of Military Justice (10 U.S.C. Ch. 47), has violated the Federal Aviation Act of 1958, or a regulation or order issued under it, the General Counsel or the Regional Counsel concerned sends a copy of the report to the appropriate military authority for such disciplinary action as that authority considers appropriate and a report to the Administrator thereon.

[Revision note: Based on § 408.26]

#### § 15.23 Criminal penalties.

(a) Sections 902 and 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1472 and 1523), provide criminal penalties for any person who knowingly and willfully violates specified provisions of that Act or any regulation or order issued under those provisions.

(b) If an inspector or other employee of the FAA becomes aware of a possible violation of any criminal provision of that Act (except a violation of section 902 (i) through (m) which is reported directly to the Federal Bureau of Investigation), he shall report it to the Office of the General Counsel or the Regional Counsel concerned. If appropriate, that office refers the report to the Department of Justice for criminal prosecution of the offender. If such an inspector or other employee becomes aware of a possible violation of a Federal statute that is within the investigatory jurisdiction of another Federal Agency, he shall immediately report it to that agency according to standard Agency practices.

[Revision note: Based on § 408.27]

### Subpart C—Rules of Practice for Hearings in FAA Certificate Proceedings

#### § 15.31 Applicability of rules.

This subpart applies to all proceedings before a Hearing Officer of the FAA in which the holder of an airman certificate requests a hearing in response to a Notice of Proposed Certificate Action that proposes to amend, suspend, or revoke his certificate.

[Revision note: Based on § 408.31]

#### § 15.33 Appearances.

Any party to a proceeding under this subpart may appear and be heard in person or by attorney.

[Revision note: Based on § 408.32]

#### § 15.35 Request for hearing.

(a) If, after a Notice of Proposed Certificate action is issued, the certificate holder concerned elects to have a formal hearing, he shall request it by checking the appropriate box on the form that is sent to him with the Notice of Proposed Certificate Action. He shall return the form, and his answer to the allegations in the Notice, to the FAA counsel. He must return the form, and, except as provided in § 15.49, his answer, with a postmark of not later than 15 days after the date he received the notice.

(b) If the certificate holder submits a Request for a Hearing after that 15-day period, but before an order is issued, the FAA counsel shall send it to the Hearing Officer. If, in the opinion of the Hearing Officer, there was good cause for the failure to request a hearing within the 15-day period he may, in his discretion, order a hearing.

(c) If, upon request, the certificate holder has an informal conference with FAA counsel, he then has 10 days from the date of the conference within which to request a formal hearing. The FAA counsel shall forward the Request and Answer to the Hearing Officer, together with a copy of the Notice of Proposed Certificate Action. The Hearing Officer shall docket the Notice, Request, and Answer, as of the time he receives them.

[Revision note: Combines §§ 408.33, 408.37, and 408.38 (1st sentence)]

#### § 15.37 Hearing officer's powers.

Any Hearing Officer may—

- (a) Give notice concerning, and hold, prehearing conferences and hearings;
- (b) Administer oaths and affirmations;
- (c) Examine witnesses;
- (d) Issue subpoenas and take depositions or cause them to be taken;
- (e) Rule on offers of proof;
- (f) Receive evidence;
- (g) Regulate the course of the hearing;
- (h) Hold conferences, before and during the hearing, to settle and simplify issues by consent of the parties;
- (i) Dispose of procedural requests and similar matters; and
- (j) Issue an order.

[Revision note: Based on § 408.34]

#### § 15.39 Disqualification of Hearing Officer.

The Hearing Officer shall withdraw from a case if, at any time, he considers himself to be disqualified.

[Revision note: Based on § 408.35]

#### § 15.41 Pleadings.

(a) In cases sent to the Hearing Officer, the Notice of Proposed Certificate Action constitutes the statement of the facts upon which the action is proposed.

(b) The certificate holder's Answer must be responsive to the allegations set

out in the Notice. Any allegation that is not denied is considered to be admitted.

(c) Averments in an Answer, or other pleading, to which no responsive pleading is required, are considered to be denied.

[Revision note: Based on § 408.36]

NOTE: § 408.36(b) (1st sentence) is omitted as covered by § 15.35 of this chapter.

#### § 15.43 Service and filing of pleadings, motions, and documents, other than Answer.

Each pleading, motion, or document, other than an Answer, must at the time of filing, be served on each other party, by delivering a copy to him or by mailing a copy to him at the last address filed with the FAA by the certificate holder as required by this chapter. However, if a party is represented by an attorney, the service shall be made upon him.

[Revision note: Based on § 408.38 (less 1st sentence)]

#### § 15.45 Amendment of Notice and Answer.

At any time more than 10 days before the date of hearing, any party may amend his Notice, Answer, or other pleading, by filing the amendment with the Hearing Officer and serving a copy of it on each other party. After that time, he may amend it only in the discretion of the Hearing Officer. If an amendment to an initial pleading has been allowed, the Hearing Officer shall allow the other parties a reasonable opportunity to answer. A pleading may be amended at any time to conform to the evidence.

[Revision note: Based on § 408.39]

#### § 15.47 Withdrawal of Notice or Request for hearing.

At any time before hearing, the FAA counsel may withdraw the Notice of Proposed Certificate Action and the certificate holder may withdraw his Request for Hearing.

[Revision note: Based on § 408.40]

#### § 15.49 Motions.

(a) *Motion to dismiss.* A respondent may, in place of his Answer, file a motion to dismiss, for failure of the allegations of the Notice to state a violation of this chapter, or for lack of qualification of the respondent. If the Hearing Officer denies the motion, the respondent shall file his Answer within 10 days.

(b) *Motion for judgment on the pleadings.* After the pleadings are closed, either party may move for a judgment on the pleadings.

(c) *Motion to strike.* Upon motion of either party, the Hearing Officer may order stricken, from any pleading, any insufficient allegation or defense, or any immaterial, impertinent, or scandalous matter.

(d) *Motion for more definite statement.* The certificate holder may, in place of his Answer, file a motion that the allegations in the Notice be made more definite and certain. If the Hearing Officer grants the motion, the Agency

counsel shall comply within 10 days after the date it is granted. If the Hearing Officer denies the motion the certificate holder shall file his Answer within 10 days after the date it is denied.

(e) *Motion for production of documents.* Upon motion of any party showing good cause, the Hearing Officer may, in the manner provided by Rule 34, Federal Rules of Civil Procedure, order any party to produce any designated document, paper, book, account, letter, photograph, object, or other tangible thing, that is not privileged, that constitutes or contains evidence relevant to the subject matter of the hearing, and that is in the party's possession, custody, or control.

(f) *Consolidation of motions.* A party who makes a motion under this section shall join with it all other motions that are then available to him. Any objection that he does not so raise is considered to be waived.

[Revision note: Based on § 408.41]

§ 15.51 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the Hearing Officer, after the case is sent to him for hearing, finds that the person may be bound by the order to be issued in the proceeding or has a property or financial interest that may not be adequately represented by existing parties, and that the intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, a motion for leave to intervene may not be considered if it is filed less than 10 days before the hearing.

[Revision note: Based on § 408.42]

§ 15.53 Depositions.

After the respondent has filed a Request for Hearing and an Answer, either party may take testimony by deposition in accordance with section 1004 of the Federal Aviation Act of 1958 (49 U.S.C. 1484) or Rule 26, Federal Rules of Civil Procedure.

[Revision note: Based on § 408.43]

§ 15.55 Notice of hearing.

The Hearing Officer to whom the case is assigned shall give the parties adequate notice of the date of the hearing and the place where it will be held. The Hearing Officer may hold the hearing at the city in which there is located the Regional Headquarters of the FAA, the originating FAA office, or the Flight Standards District office nearest to the residence of the certificate holder, or at

any other location that the Hearing Officer directs.

[Revision note: Based on § 408.44]

§ 15.57 Subpoenas and witness fees.

(a) The Hearing Officer to whom a case is assigned may, upon application by any party to the proceeding, issue subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence at a hearing or for the purpose of taking depositions. However, the application for producing evidence must show its general relevance and reasonable scope. This paragraph does not apply to the attendance of FAA employees or to the production of documentary evidence in the custody of such an employee at a hearing.

(b) A person who applies for the production of a document in the custody of an FAA employee must follow the procedure in § 15.49(e). If he applies for the attendance of an FAA employee, he must send the application, in writing, to the Hearing Officer, setting forth the need for that employee's attendance.

(c) A witness in a proceeding under this subpart is entitled to the same fees and mileage as is paid to a witness in a court of the United States under comparable circumstances. The party at whose instance the witness is subpoenaed or appears shall pay the witness his fees.

[Revision note: Based on § 408.45]

§ 15.59 Evidence.

(a) Each party to a hearing may present his case or defense by oral or documentary evidence, submit evidence in rebuttal, and conduct such cross-examination as may be needed for a full disclosure of the facts.

(b) Except with respect to affirmative defenses, the burden of proof is upon the FAA counsel.

[Revision note: Based on § 408.46]

§ 15.61 Argument and submittals.

The Hearing Officer shall give the parties adequate opportunity to present arguments in support of motions, objections, and the final order. The Hearing Officer may determine whether arguments are to be oral or written. At the end of the hearing, each party is entitled to submit, in writing, proposed findings and conclusions and supporting reasons for them.

[Revision note: Based on § 408.47]

§ 15.63 Record.

The testimony and exhibits presented at a hearing, together with all papers, re-

quests, and rulings filed in the proceedings are the exclusive basis for the issuance of an order. Either party may obtain a transcript from the official reporter upon payment of the fees fixed therefor.

[Revision note: Based on § 408.48]

§ 15.65 Federal Rules of Civil Procedure.

The Federal Rules of Civil Procedure, where applicable, govern any situation arising in a hearing that is not provided for or controlled by this subpart.

[Revision note: Based on § 408.49]

§ 15.67 Order of Hearing Officer.

(a) The Hearing Officer shall include in the Order a statement of findings and conclusions upon all material issues of fact and law presented in the record and the appropriate sanction or denial thereof.

(b) If the order is issued in writing, it shall be served upon the parties.

(c) The order of the Hearing Officer may amend, suspend, or revoke the respondent's certificate as proposed, or in a lesser degree, may rescind the Notice of Proposed Certificate Action, or may, if the Hearing Officer considers it to be equitable and in the public interest, terminate the action upon agreement by the parties for the payment of a civil penalty in an agreed amount.

(d) If the order amends, suspends, or revokes the respondent's certificate, the Hearing Officer shall state in the order that the respondent has a right of appeal to the Civil Aeronautics Board.

[Revision note: Based on § 408.50]

NOTE: § 408.50(a) is omitted as covered by § 15.19 of this chapter.

PART 15—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
408.11-----	15.1	408.38 (1st sentence) --	15.35
408.12-----	15.3	408.38 (less 1st sentence) --	15.43
408.21-----	15.11	408.39-----	15.45
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