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FEDERAL REGISTER

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Rules and Regulations

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal Feed Supplements

RESERPINE; CHLORTETRACYCLINE; ZOALENE; AMPROLIUM

In the matter of establishing regulations under the provisions of section 409 of the Federal Food, Drug, and Cosmetic Act with respect to prescribing conditions of use for food additives incorporated in the feed of animals intended for human consumption, the Commissioner of Food and Drugs has concluded that the following regulations should issue:

Upon consideration of information available to him, in addition to that submitted by Ciba Pharmaceutical Products, Inc., Summit, N.J., Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee 1, Wis., and American Cyanamid Company, Post Office Box 400, Princeton, N.J., with respect to reserpine alone or with bacitracin, zinc bacitracin, or procaine penicillin for growth promotion, and reserpine and chlortetracycline for specified conditions of chickens and turkeys, it has been determined that establishment by regulation in Part 121 of appropriate levels, limitations, and indications for use of such additives in feed would be in the public interest. Therefore, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1786; 21 U.S.C. 348), and delegated to the Commissioner by the Secretary (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended as set forth below:

1. Section 121.205 is revised to read:

§ 121.205 **Reserpine.**

The food additive reserpine (3,4,5-trimethoxybenzoyl methyl reserpate) may be safely used in animal feed in accordance with the following prescribed conditions:

(a) When used in this section:

(1) The term "reserpine" refers to reserpine or feed grade reserpine.

(2) The quantities of the additive prescribed refer to the weight of reserpine as the base, assaying not less than 94 percent $C_{33}H_{40}N_2O_9$.

(3) The antibiotic activities authorized are expressed in terms of the weight of the appropriate antibiotic standard.

(b) Permitted uses of reserpine alone and with certain other additives in medicated feeds are described in tabular form in this section, and the tables are to be read as follows:

(1) Where the principal ingredient is the sole medicament, the required limitations and indications for use are found on the same line entry.

(2) Where the principal ingredient is combined with a secondary ingredient, the required limitations and indications for use for the secondary ingredient are found on the same line entry. The required limitations and indications for use of the principal ingredient at the designated concentration are found on the line entry for the principal ingredient alone, and both sets of applicable limitations and indications for use shall apply. If duplicate limitations occur, they may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredient are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(c) It is used or intended for use as follows:

TABLE 1—RESERPINE WITH OR WITHOUT ANTIBIOTICS IN FINISHED CHICKEN FEED

Principal ingredient [1]	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Reserpine	0.908 (0.0001%)			For broilers	Improve performance under stressful environmental conditions.
(a) Reserpine	.908	Bacitracin	4–50	For broilers; as bacitracin or zinc bacitracin.	Growth promotion and feed efficiency.
(b) Reserpine	.908	Chlortetracycline	10–50	For broilers; as chlortetracycline hydrochloride.	Do.
(c) Reserpine	.908	do	50–200	For broilers; § 121.208(d), table 1, items 1, 5, 10, as chlortetracycline hydrochloride.	§ 121.208(d), table 1, items 1, 5, 10.
2. Reserpine	1.82 (0.0002%)			Laying hens	Improve productive performance under stressful environmental conditions.

[1] The term "Principal ingredient," as used in this section, refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than other additives named in this section.

TABLE 2—RESERPINE WITH OR WITHOUT ANTIBIOTICS IN FINISHED TURKEY FEED

Principal ingredient [1]	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Reserpine	0.182 (0.00002%)			For turkeys over 4 weeks of age.	Prevention of aortic rupture.
(a) Reserpine	.182	Penicillin	2.4–50	For turkeys over 4 weeks of age; as procaine penicillin.	Growth promotion and feed efficiency.
(b) Reserpine	.182	Bacitracin	4–50	For turkeys over 4 weeks of age; as bacitracin or zinc bacitracin.	Do.
(c) Reserpine	.182	Chlortetracycline	10–50	For turkeys over 4 weeks of age; as chlortetracycline hydrochloride.	Do.
(d) Reserpine	.182	do	50–200	For turkeys over 4 weeks of age; § 121.208(d), table 1, items 2, 6, 11, as chlortetracycline hydrochloride.	§ 121.208(d), table 1, items 2, 6, 11.
2. Reserpine	.908 (0.0001%)			For turkeys over 4 weeks of age; feed not to exceed 5 days.	Treatment of aortic rupture.
(a) Reserpine	.908	Penicillin	2.4–50	For turkeys over 4 weeks of age; feed not to exceed 5 days; as procaine penicillin.	Growth promotion and feed efficiency.
(b) Reserpine	.908	Bacitracin	4–50	For turkeys over 4 weeks of age; feed not to exceed 5 days; as bacitracin or zinc bacitracin.	Do.
(c) Reserpine	.908	Chlortetracycline	10–50	For turkeys over 4 weeks of age; feed not to exceed 5 days; as chlortetracycline hydrochloride.	Do.
(d) Reserpine	.908	do	50–200	For turkeys over 4 weeks of age; feed not to exceed 5 days; as prescribed in § 121.208(d), table 1, items 2, 6, 11; as chlortetracycline hydrochloride.	§ 121.208(d), table 1, items 2, 6, 11.

[1] The term "Principal ingredient," as used in this section, refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than other additives named in this section.

(d) To assure safe use, the label and labeling of the additive, any combination of the additives, and any intermediate premix or final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the final feed label need not bear the quantities of the antibiotic drugs added solely for growth promotion.

(3) Adequate directions and warnings for use.

2. Section 121.207(a)(2) is changed to read:

§ 121.207 Zoalene (3,5-dinitro-*o*-toluamide.

* * * * *

(a) * * *

(2) With chlortetracycline in accordance with the conditions prescribed in § 121.208(d), table 1, items 1, 4, 5, 10.

3. Section 121.208 is revised to read:

§ 121.208 Chlortetracycline.

The food additive chlortetracycline may be safely used in animal feed in accordance with the following prescribed conditions:

(a) Chlortetracycline is the antibiotic substance produced by growth of Streptomyces aureofaciens or the same antibiotic substance produced by any other means and, for the purpose of this section, refers to chlortetracycline or feed grade chlortetracycline as the specified salt.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of chlortetracycline alone and with certain other additives in medicated feeds are described in tabular form in this section, and the tables are to be read as follows:

(1) Where the principal ingredients is the sole medicament, the required limitations and indications for use are found on the same line entry.

(2) Where the principal ingredient is combined with a secondary ingredient, the required limitations and indications for use for the secondary ingredient are found on the same line entry. The required limitations and indications for use of the principal ingredient at the designated concentration are found on the line entry for the principal ingredient alone, and both sets of applicable limitations and indications for use shall apply. If duplicate limitations occur, they may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(d) It is used or intended for use as follows:

TABLE 1—CHLORTETRACYCLINE IN FINISHED CHICKEN AND TURKEY FEEDS

Principal ingredient [1]	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
1. Chlortetracycline	50–100			For chickens; as chlortetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection), § 121.210(a)(2)(i).
(a) Chlortetracycline	50–100	Amprolium	36.3–227 (0.004%–0.025%)	For chickens; not for laying chickens; as prescribed in § 121.210(a)(2)(i).	
(b) Chlortetracycline	50–100	Hygromycin B	8.0	For chickens	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillariae columbae*).
(c) Chlortetracycline	50–100	Zoalene	57.2–113.5 (0.0063%–0.0125%)	For chickens; not for laying chickens; as prescribed in § 121.207(a).	Prevention and control of coccidiosis.
(d) Chlortetracycline	50–100	Reserpine	.908 (0.0001%)	For chickens; as prescribed in § 121.205(c), table 1, item 1.	§ 121.205(c), table 1, item 1.
2. Chlortetracycline	50–100			For turkeys; as chlortetracycline hydrochloride.	Prevention of infectious sinusitis, hexamitiasis.
(a) Chlortetracycline	50–100	Reserpine	0.182–0.908 (0.00002%–0.0001%)	For turkeys over 4 weeks of age; as prescribed in § 121.205(c), table 2, items 1, 2.	§ 121.205(c), table 2, items 1, 2.
3. Chlortetracycline	50–100			For laying chickens; as chlortetracycline hydrochloride.	Maintaining or increasing egg production or hatchability of eggs.
(a) Chlortetracycline	50–100	Hygromycin B	8.0	For laying chickens	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillariae columbae*).
4. Chlortetracycline	50–100			For chicks; as chlortetracycline hydrochloride.	Prevention of early mortality due to susceptible organisms.
(a) Chlortetracycline	50–100	Amprolium	36.3–227 (0.004%–0.025%)	For chicks; as prescribed in § 121.210(a)(2)(i).	§ 121.210(a)(2)(i).
(b) Chlortetracycline	50–100	Hygromycin B	8.0	For chicks	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillariae columbae*).
(c) Chlortetracycline	50–100	Zoalene	57.2–113 (0.0063%–0.0125%)	For chicks; as prescribed in § 121.207(a).	Prevention and control of coccidiosis.
5. Chlortetracycline	100–200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride.	Treatment of chronic respiratory disease (air-sac infection), blue comb (non-specific infectious enteritis); prevention of synovitis.
(a) Chlortetracycline	100–200	Amprolium	36.3–227 (0.004%–0.025%)	For chickens; as prescribed in § 121.210(a)(2)(i); not to be fed to laying chickens.	§ 121.210(a)(2)(i).
(b) Chlortetracycline	100–200	Hygromycin B	8.0	For chickens; not to be fed to laying chickens.	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillariae columbae*).
(c) Chlortetracycline	100–200	Reserpine	0.908 (0.0001%)	For broilers; not to be fed to laying chickens.	Improve productive performance under stressful environmental conditions.
(d) Chlortetracycline	100–200	Zoalene	57.2–113 (0.0063%)–0.0125%)	For chickens; not to be fed to laying chickens; as prescribed in § 121.207(a).	Prevention and control of coccidiosis.
6. Chlortetracycline	100–200			For turkeys; as chlortetracycline hydrochloride.	Treatment of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiasis; prevention of synovitis.
(a) Chlortetracycline	100–200	Reserpine	0.182–0.908 (0.00002%–0.0001%)	For turkeys over 4 weeks of age; as prescribed in § 121.205(c), table 2, items 1, 2.	§ 121.205(c), table 2, items 1, 2.
7. Chlortetracycline	100–200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride; in low-calcium feed containing 0.8% dietary calcium, not to be fed continuously for more than 8 weeks; in low-calcium feed containing 0.40% to 0.55% dietary calcium, not to be fed continuously for more than 5 days.	Treatment of chronic respiratory disease (air-sac infection), blue comb (non-specific infectious enteritis); prevention of synovitis.

[1] The term "Principal ingredient," as used in this section, refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than other additives named in this section.

TABLE 1—CHLORTETRACYCLINE IN FINISHED CHICKEN AND TURKEY FEEDS—Continued

Principal ingredient [1]	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
8. Chlortetracycline	200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride; in low-calcium feed containing 0.8% dietary calcium, not to be fed continuously for more than 8 weeks.	Prevention and control of coccidiosis caused by *E. necatrix* and *E. tenella*.
9. Chlortetracycline	200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride; in low-calcium feed containing 0.40% to 0.55% dietary calcium, not to be fed continuously for more than 5 days.	Treatment of coccidiosis caused by *E. necatrix* and *E. tenella*.
10. Chlortetracycline	200			For chickens; not to be fed to laying chickens; as chlortetracycline hydrochloride.	Control of synovitis.
(a) Chlortetracycline	200	Hygromycin B	8.0	For chickens; not to be fed to laying chickens.	Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillariae columbae*).
(b) Chlortetracycline	200	Reserpine	0.908 (0.0001%)	For broiler chickens	Improve performance under stressful environmental conditions.
(c) Chlortetracycline	200	Zoalene	57.2–113 (0.0063%–0.0125%)	For chickens; not to be fed to laying chickens; as prescribed in §121.207(a).	Prevention and control of coccidiosis.
11. Chlortetracycline	200			For turkeys; as chlortetracycline hydrochloride.	Control of synovitis.
(a) Chlortetracycline	200	Reserpine	0.182–0.908 (0.00002%–0.0001%)	For turkeys over 4 weeks of age; as prescribed in § 121.205(c), table 2, items 1, 2.	§ 121.205(c), table 2, items 1, 2.

TABLE 2—CHLORTETRACYCLINE IN FINISHED SWINE FEED

Principal ingredient [1]	Quantity	Combined with—	Quantity	Limitations	Indications for use
	Grams per ton		*Grams per ton*		
1. Chlortetracycline	50–100			As chlortetracycline hydrochloride.	Maintenance of weight gain in the presence of atrophic rhinitis; reduction of the incidence of cervical abscesses; prevention of bacterial swine enteritis.
(a) Chlortetracycline	50–100	Hygromycin B	12.0	Withdraw 48 hours prior to slaughter.	Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostemum dentatum*), and whipworms (*Trichuris suis*).
2. Chlortetracycline	100–200			As chlortetracycline hydrochloride.	Treatment of bacterial swine enteritis.
(a) Chlortetracycline	100–200	Hygromycin B	12.0	Withdraw 48 hours prior to slaughter.	Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostemum dentatum*), and whipworms (*Trichuris suis*).

[1] The term "Principal ingredient", as used in this section, refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than other additives named in this section.

TABLE 2—CHLORTETRACYCLINE IN FINISHED SWINE FEED—Continued

Principal ingredient [1]	Quantity	Combined with—	Quantity	Limitations	Indications for use
	Grams per ton		*Grams per ton*		
3. Chlortetracycline	200			Sole medication; as chlortetracycline hydrochloride.	As an aid in reducing spread of leptospirosis.
4. Chlortetracycline	400			Not to be fed for more than 14 days, as sole medication; as chlortetracycline hydrochloride.	As an aid in reducing shedding of leptospirae; as an aid in reducing the abortion rate of swine and the mortality rate of newborn pigs when leptospirosis is present.

TABLE 3—CHLORTETRACYCLINE IN FEED FOR OTHER ANIMALS

Principal ingredient	Quantity	Limitation	Indications for use
1. Chlortetracycline	10 mg. per gm. of mash.	As chlortetracycline hydrochloride; for parrots, macaws, cockatoos.	Treatment of psittacine birds suspected or known to be infected with psittacosis.

TABLE 4—CHLORTETRACYCLINE IN DRINKING WATER FOR CHICKENS AND TURKEYS

Principal ingredient	Quantity	Limitation	Indications for use
1. Chlortetracycline	100 mg. per gal	For chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
2. Chlortetracycline	do	For turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Prevention of blue comb (nonspecific infectious enteritis, mud fever); infectious sinusitis, hexamitiasis.
3. Chlortetracycline	200 mg. per gal	For chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
4. Chlortetracycline	do	For turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Treatment of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiasis; prevention of synovitis.
5. Chlortetracycline	400 mg. per gal	For chickens and turkeys as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Control of synovitis.

(e) To assure safe use, the label and labeling of the additive, any combination of the additives, and any intermediate premix or final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except that the final feed label need not bear the quantities of antibiotic drugs added solely for growth promotion.

(3) Adequate directions and warnings for use.

4. Section 121.210(a)(2)(iii)(*a*) is changed to read:

§ 121.210 **Amprolium.**

* * * * *

(a) * * *
(2) * * *
(iii) * * *

(*a*) Chlortetracycline in accordance with the conditions prescribed in § 121.208(d), table 1, items 1, 4, 5.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348)

Dated: November 5, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-11288; Filed, Nov. 15, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Emergency Planning

Effective upon publication in the FEDERAL REGISTER, paragraph (g)(1) is added to § 6.321 as set out below.

§ 6.321 **Office of Emergency Planning.**

* * * * *

(g) *Economic Affairs Office.*
(1) The Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-11411; Filed, Nov. 15, 1962; 8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Capital Transportation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 6.367 as set out below.

§ 6.367 **National Capital Transportation Agency.**

* * * * *

(d) One Legislative Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-11412; Filed, Nov. 15, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 4]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

POLITICAL ACTIVITY

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of March 23, 1961 (26 F.R. 2451), June 22, 1961 (26 F.R. 5555), April 25, 1962 (27 F.R. 3911), and July 21, 1962 (27 F.R. 6921) are amended by removing the one year of ineligibility to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or employment which has heretofore applied against a person who engaged in political activity. The regulations in this subpart are, therefore, amended as follows:

In § 7.27 paragraph (g) is deleted and paragraphs (a), (b), and (c) are amended to read:

(a) No person may be a member of the county governing body; or hold a Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body; or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h)

Effective January 2, 1963.

Signed at Washington, D.C., on November 9, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-11401; Filed, Nov. 15, 1962; 8:50 a.m.]

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Determination Relative to the Expenses and Fixing of the Rate of Assessment for the 1962-63 Fiscal Period

Pursuant to the amended marketing agreement and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 905.201 **Expenses and rate of assessment for the 1962-63 fiscal period.**

(a) *Expenses.* The expenses necessary to be incurred by the Growers Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1962, and ending July 31, 1963, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $177,000.

(b) *Rate of assessment.* (1) The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and order shall be five and one-half mills ($0.0055) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforementioned expenses.

(2) As used, the terms "standard packed box", "fiscal period", "handler", "shipped", and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

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

Dated: November 13, 1962.

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

[F.R. Doc. 62–11399; Filed, Nov. 15, 1962; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3; Amendment 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Department Stores for the Purpose of SBA Business Loans

On October 2, 1962, there was published in the FEDERAL REGISTER (27 F.R. 9727) a notice that the Administrator of the Small Business Administration proposed to establish a definition of small business department stores for the purpose of receiving SBA business loans.

Under the proposed amendment, a department store would be considered as a small business if, together with its affiliates, its combined annual sales do not exceed $2 million. The loan applicant must meet the definition of a department store as defined below.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Office of Small Business Size Standards. After consideration of all such relevant matter as was presented by interested persons regarding the proposed size standard for department stores, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 3) (27 F.R. 9757) is hereby amended by:

1. Adding new paragraph (w) to § 121.3–2 as follows:

§ 121.3–2 Definition of terms used in this part.

* * * * *

(w) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods, provided, however, that sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

2. Adding new subparagraph (4) to § 121.3–10(c) as follows:

§ 121.3–10 Definition of small business for SBA business loans.

* * * * *

(c) *Retail.* Any concern primarily engaged in retailing is classified: * * *

(4) As small if it is primarily engaged in the operation of a department store and its annual sales do not exceed $2 million.

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

Dated: November 7, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–11394; Filed, Nov. 15, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62–EA–37]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On August 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7827), stating that the Federal Aviation Agency was considering an amendment to § 608.39 of the regulations of the Administrator to slightly increase the time of designation of the DeBlois, Maine, Restricted Area R–3901.

R–3901 is presently designated for use from 1000 to 2400 e.s.t., Monday through Friday. The Department of Air Force requested that the time of use commence and end two hours earlier each day, Monday through Friday and extend from 0800 to 1300 e.s.t. on Saturdays for additional training. Such action is taken herein.

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.

Subsequent to the issuance of the notice, Part 608 of the regulations of the Administrator has been recodified into a new Part 73 of the Federal Aviation Regulations which will become effective December 12, 1962 (27 F.R. 10352). The airspace action taken herein reflect the new format and numbering system adopted for this part.

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

In § 73.39 *Maine* (27 F.R. 7341, 27 F.R. 10352) the DeBlois, Maine, Restricted Area R–3901 is amended to read:

R–3901 DeBlois, Maine:

Boundaries. Beginning at latitude 44°40'–00'' N., longitude 67°42'00'' W.; to latitude 44°40'00'' N., longitude 67°56'00'' W.; to latitude 44°50'00'' N., longitude 67°56'00'' W.; to latitude 44°50'00'' N., longitude 67°-42'00'' W.; to the point of beginning.

Designated altitude. Surface to flight level 390.

Time of designation. 0800 to 2200 e.s.t. Monday through Friday; 0800 to 1300 e.s.t. Saturday.

Using agency. Commander, Dow AFB, Maine.

This amendment shall become effective 0001 e.s.t. December 13, 1962.

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

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

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

[F.R. Doc. 62–11375; Filed, Nov. 15, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–SO–65]

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

Alteration of Control Zone

The purpose of this amendment to § 601.2318 of the regulations of the Administrator is to alter the Myrtle Beach, S.C., control zone.

The Myrtle Beach control zone is designated, in part, with reference to the Myrtle Beach radio beacon. Since this facility has been decommissioned, the control zone extension based on this navigational aid is no longer required

for air traffic control purposes. Therefore, action is taken herein to delete reference to the radio beacon in the description of the Myrtle Beach control zone and to revoke the control zone extension based on this facility. Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendment 60–21/60–29 implementation program.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2318 (14 CFR 601.2318) is amended to read:

§ 601.2318 Myrtle Beach, S.C., control zone.

Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'50'' N., longitude 78°55'40'' W.); within 2 miles either side of the Myrtle Beach VOR 039° radial extending from the 5-mile radius zone to 10 miles NE of the VOR, and within 2 miles either side of a line between the Myrtle Beach AFB and the Conway RBN.

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

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

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

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62–11374; Filed, Nov. 15, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–110]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.33 of the regulations of the Administrator is to alter the Havana, Ill., Restricted Area R–3301 by reducing its lateral and vertical extent.

The National Bureau of Standards has advised the Federal Aviation Agency that the radiation hazard for which R–3301 was designated is now contained within a 500-foot-radius circle of the installation and extends upwards to 1,000 feet MSL. Therefore, a portion of R–3301 is unjustified as an assignment of airspace and a reduction in size will be in the public interest. Such action is taken herein.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

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

In § 608.33 *Illinois,* R–3301 Havana, Ill. (27 F.R. 7339), is amended to read:

R–3301 Havana, Ill.:

Boundaries. A circular area with a 500-foot radius centered latitude 40°13'16'' N., longitude 90°01'23'' W.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Continuous.

Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

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

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

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

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

[F.R. Doc. 62–11376; Filed, Nov. 15, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–262]

PART 13—PROHIBITED TRADE PRACTICES

Morris Hessel, Inc. and Morris Hessel

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Morris Hessel, Inc., et al., New York, N.Y., Docket C–262, Oct. 31, 1962]

In the Matter of Morris Hessel, Inc., a Corporation, and Morris Hessel, Individually and as an Officer of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to disclose on invoices that furs were artificially colored, and in invoicing and advertising that they were natural, when such was the case; advertising prices of fur products falsely as reduced; failing to label and invoice fur products with the required information; and failing to keep adequate records as a basis for pricing claims.

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

It is ordered, That respondents Morris Hessel, Inc., a corporation and its officers, and Morris Hessel, 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 introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

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

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

2. Falsely or deceptively invoicing fur products by:

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

B. Failing to describe fur products as natural when such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Failing to set forth the item number or mark assigned to a fur product.

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

A. Misrepresents directly or by implication that prices of fur products are reduced from the usual and customary retail prices of such fur products in the trade area or trade areas where the statement is made.

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

C. Fails to describe fur products as natural when such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

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

It is further ordered That 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 man-

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

Issued: October 31, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-11408; Filed, Nov. 15, 1962; 8:51 a.m.]

[Docket C-263]

PART 13—PROHIBITED TRADE PRACTICES

Town and Country Food Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–5 *Additional charges unmentioned;* § 13.155–75 *Product or quantity covered;* § 13.155–95 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(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, Town and Country Food Company, Inc., et al., Fort Wayne, Ind., Docket C-263, Oct. 31, 1962]

In the Matter of Town and Country Food Company, Inc., a Corporation, and Robert O. Locke, Laurel J. Short, and Carl H. Bruns, Individually and as Officers of Said Corporation.

Consent order requiring Fort Wayne, Ind., sellers of freezers and food along with a freezer food plan through three subsidiary corporations in different states, to cease representing falsely—in advertisements in newspapers and periodicals, etc., and by radio and television broadcasts—that purchasers of their food plan could buy food from them at wholesale prices and save enough to pay for the freezer, and that the initial food order would last the purchaser for four months; and to cease inducing purchasers to sign blank contracts that failed to disclose all the terms and conditions of sale.

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

PART I

It is ordered That respondent Town and Country Food Company, Inc., a corporation, and its officers and Robert O. Locke, Laurel J. Short and Carl H. Bruns, individually and as officers of said corporation, and respondents' agents, representatives and employees directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or freezer food plans in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

a. Purchasers of their food plan will receive the same amount of food and a freezer for the same or less money than they have been paying for food alone.

b. Purchasers of their freezer food plan will save enough money on the purchase of their food to pay for the freezer;

c. Food ordered by the purchasers will be sufficient to last such purchaser any stated or specified period of time;

d. Certain charges constitute the total amount purchasers are required to pay when such amount is less than the total amount such purchasers are required to pay.

2. Representing that purchasers of their freezer food plan can buy their food from respondents at wholesale prices unless all of respondents' food items are in fact sold at wholesale prices.

3. Representing that any food item is sold at a wholesale price unless the price at which such item is sold by respondents is in fact a wholesale price.

4. Misrepresenting in any manner the savings realized by purchasers of respondents' freezers, food or freezer food plan.

5. Inducing purchasers of their freezer food plan or purchasers of their food or freezers to sign any contract to purchase which does not at the time of signing contain all of the terms and conditions of sale.

PART II

It is further ordered, That respondents Town and Country Food Company, Inc., a corporation, and its officers and Robert O. Locke, Laurel J. Short and Carl H. Bruns, individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 through 4 of Part One of this Order.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of any food, or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 through 4 of Part One of this Order.

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

Issued: October 31, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-11409; Filed, Nov. 15, 1962; 8:51 a.m.]

[Docket 8447]

PART 13—PROHIBITED TRADE PRACTICES

Harry Uswald et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–80 *Retail as cost, wholesale, discounted, etc.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Harry Uswald trading as M. McNaughton, etc., Los Angeles, Calif., Docket 8447, Oct. 26, 1962]

In the Matter of Harry Uswald, an Individual Trading as M. McNaughton, U.S. Advertisers, Associated Advertisers and Better Business Builders

Order requiring a Los Angeles advertising copywriter, acting also as a fur salesman, to cease violating the Fur Products Labeling Act by placing advertisements in newspapers which failed to disclose the names of animals producing the fur in certain fur products, represented that fur products were guaranteed without disclosing the nature and extent of the guarantee, and represented falsely that prices of fur products were "at actual cost".

The order to cease and desist is as follows:

It is ordered, That Harry Uswald, an individual trading as M. McNaughton, U.S. Advertisers, Associated Advertisers and Better Business Builders, or under any other trade names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce or the transportation or distribution in commerce of fur products or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

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

A. Fails to set forth all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Represents, directly or by implication, that fur products are guaranteed unless the nature and extent of such guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth.

C. Represents directly or by implication that prices of fur products are "at actual cost" or words of similar import, when such is not the fact.

D. Represents directly or by implication that savings are available to purchasers of fur products when such is not the fact.

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

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

Issued: October 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-11410; Filed, Nov. 15, 1962; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4552]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Non-Public Offering Exemption

The Securities and Exchange Commission today announced the issuance of a statement regarding the availability of the exemption from the registration requirements of section 5 of the Securities Act of 1933 afforded by the second clause of section 4(1) of the Act for "transactions by an issuer not involving any public offering," the so-called "private offering exemption." Traditionally, the second clause of section 4(1) has been regarded as providing an exemption from registration for bank loans, private placements of securities with institutions, and the promotion of a business venture by a few closely related persons. However, an increasing tendency to rely upon the exemption for offerings of speculative issues to unrelated and uninformed persons prompts this statement to point out the limitations on its availability.

Whether a transaction is one not involving any public offering is essentially a question of fact and necessitates a consideration of all surrounding circumstances, including such factors as the relationship between the offerees and the issuer, the nature, scope, size, type and manner of the offering.

The Supreme Court in S.E.C. v. Ralston Purina Co., 346 U.S. 119, 124, 125 (1953), noted that the exemption must be interpreted in the light of the statutory purpose to "protect investors by promoting full disclosure of information thought necessary to informed investment decisions" and held that "the applicability of section 4(1) should turn on whether the particular class of persons affected need the protection of the Act." The Court stated that the number of offerees is not conclusive as to the availability of the exemption, since the statute seems to apply to an offering "whether to few or many."[1] However, the Court indicated that "nothing prevents the Commission, in enforcing the statute, from using some kind of numerical test in deciding when to investigate particular exemption claims." It should be emphasized, therefore, that the number of persons to whom the offering is extended is relevant only to the question whether they have the requisite association with and knowledge of the issuer which make the exemption available.

Consideration must be given not only to the identity of the actual purchasers but also to the offerees. Negotiations or conversations with or general solicitations of an unrestricted and unrelated group of prospective purchasers for the purpose of ascertaining who would be willing to accept an offer of securities is inconsistent with a claim that the transaction does not involve a public offering even though ultimately there may only be a few knowledgeable purchasers.[2]

A question frequently arises in the context of an offering to an issuer's employees. Limitation of an offering to certain employees designated as key employees may not be a sufficient showing to qualify for the exemption. As the Supreme Court stated in the Ralston Purina case: "The exemption as we construe it, does not deprive corporate employees, as a class, of the safeguards of the Act. We agree that some employee offerings may come within section 4(1), e.g., one made to executive personnel who because of their position have access to the same kind of information that the Act would make available in the form of a registration statement. Absent such a showing of special circumstances, employees are just as much members of the investing 'public' as any of their neighbors in the community." The Court's concept is that the exemption is necessarily narrow. The exemption does not become available simply because offerees are voluntarily furnished information about the issuer. Such a construction would give each issuer the choice of registering or making its own voluntary disclosures without regard to the standards and sanctions of the Act.

The sale of stock to promoters who take the initiative in founding or organizing the business would come within the exemption. On the other hand, the transaction tends to become public when the promoters begin to bring in a diverse group of uninformed friends, neighbors and associates.

The size of the offering may also raise questions as to the probability that the offering will be completed within the strict confines of the exemption. An offering of millions of dollars to non-institutional and non-affiliated investors or one divided, or convertible, into many units would suggest that a public offering may be involved.

When the services of an investment banker, or other facility through which public distributions are normally effected, are used to place the securities, special care must be taken to avoid a public offering. If the investment banker places the securities with discretionary accounts and other customers without regard to the ability of such customers to meet the tests implicit in the Ralston Purina case, the exemption may be lost. Public advertising of the offerings would, of course, be incompatible with a claim of a private offering. Similarly, the use of the facilities of a securities exchange to place the securities necessarily involves an offering to the public.

An important factor to be considered is whether the securities offered have come to rest in the hands of the initial informed group or whether the purchasers are merely conduits for a wider distribution. Persons who act in this capacity, whether or not engaged in the securities business, are deemed to be "underwriters" within the meaning of section 2(11) of the Act. If the purchasers do in fact acquire the securities with a view to public distribution, the seller assumes the risk of possible violation of the registration requirements of the Act and consequent civil liabilities.[3] This has led to the practice whereby the issuer secures from the initial purchasers representations that they have acquired the securities for investment. Sometimes a legend to this effect is placed on the stock certificates and stop-transfer instructions issued to the transfer agent. However, a statement by the initial purchaser, at the time of his acquisition, that the securities are taken for investment and not for distribution is necessarily self-serving and not conclusive as to his actual intent. Mere acceptance at face value of such assurances will not provide a basis for reliance on the exemption when inquiry would suggest to a reasonable person that these assurances are formal rather than real. The additional precautions of placing a legend on the security and issuing stop-transfer orders have proved in many cases to be an effective means of preventing illegal distributions. Nevertheless, these are only precautions and are not to be regarded as a basis for exemption from registration. The nature of the purchaser's past in-

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[1] See, also, Gilligan, Will & Co. v. S.E.C., 267 F. 2d 461, 467 (C.A. 2, 1959), cert. denied, 361 U.S. 896 (1960).

[2] Reference is made to the so-called "investment clubs" which have been organized under claim of an exemption from the registration provisions of the Securities Act of 1933 as well as the Investment Company Act of 1940. It should not be assumed that so long as the investment club, which is an investment company within the meaning of the latter Act, does not obtain more than 100 members, a public offering of its securities, namely the memberships, will not be involved. An investment company may be exempt from the provisions of the Investment Company Act if its securities are owned by not more than 100 persons and it is not making and does not presently propose to make a public offering of its securities (sec. 3(c)(1)). Both elements must be considered in determining whether the exemption is available.

[3] See Release No. 33-4445.

vestment and trading practices or the character and scope of his business may be inconsistent with the purchase of large blocks of securities for investment. In particular, purchases by persons engaged in the business of buying and selling securities require careful scrutiny for the purpose of determining whether such person may be acting as an underwriter for the issuer.

The view is occasionally expressed that, solely by reason of continued holding of a security for the six-month capital-gain period specified in the income-tax laws, or for a year from the date of purchase, the security may be sold without registration. There is no statutory basis for such assumption. Of course, the longer the period of retention, the more persuasive would be the argument that the resale is not at variance with an original investment intent, but the length of time between acquisition and resale is merely one evidentiary fact to be considered. The weight to be accorded this evidentiary fact must, of necessity, vary with the circumstances of each case. Further, a limitation upon resale for a stated period of time or under certain circumstances would tend to raise a question as to original intent even though such limitation might otherwise recommend itself as a policing device. There is no legal justification for the assumption that holding a security in an "investment account" rather than a "trading account," holding for a deferred sale, for a market rise, for sale if the market does not rise, or for a statutory escrow period, without more, establishes a valid basis for an exemption from registration under the Securities Act.[4]

An unforeseen change of circumstances since the date of purchase may be a basis for an opinion that the proposed resale is not inconsistent with an investment representation. However, such claim must be considered in the light of all of the relevant facts. Thus, an advance or decline in market price or a change in the issuer's operating results are normal investment risks and do not usually provide an acceptable basis for such claim of changed circumstances. Possible inability of the purchaser to pay off loans incurred in connection with the purchase of the stock would ordinarily not be deemed an unforeseeable change of circumstances. Further, in the case of securities pledged for a loan, the pledgee should not assume that he is free to distribute without registration. The Congressional mandate of disclosure to investors is not to be avoided to permit a public distribution of unregistered securities because the pledgee took the securities from a purchaser, subsequently delinquent.[5]

The view is sometimes expressed that investment companies and other institutional investors are not subject to any restrictions regarding disposition of securities stated to be taken for investment and that any securities so acquired may be sold by them whenever the investment decision to sell is made, no matter how brief the holding period. Institutional investors are, however, subject to the same restrictions on sale of securities acquired from an issuer or a person in a control relationship with an issuer insofar as compliance with the registration requirements of the Securities Act is concerned.

Integration of offerings. A determination whether an offering is public or private would also include a consideration of the question whether it should be regarded as a part of a larger offering made or to be made. The following factors are relevant to such question of integration: Whether (1) the different offerings are part of a single plan of financing, (2) the offerings involve issuance of the same class of security, (3) the offerings are made at or about the same time, (4) the same type of consideration is to be received, (5) the offerings are made for the same general purpose.

What may appear to be a separate offering to a properly limited group will not be so considered if it is one of a related series of offerings. A person may not separate parts of a series of related transactions, the sum total of which is really one offering, and claim that a particular part is a non-public transaction. Thus, in the case of offerings of fractional undivided interests in separate oil or gas properties where the promoters must constantly find new participants for each new venture, it would appear to be appropriate to consider the entire series of offerings to determine the scope of this solicitation.

As has been emphasized in other releases discussing exemptions from the registration and prospectus requirements of the Securities Act, the terms of an exemption are to be strictly construed against the claimant who also has the burden of proving its availability.[6] Moreover, persons receiving advice from the staff of the Commission that no action will be recommended if they proceed without registration in reliance upon the exemption should do so only with full realization that the tests so applied may not be proof against claims by purchasers of the security that registration should have been effected. Finally, sections 12(2) and 17 of the Act, which provide civil liabilities and criminal sanctions for fraud in the sale of a security, are applicable to the transactions notwithstanding the availability of an exemption from registration.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 6, 1962.

[F.R. Doc. 62-11383; Filed, Nov. 15, 1962; 8:46 a.m.]

[4] See Release No. 33-3825 re The Crowell-Collier Publishing Company.

[5] S.E.C. v. Guild Films Company, Inc., et al., 279 F. 2d 485 (C.A. 1960), cert. denied sub nom., Santa Monica Bank v. S.E.C., 364 U.S. 819 (1960).

[6] S.E.C. v. Sunbeam Gold Mining Co., 95 F. 2d 699, 701 (C.A. 9, 1938); Gilligan, Will & Co. v. S.E.C., 267 F. 2d 461, 466 (C.A. 2, 1959); S.E.C. v. Ralston Purina Co., 346 U.S. 119, 126 (1953); S.E.C. v. Culpepper et al., 270 F. 2d 241, 246 (C.A. 2, 1959).

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 289-62]

PART 43—RECOVERY OF COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Recovery From Tortiously Liable Third Persons of the Cost of Hospital and Medical Care and Treatment Furnished by the United States

NOVEMBER 14, 1962.

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (Public Law 87-693; 76 Stat. 593) and delegated to me by section 2 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), Chapter I of Title 28 of the Code of Federal Regulations is hereby amended by adding at the end thereof a new Part 43, as follows:

Sec.
43.1 Administrative determination and assertion of claims.
43.2 Obligations of persons receiving care and treatment.
43.3 Settlement and waiver of claims.
43.4 Annual reports.

AUTHORITY: §§ 43.1 to 43.4 issued under sec. 2(a), 76 Stat. 593; E.O. 11060, Nov. 7, 1962, 27 F.R. 10925.

§ 43.1 Administrative determination and assertion of claims.

(a) The head of a Department or Agency of the United States responsible for the furnishing of hospital, medical, surgical or dental care and treatment (including prostheses and medical appliances), or his designee, shall determine whether such hospital, medical, surgical or dental care and treatment was or will be furnished for an injury or disease caused under circumstances entitling the United States to recovery under the Act of September 25, 1962 (Public Law 87-693); and, if it is so determined, shall, subject to the provisions of § 43.3, assert a claim against such third person for the reasonable value of such care and treatment. The Department of Justice, or a Department or Agency responsible for the furnishing of such care and treatment may request any other Department or Agency to investigate, determine, or assert a claim under the regulations in this part.

(b) Each Department or Agency is authorized to implement the regulations in this part to give full force and effect thereto.

(c) The provisions of the regulations in this part shall not apply with respect to hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished by the Veterans Administration to an eligible veteran for a service-connected disability under the provisions of chapter 17 of title 38 of the United States Code.

§ 43.2 Obligations of persons receiving care and treatment.

(a) In the discretion of the Department or Agency concerned, any person furnished care and treatment under circumstances in which the regulations in this part may be applicable, his guardian, personal representative, estate, dependents or survivors may be required:

(1) To assign in writing to the United State his claim or cause of action against the third person to the extent of the reasonable value of the care and treatment furnished or to be furnished, or any portion thereof;

(2) To furnish such information as may be requested concerning the circumstances giving rise to the injury or disease for which care and treatment is being given and concerning any action instituted or to be instituted by or against a third person;

(3) To notify the Department or Agency concerned of a settlement with, or an offer of settlement from, a third person; and

(4) To cooperate in the prosecution of all claims and actions by the United States against such third person.

(b) Records as to medical history, diagnosis, findings or treatment may be withheld pending compliance with the provisions of this section.

§ 43.3 Settlement and waiver of claims.

(a) The head of the Department or Agency of the United States asserting such claim, or his designee, may (1) accept the full amount of a claim and execute a release therefor, (2) compromise or settle and execute a release of any claim, not in excess of $2,500, which the United States has for the reasonable value of such care or treatment, or (3) waive and in this connection release any claim, not in excess of $2,500, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease resulting in the care and treatment described in § 43.1.

(b) Claims in excess of $2,500 may be compromised, settled, waived and released only with the prior approval of the Department of Justice.

(c) The authority granted in this section shall not be exercised in any case in which (1) the claim of the United States for such care and treatment has been referred to the Department of Justice, or (2) a suit by the third party has been instituted against the United States or the individual who received or is receiving the care and treatment described above and the suit arises out of the occurrence which gave rise to the third-party claim of the United States.

§ 43.4 Annual reports.

The head of each Department or Agency concerned, or his designee, shall report annually to the Attorney General, by March 1, commencing in 1964, the number and dollar amount of claims asserted against, and the number and dollar amount of recoveries from, third persons.

The regulations prescribed by this order shall become effective on January 1, 1963.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-11453; Filed, Nov. 15, 1962; 8:53 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55749]

PART 22—DRAWBACK

Supplies and Equipment for Vessels and Aircraft

When § 22.18 was amended by Treasury Decision 55653, by inadvertence paragraph (c) was not made to conform to paragraphs (h) and (j). The last two sentences of paragraph (c) are amended to read as follows: "After numbering, one copy of the notice shall be returned to the exporter or delivered to the master or an authorized officer of the vessel or aircraft, or to a representative of the owner of the vessel or aircraft having knowledge of the facts and holding a customs power of attorney, for certification thereon as to the receipt of the articles and the quantity laden. This copy shall be filed by the claimant with the drawback entry, except that, in cases where the notice of lading was filed after the lading of the articles, a separate receipt of the master or authorized officer of the vessel or aircraft, or of a representative of the owner of the vessel or aircraft having knowledge of the facts and holding a customs power of attorney, may be filed with the drawback entry."

To make more specific the intention that the amendment of paragraph (j) is limited to fuel laden as supplies, the second and third sentences of paragraph (j) are amended to read as follows: "In the case of fuel laden on aircraft as supplies there may be filed with the collector a composite notice of lading for each calendar month covering all deliveries of fuel supplies during that month by one drawback claimant at a single airport to all airplanes of one airline engaged in appropriate traffic. The notice shall show, either on its face or on a continuation sheet, as to each flight, the identity of the aircraft, the description of the fuel supplies laden, the amount laden, and the date of lading."

(Secs. 309, 624, 46 Stat. 690, as amended, 759; 19 U.S.C. 1309, 1624)

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

Approved: November 6, 1962.

JAMES P. HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-11415; Filed, Nov. 15; 1962; 8:52 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Reg. S-22]

PART 221—TIMBER

Sales at Cost; Revocation

Section 221.22 *Sales at cost* is revoked.

(30 Stat. 35, as amended, 16 U.S.C. 551. Interprets or applies sec. 5 of the Act of October 23, 1962, 76 Stat. 1157)

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-11402; Filed, Nov. 15, 1962; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 701—RULES OF PROCEDURE FOR HEARINGS

Custody of Commission Documents

New sections are added to Part 701 as follows:

§ 701.40 Information in Commission files.

All files, records, documents, and information not published by the Commission and in the office of the Commission on Civil Rights, or in the custody and control of any employee of the said Commission, are to be regarded as confidential. No employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties.

§ 701.41 Subpoenas.

Whenever a subpoena duces tecum is served to produce any of such files, records, documents or information, the officer or employee on whom such subpoena is served, unless otherwise directed by the Chairman, will appear in court in answer thereto and respectfully decline to produce the documents specified therein or reveal the contents of the documents in any manner whatsoever on the grounds that the disclosure of such documents or information is prohibited by this regulation.

(Secs. 102(g) and 104(a), 71 Stat. 634-635, as amended; 42 U.S.C. 1975a, 1975c)

JOHN A. HANNAH,
Chairman,
Commission on Civil Rights.

[F.R. Doc. 62-11393; Filed, Nov. 15, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

DeSoto National Wildlife Refuge, Iowa and Nebraska

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

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of big game on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on the areas designated by signs as open to hunting. These open areas, comprising 6,770 acres or 87 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed and mule deer only during the seasons specified below.

(b) Open season: As specified below for each State.

Iowa. From 8:00 a.m. to 4:00 p.m. (c.s.t.) daily on December 15, 16, and 17, 1962.

Nebraska. From one-half (½) hour before sunrise to one-half (½) hour after sunset daily on December 15, 16, and 17, 1962.

(c) Bag limit:

Iowa and Nebraska. One deer, any age, or sex, per person per season.

(d) Methods of hunting:

(1) Weapons:

Iowa. Shotguns only, of 10, 12, 16, or 20 gauge, with rifled slugs, may be used. Rifles, air guns, or other weapons are not permitted.

Nebraska. Only rifles delivering at least nine hundred (900) foot pounds of energy at one hundred (100) yards, provided that muzzle loading rifles are of forty (40) caliber or larger, may be used.

(2) Special permits:

Iowa. None.

Nebraska. A special big game permit, obtained from the Nebraska Game, Forestation and Parks Commission, is required. A total of 250 permits will be issued. Big game will be tagged immediately after killing with a signed tag furnished by the Nebraska Game, Forestation and Parks Commission, and will be delivered by the permittee to a sealing and checking station with the head intact to the carcass for the attachment of an official metal seal.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A federal permit is not required to enter the public hunting area.

(3) All State laws and regulations must be complied with.

(4) All deer taken must be checked out through the checking stations which are located as shown on the available map.

(5) The provisions of this special regulation are effective from the date of this publication to December 18, 1962.

W. A. ELKINS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 7, 1962.

[F.R. Doc. 62-11406; Filed, Nov. 15, 1962; 8:50 a.m.]

PART 32—HUNTING

Fort Peck Game Range, Montana

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

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

MONTANA

FORT PECK GAME RANGE

Public hunting of big game on the Fort Peck Game Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 150,000 acres or 15 percent of the total area of the refuge, is delineated on a a map available at the refuge headquarters, Lewistown, Montana, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Elk.

(b) Open season: November 25 through December 23, 1962.

(c) Bag limits: 1 elk either sex. The limit shall be 1 elk per hunter per season.

(d) Methods of hunting: Weapons, as prescribed by State regulations.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Special permits must be obtained in advance from the State Fish and Game Department.

3. A Federal permit is not required to enter the public hunting area, but hunters must report at such checking stations as may be established when entering or leaving the area.

4. The provisions of this special regulation are effective to December 24, 1962.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 8, 1962.

[F.R. Doc. 62-11407; Filed, Nov. 15, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Ch. II]

[Dept. Circ. Pub. Debt Series No. DO–62]

SALE OF TREASURY BONDS THROUGH COMPETITIVE BIDDING

Notice of Proposed Rule Making

NOVEMBER 15, 1962.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that regulations concerning the sale of Treasury bonds through competitive bidding are proposed to be prescribed by the Secretary of the Treasury in a Treasury Department Circular entitled "Regulations Governing the Sale of Treasury Bonds Through Competitive Bidding" in the form tentatively shown below. An example of a "Public Notice of Invitation to Bid" on such bonds is also published herewith. However, prior to final adoption, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing, in duplicate, to the Office of Debt Analysis, Room 3036, Treasury Department, Washington 25, D.C., within the period of thirty days from the date of this notice.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

Sec.

AUTHORITY: §§ 000.0 to 000.12 issued under R.S. 3706, 40 Stat. 288, 290, 1308; 48 Stat. 343; 50 Stat. 481; 31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, 754b.

§ 000.0 Authority for sale of Treasury bonds through competitive bidding.

(a) The Secretary of the Treasury may, from time to time, by public notice, offer Treasury bonds for sale and invite bids therefor. The bonds so offered and the bids made will be subject to the terms and conditions and the rules and regulations in this part, except as they may be modified in the public notice or notices issued by the Secretary in connection with particular offerings.[1] The bonds will be subject also to the general rules and regulations of the Treasury Department, now or hereafter prescribed, governing United States securities. They will be issued pursuant to the authority of the Second Liberty Bond Act, as amended.

(b) The terms "public notice," "notices," or "announcement" as used in this part mean the "Public Notice of Invitation to Bid" on Treasury bonds and any supplementary or amendatory notices or announcements with respect thereto.

§ 000.1 Public notice—description of bonds—terms of offer.

When bonds are offered for sale through competitive bidding, bids therefor will be invited through the form of a public notice or notices issued by the Secretary of the Treasury. The notice or notices will set forth the terms and conditions of the bonds, including maturities, call features, if any, and the terms and conditions of the offer, including the amount of the issue for which bids are invited, the coupon rate or rates of interest which will be subject to bidding, the date and closing hour for receipt of bids, and the date on which payment for any accepted bid must be completed. When so specified in the public notice, it shall be a condition of each bid that, if accepted by the Secretary of the Treasury, the bidder will make a bona fide reoffering to the investing public.

§ 000.2 Denominations and exchanges.

Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be available in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provisions will be made for the interchange of bonds of different denominations and of bearer and registered bonds, and for the transfer of registered bonds.

§ 000.3 Taxation.

The income derived from the bonds will be subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds will be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but will be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

§ 000.4 Acceptance as security for public deposits.

The bonds will be acceptable to secure deposits of public moneys.

§ 000.5 Notice of intent to bid.

Any individual, organization, syndicate, or other group of any kind, which intends to submit a bid, must, when required by the public notice, give written notice of such intent at the place and within the time specified in the public notice. The filing of such notice will not constitute a commitment to bid.

§ 000.6 Submission of bids.

(a) *General.* Bids will be received only at the place specified and not later than the time designated in the public notice. Each bid must be submitted in duplicate on the official form referred to in the public notice and should be enclosed and sealed in the special envelope prescribed by the Treasury Department. Forms and envelopes may be obtained from any Federal Reserve Bank or Branch or the Bureau of the Public Debt, Treasury Department, Washington 25, D.C. Bids shall be irrevocable.

(b) *Bidding.* Bids, except noncompetitive bids when authorized, must be expressed as a percentage of the principal amount in not to exceed five decimals, e.g., 100.01038 percent. Provisions relating to the coupon rate or rates of interest on the bonds, if not set forth in the public notice, will be made in a supplemental announcement. The public notice will indicate the timing of any such announcement. If the bidders are permitted to specify the coupon rate, each bidder shall specify a single coupon rate of interest, which shall be a multiple of ⅛ of 1 percent but not in excess of 4¼ percent. The Secretary of the Treasury may limit the premium above or the discount below par.

(c) *Group bids.* A syndicate or other group submitting a bid must act through a representative who must be a member of the group. The representative must warrant to the Secretary of the Treasury that he has all necessary power and authority to act for each of the several members of the group. In addition to whatever other data may be required by the Secretary of the Treasury, in the case of a syndicate, the bid must state the name of each member and the amount of each member's participation. In the event of changes in the composition of syndicate membership and the amount of any member's participation, notice of such changes shall be filed promptly at the place specified in the public notice for the receipt of bids.

§ 000.7 Deposits—retention—return.

Each bid must be accompanied by a deposit in the amount specified in the public notice. The deposit of any successful bidder will be retained as security for the performance of his obligation and will be applied toward payment of the bonds. All other deposits will be returned immediately. No interest will be allowed on account of the deposits.

§ 000.8 Acceptance of bids.

(a) *Opening of bids.* Bids will be opened at the time and place specified in the public notice, and each bid accepted will be announced on the date of the opening within the time specified in the notice. Bidders or their representatives may attend the opening of the bids.

[1] The regulations do not apply to Treasury bills, which are governed by Department Circular No. 418, Revised, and do not constitute a specific offering of bonds.

(b) *Method of determining accepted bids.* The lowest basis cost of money[2] computed from the date of the bonds to the date of maturity will be used in determining successful bids.

(c) *Acceptance of successful bid.* The Secretary of the Treasury, or his representative, will notify any successful bidder of acceptance in the manner and form specified in the public notice.

§ 000.9 Bids—revocations—rejections—postponements—reoffers.

The Secretary of the Treasury, in his discretion, may (a) revoke the public notice of invitation to bid at any time before opening bids, (b) return all bids unopened either at or prior to the time specified for their opening, (c) reject any or all bids, (d) postpone the time for presentation and opening of bids, and (e) waive any immaterial or obvious defect in any bid. In the event of a postponement, known bidders will be advised thereof and their bids returned unopened. Any action the Secretary of the Treasury may take in these respects shall be final.

§ 000.10 Payment for and delivery of bonds.

Payment for the bonds, including accrued interest, if any, must be made in immediately available funds on the date and at the place specified in the public notice. Delivery of bonds under this section will be made at the risk and expense of the United States at any such place or places in the United States as may be designated in the public notice. Interim receipts, if necessary, will be issued pending delivery of the definitive bonds.

§ 000.11 Failure to complete transaction—liquidated damages.

If any successful bidder shall fail to pay in full for the bonds on the date and at the place specified in the public notice, the money deposited by or in behalf of such bidder shall be forfeited to the Treasury Department as liquidated damages for such failure.

§ 000.12 Reservations as to terms of circular.

The Secretary of the Treasury reserves the right, at any time, or from time to time, to amend, repeal, supplement, revise or withdraw all or any of the provisions of this circular.

[THIS DOCUMENT IS AN EXAMPLE OF AN INVITATION TO BID ON LONG-TERM TREASURY BONDS]

(Date)

PUBLIC NOTICE OF INVITATION TO BID
on
------ Treasury Bonds of ------

The Secretary of the Treasury, by this notice and under the terms and conditions prescribed in Treasury Department Circular, Public Debt Series No. 00–62, invites bids for an issue of bonds of the United States, designated as Treasury Bonds of ------. The face amount of the issue hereunder will be ------. These bonds will be sold as a single block to the successful bidder.

I. *Description of bonds.* The bonds will be dated ----------, and will bear interest from that date payable semiannually on ----------, and thereafter on ---------- and ---------- in each year until the principal amount becomes payable. They will mature ---------- [but may be redeemed, at par and accrued interest, at the option of the United States on and after ----------, on any interest day, on four months' notice given in such manner as the Secretary of the Treasury shall prescribe. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.][1]

If the bonds are owned by a decedent at the time of his death and thereupon become part of his estate, they will be redeemed at par and accrued interest at the option of the representatives of the estate, provided the Secretary of the Treasury is authorized by the decedent's estate to apply the entire proceeds of redemption to payment of the Federal estate taxes on such decedent's estate.

II. *Notice of intent.* Any individual, organization, syndicate, or other group intending to submit a bid must give written notice of such intent to the Federal Reserve Bank of New York on Form PD No. ------ before 12:01 a.m., e.s.t., on ----------. Forms and envelopes therefor may be obtained from any Federal Reserve Bank or Branch or from the Bureau of the Public Debt, Treasury Department, Washington 25, D.C. The filing of such notice will not constitute a commitment to bid.

III. *Submission of bids.* Only bids submitted in accordance with the provisions of this notice, or any supplement or amendment hereto, and of Treasury Department Circular, Public Debt Series No. 00–62, by qualified bidders will be considered. Each bid must be submitted in duplicate on Form PD No. ------ and must be received, enclosed and sealed in an envelope which will be furnished with the form, at the Federal Reserve Bank of New York, Room ------, not later than 11:00 a.m., e.s.t., on ----------. Forms and envelopes may be obtained from any Federal Reserve Bank or Branch, or from the Bureau of the Public Debt, Treasury Department, Washington 25, D.C.

Each bidder may submit only one bid which must be for the purchase of *all* of the bonds described in this notice. The price to be paid to the United States by the bidder must be expressed as a percentage of the face amount in not to exceed five decimals, e.g., 100.01038 percent. Provisions relating to the coupon rate or rates of interest will be set forth in a supplemental notice hereto before 12:01 a.m., e.s.t., on ---------- [at least three full business days before the bidding date].

Each bid must be accompanied by an amount equal to 3 percent of the face amount of the bonds in immediately available funds.

IV. *Bids—Opening—Acceptance.* Bids will be opened in Room ------, Federal Reserve Bank of New York, at 11:00 a.m., e.s.t., on ----------, and the accepted bid will be announced not later than 2:00 p.m., e.s.t., on that date.

The bid to be accepted will be the one resulting in the lowest basis cost of money computed from the date of the bonds to the date of maturity determined and accepted in accordance with the terms of this notice, or any supplement or amendment hereto, and the provisions of Treasury Department Circular, Public Debt Series No. 00–62. It shall be a condition of each bid that, if accepted by the Secretary of the Treasury, the bidder shall make a bona fide reoffering of all of the bonds to the investing public.

When the successful bidder has been announced, his deposit will be retained as security for the performance of his obligation and will be applied toward payment of the bonds. Thereafter, the deposits of all other bidders will be returned immediately. No interest will be allowed on the deposits. If [bids based on different coupon rates of interest result in identical basis costs of money computed to maturity, the Secretary of the Treasury will, in the case of an issue with a call provision, accept the bid resulting in the lowest interest cost to the first call date. Otherwise, if][2] identical bids are submitted, the Secretary of the Treasury, in his discretion, shall determine the bid to be accepted by lot in a manner prescribed by him, unless he proposes and those who submitted the identical bids agree on a division of the bonds.

The Secretary of the Treasury, or his representative, will accept the successful bid by signing the duplicate copy of the bid form and delivering it to the bidder, or his representative.

However, the Secretary of the Treasury, in his discretion, reserves the right to reject any or all bids.

V. *Payment for and delivery of bonds.* Payment for the bonds, including accrued interest [if any], must be made in immediately available funds and must be completed by the successful bidder not later than ----------, eastern standard time, on ---------- [approximately ten days from the date of announcement of the accepted bid], at the Federal Reserve Bank of New York.

If the bidder desires registered bonds to be shipped on the payment date, he must notify the Federal Reserve Bank of New York and furnish the necessary registration information within two days after the award. All other bonds will be delivered in bearer form and will be available on the payment date at Federal Reserve Banks and Branches. Shipment of the bonds will be made on the payment date, at the risk and expense of the United States, to any place or places in the United States designated by the bidder. If necessary, the Treasury will issue interim receipts for the bonds on the payment date.

Secretary of the Treasury.

[F.R. Doc. 62–11492; Filed, Nov. 15, 1962; 11:56 a.m.]

[2] The lowest basis cost of money will be determined by reference to a specially prepared table of bond yields, a copy of which will be made available to all prospective bidders upon written request to the Federal Reserve Bank of New York, or the Bureau of the Public Debt, Treasury Department, Washington 25, D.C. Straight-line interpolation will be applied if necessary.

[1] A call provision may or may not be included in any particular invitation.

[2] See footnote 1, § 000.0.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO–14–A 35, AO–203–A 17, AO–204–A 17, AO–302–A 9; and AO–305–A 9]

MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASS.; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Notice of Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing

orders (7 CFR Part 900), notice is hereby given of the postponement of a public hearing with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, Southeastern New England, and Connecticut marketing areas which was to be convened on November 26, 1962, at 10:00 a.m., e.s.t., at the Hotel Bradford, 275 Tremont Street, Boston, Massachusetts; with additional sessions scheduled to be held on December 10, 1962, at 9:30 a.m., e.s.t., at the Crown Hotel, 208 Weybosset Street, Providence, Rhode Island; on December 11 and 12, 1962, at 9:30 a.m., e.s.t., at the Bond Hotel, 338 Asylum Street, Hartford, Connecticut; on December 13, 1962, at 9:30 a.m., e.s.t., at the Schine Inn, Exit 6, Massachusetts Turnpike, Chicopee, Massachusetts; and on December 14, 1962, at 9:30 a.m., e.s.t., at the Aurora Hotel, 654 Main Street, Worcester, Massachusetts; as was announced in a notice of hearing issued July 27, 1962 (27 F.R. 7647), and a supplemental notice of hearing issued October 15, 1962 (27 F.R. 10299).

Such hearing shall be postponed from the dates stated in the preceding paragraph and shall be convened on January 7, 1963, at 10:00 a.m., e.s.t., at the Hotel Bradford, 275 Tremont Street, Boston, Massachusetts, and shall continue as necessary during the period of January 8 through 18, 1963. Additional sessions shall be held on January 21, 1963, at 9:30 a.m., e.s.t., at the Crown Hotel, 208 Weybosset Street, Providence, Rhode Island; on January 22 and 23, 1963, at 9:30 a.m., e.s.t., at the Bond Hotel, 338 Asylum Street, Hartford, Connecticut; on January 24, 1963, at 9:30 a.m., e.s.t., at the Sheraton-Kimball Hotel, 140 Chestnut Street, Springfield, Massachusetts; and on January 25, 1963, at 9:30 a.m., e.s.t., at the Aurora Hotel, 654 Main Street, Worcester, Massachusetts. Any additional sessions after January 25, 1963, which may be necessary are expected to be held at Boston at a time and place to be announced by the Hearing Examiner.

Signed at Washington, D.C., on November 9, 1962.

H. L. FOREST,
Director,
Milk Marketing Orders Division.

[F.R. Doc. 62–11400; Filed, Nov. 15, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 949) has been filed by Esso Research and Engineering Company, P.O. Box 172, Linden, New Jersey, proposing the issuance of a regulation to provide for the safe use of dihexyl phthalate as a plasticizer in vinyl film and tubing that contacts food.

Dated: November 8, 1962.

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

[F.R. Doc. 62–11396; Filed, Nov. 15, 1962; 8:49 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 a petition (FAP 916) has been filed by Dr. Salsbury's Laboratories, Charles City, Iowa, proposing the issuance of a regulation to provide for the safe use, alone or with the antibiotics permitted in § 146.26 of the antibiotic regulations, of 3-nitro-4-hydroxyphenylarsonic acid in finished feed for chickens at 45.4 grams per ton (0.005 percent) of feed.

Dated: November 8, 1962.

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

[F.R. Doc. 62–11397; Filed, Nov. 15, 1962; 8:49 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 a petition (FAP 960) has been filed by Thiokol Chemical Corporation, 780 N. Clinton Avenue, Trenton 7, New Jersey, proposing the issuance of a regulation to provide for the safe use of triethanolamine and *N,N,N',N'*-tetrakis (2-hydroxypropyl) ethylenediamine as curing agents in polyurethane resins that contact dry food.

Dated: November 8, 1962.

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

[F.R. Doc. 62–11398; Filed, Nov. 15, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[Docket No. 14148]

PASSENGER CHARTER TRIPS OPERATED BY CERTIFICATED ALL-CARGO ROUTE AIR CARRIERS

Notice of Proposed Rule Making

NOVEMBER 13, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration the questions (1) whether Part 207 should be amended to contain specific provisions on passenger charter trips by certificated all-cargo route air carriers, (2) if so, what the contents of such provisions should be, and (3) whether any other amendment to Part 207 should be adopted in light of the provisions of Public Law 87–528. These questions are discussed in more detail in the Explanatory Statement below.

This notice is issued pursuant to the authority of section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324 and interprets or applies section 401(e)(6), 76 Stat. 144; 49 U.S.C. 1371.

Interested persons may participate in this rule-making proceeding through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before December 17, 1962, will be considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Prior to July 10, 1962, section 401(e) of the Federal Aviation Act authorized any certificated air carrier to "make charter trips . . . without regard to the points named in its certificate, under regulations prescribed by the Board." The Board construed this provision as not authorizing passenger charters by carriers certificated to carry property only. Charter Flight Tariff Investigation, 15 C.A.B. 921 (1952), affirmed, Flying Tiger Line v. C.A.B. 204 F. 2d 404 (C.A.D.C., 1953). Section 3 of Public Law 87–528 of July 10, 1962, amended section 401(e) so that it now authorizes charter trips "without regard to . . . type of service provided" in the carrier's certificate. The purpose of this amendment was to grant to all-cargo carriers the statutory right to engage in passenger charters subject to regulations prescribed by the Board. Public Law 87–528 also provided for certification of supplemental air carriers to authorize them primarily to engage in charter operations.

The provision respecting charter trips in section 401(e) of the Act is presently implemented by Part 207 of the Economic Regulations which, by its terms, is applicable to all charters of certificated route carriers (other than Alaskan air carriers). With the enactment of Public Law 87–528, Part 207 automatically became applicable to passenger charters performed by all-cargo carriers. In the Board's opinion, it is reasonable to allow Part 207 to remain in effect for these operations for an interim period, pending determination of definitive rules in the instant proceeding, as discussed hereinafter.

Since Part 207 was adopted prior to the statutory amendments referred to

above, it is appropriate to consider whether changes in the regulation should be made in the light of those statutory amendments. In order to assist the Board in framing proposed revisions to Part 207, opportunity is hereby afforded to all interested persons to submit their views on the policy questions involved. Among the questions which will be considered by the Board are the following:

1. Prior to the enactment of section 401(e)(6), the Board maintained the policy of excluding certificated all-cargo carriers from general participation in the domestic passenger charter market. The question arises to what extent, if any, this policy should be continued. The question also is raised whether passenger charters of cargo carriers should be treated differently depending on whether or not they are "on route" with reference to their cargo routes.

2. Under present Part 207, certain limitations are in force governing the amount (§ 207.5) and frequency (§ 207.7) of offroute charter operations and, in the case of foreign and overseas charters, prohibiting any offroute charter over the route of another carrier unless prior approval has been obtained from that carrier or from the Board (§ 207.8). Questions are raised whether the restrictions on the passenger/cargo and the all-cargo certificated route carriers should be modified in view of Public Law 87–528 which provides, inter alia, that supplemental air carriers certificated under section 401(d)(3) of the Act shall principally engage in charter operations to supplement scheduled services by the aforementioned carriers.

In view of the pendency of the Transatlantic Charter Investigation, Docket 11908 et al., comments dealing with matters embraced within the issues in that proceeding will not be considered.

[F.R. Doc. 62–11414; Filed, Nov. 15, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61–WA–223]

CONTROLLED AIRSPACE

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 and §§ 601.1418 and 601.1419 of the regulations of the Administrator. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3.D that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace is currently established. Procedures requiring the designation of additional controlled airspace beyond the continental limits will be implemented upon completion of the processing of appropriate amendments to the Regulations of the Administrator. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. The pilot then need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Seattle, Wash., Air Route Traffic Control Center area, the Federal Aviation Agency is considering the following proposed airspace actions:

1. Alter the Hoquiam, Wash., control area extension (§ 601.1418) which is presently designated as that airspace centered on the 234° True radial of the Hoquiam VOR, 10 miles in width at the VOR with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Seattle Oceanic Control Area, excluding the portion at 2,000 feet MSL and below west of the west edge of VOR Federal airway No. 27 and the portion within Warning Area W–460. It is proposed to redesignate the Hoquiam control area extension to include additional airspace north and northeast of the Hoquiam VOR bounded on the northwest, north, and northeast by a line extending from latitude 46°58'45'' N., longitude 124°20'-00'' W.; thence to latitude 47°06'00'' N., longitude 124°00'00'' W.; thence to latitude 47° 06'00'' N., longitude 123°-51'00'' W.; thence through latitude 47°05'00'' N., longitude 123°48'00'' W., to the northwest boundary of VOR Federal airway No. 27 west alternate (as designated in Airspace Docket No. 61–LA–58, effective December 13, 1962, 27 F.R. 9698); on the southeast by VOR Federal airway No. 27 west alternate (27 F.R. 9698) and a line 5 miles north of and parallel to the 239° True radial from the Hoquiam VOR extending to latitude 46°54'00'' N., longitude 124°-20'00'' W.; and on the west by longitude 124°20'00'' W.; and including the airspace southeast of the Hoquiam VOR bounded on the north by VOR Federal airway No. 204; on the west by VOR Federal airway No. 27 west alternate (27 F.R. 9698); and on the southeast by the arc of a circle with an 8-mile radius centered at the Hoquiam VOR, excluding the portion at 2,000 feet MSL and below which lies outside the continental limits of the United States. This alteration would provide for the establishment of a holding pattern at the Hoquiam VOR based on the 066° True radial of the VOR.

2. Alter the Newport, Oreg., control area extension (§ 601.1419) which is presently designated as that airspace centered on the 237° True radial of the Newport VOR, 10 miles in width at the VOR with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Seattle Oceanic Control area, excluding the portion at 2,000 feet MSL and below west of a line parallel to and 10 miles west of the shore line and that which coincides with Warning Area W–242. It is proposed to redesignate the Newport control area extension to include additional airspace southwest of the Newport VOR bounded on the northwest by a line 5 miles southeast of and parallel to the 232° True radial of the Newport VOR; on the east by VOR Federal airway No. 27; and on the southwest by the arc of a circle with a 16-mile radius centered at Newport VOR; the airspace northwest of the Newport VOR bounded on the east by VOR Federal airway No. 27; on the south by a line 5 miles north and parallel to the 242° True radial of

the Newport VOR; and on the northwest by the arc of a circle with a 7-mile radius centered at the Newport VOR; and the airspace southeast of the Newport VOR bounded on the west by VOR Federal airway No. 27; on the northwest by VOR Federal airway No. 99; on the east by longitude 123°52'00" W.; on the south by a line extending from latitude 44°18'00" N., longitude 123°52'00" W.; thence through latitude 44°18'00" N., longitude 123°57'00" W., to the eastern boundary of VOR Federal airway No. 27, excluding the portion at 2,000 feet MSL and below which lies outside the continental limits of the United States. In addition, exclusion of the portion of the presently designated control area extension which lay within Warning Area W-242 would be deleted because nonrule-making action has been taken which revoked W-242 as of March 8, 1962. This alteration to the Newport control area extension would provide for the establishment of a holding pattern at the Newport VOR based on the 183° True radial of the VOR.

3. Designate the Rockaway, Oreg., transition area to extend upwards from 19,500 feet MSL within the area bounded on the east by VOR Federal airway No. 1751; and on the southwest, west and northwest by a line extending from the western boundary of VOR Federal airway No. 1751 through latitude 45°24'00" N., longitude 124°13'00" W., to latitude 45°36'00" N., longitude 124°28'00" W.; thence to latitude 45°44'00" N., longitude 124°28'00" W.; thence through latitude 45°55'00" N., longitude 124°15'00" W., to the western boundary of VOR Federal airway No. 1751. This designation would provide for the establishment of a DME holding pattern based on the 261° True radial of the Portland, Oreg., VORTAC and located 39 nautical miles from the VOR.

The floors of the Hoquiam and Newport control area extensions would remain as designated pending completion of the review of controlled airspace requirements throughout the Hoquiam and Newport areas. Separate airspace actions will be initiated at a later date to implement on an area basis the provisions of Amendments 60-21 and 60-29 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

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

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-11373; Filed, Nov. 15, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-6930]

VOTING TRUST CERTIFICATES AND FOREIGN ISSUERS

Extension of Time for Comments on Proposed Rulemaking

The Securities and Exchange Commission today announced an extension of time, from November 12 to December 12, 1962, within which comments may be submitted on the proposed amendments to § 240.3a12-3 (Rule 3a12-3 under the Securities Exchange Act of 1934), published October 11, 1962 in Release No. 6912 and in the FEDERAL REGISTER of October 18, 1962 (27 F.R. 10227). This rule exempts the securities of certain foreign issuers from the operation of sections 14(a) and 16 of the Act.

The extension of time was granted at the request of persons who desire additional time to consider the proposed amendments and submit comments thereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 5, 1962.

[F.R. Doc. 62-11382; Filed, Nov. 15, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 213]

CERTAIN FOREIGN PASSPORTS

Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the governments of the Republic of Ivory Coast, the Syrian Arab Republic, the Republic of Togo and Uruguay have recently concluded such agreements with the Government of the United States. A list of all foreign governments which have entered into such agreements follows:

Australia.
Austria (Reisepass only).
Bahamas (See United Kingdom).
Belgium.
Bolivia.
Brazil.
Cambodia.
Canada.
Ceylon.
Chile.
Colombia.
Cuba.
Cyprus.
Dominican Republic.
Ecuador.
Ethiopia.
Finland.
France.
Germany (Reisepass and Kinderausweis).
Greece.
Guatemala.
Guinea.
Honduras.
Iceland.
India.
Ireland.
Israel.
Ivory Coast.
Korea.
Laos.
Lebanon.
Luxembourg.
Malagasy Republic.
Malaya.
Mexico.
Monaco.
The Netherlands.
Pakistan.
Peru.
Philippines.
Portugal.
Spain.
Switzerland.
Syrian Arab Republic.
Togo.
United Arab Republic.
United Kingdom of Great Britain and Northern Ireland (including Jersey and Guernsey and its Dependencies) and the Bahamas.
Uruguay.
Venezuela.

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

This notice supersedes Public Notice 202 of December 22, 1961 (27 F.R. 125).

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

NOVEMBER 8, 1962.

[F.R. Doc. 62-11395; Filed, Nov. 15, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[DB 731.2]

DRAWBACKS

Notice of Proposed Changes in Procedure for Preparing Entries

NOVEMBER 9, 1962.

The Bureau of Customs has under consideration a proposal designed to eliminate the repetition on drawback entries of information which is contained on documents furnished in support of such entries.

Under that proposal the drawback claimant would omit from customs Forms 7573, 7575-A and -B, 7579, and 7583, the data required under the heading "Exporting Vessel" (or similar heading), "Date of Clearance", and "Name of Shipper", provided such data is shown on customs Forms 7511-A or B, Notice of Exportation of Articles with Benefit of Drawback, or on customs Form 7515, Notice of Lading of Supplies or Equipment with Benefit of Drawback, which are identified on the drawback entry and filed in support thereof. In such case the claimant would be required to show the inclusive dates of clearance covering all notices of exportation and notices of lading identified on the drawback entry.

The above-mentioned drawback entry forms provide for the showing, as to each notice of exportation or notice of lading identified on the entry, the quantity and description of the exported articles covered by that notice. There are occasions where the quantity and description of exported articles are set forth on notices of exportation and notices of lading in such detail that a recapitulation of the totals on the drawback entry would suffice for liquidation purposes in lieu of a repetition on the entry of the quantity and description of the exported articles shown on each of the related notices of exportation and notices of lading. The proposal now being considered contemplates that such recapitulation of totals shall be permitted on drawback entries of a claimant, when in the judgment of a collector of customs, based on experience in liquidating drawback entries of that claimant, future drawback entries showing recapitulation of totals can be processed without endangering the revenue or excessively increasing the administrative burden of the collector's office.

Consideration will be given to any relevant data, views, or arguments pertaining to the foregoing matter which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received not later than 30 days from the publication of this notice. No hearings will be held.

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

[F.R. Doc. 62-11416; Filed, Nov. 15, 1962; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 348]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

NOVEMBER 8, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m., December 14, 1962:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 7 N., R. 12 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, E½SW¼, S½SE¼, as shown on corrected plat accepted May 7, 1962;
Sec. 7, lots 1, 2, 5, 6, 7, E½W½, E½, as shown on corrected plat accepted May 7, 1962;
Sec. 8;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12;
Sec. 15;
Sec. 17;
Sec. 18, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, N½NE¼, SE¼NE¼, E½SE¼ as shown on corrected plat accepted May 7, 1962.

The areas described are 9,229.42 acres.

2. Available data indicate that the soils are sandy, gravelly, and stony. Portions of sections 1, 2, 11, 12, 15, and 17 have rolling foothills, and the balance of the lands are heavily rolling and mountainous.

3. The above lands are opened to application, selection, and petition as outlined in paragraph 4 below. No application for these lands will be allowed under

the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby opened to filing applications and selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on December 14, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-11381; Filed, Nov. 15, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 7, 1962.

The notice of Proposed Withdrawal and Reservation of Lands published on page 8599 of the FEDERAL REGISTER, issued Tuesday, August 28, 1962 (F.R. Doc. 62-8594; Filed, August 27, 1962; 8:49 a.m.), is hereby corrected by deleting the SE¼SE¼NE¼ and replacing it with the SE¼SW¼NE¼.

JENS C. JENSEN,
Manager,
Land Office, Riverside.

[F.R. Doc. 62-11380; Filed, Nov. 15, 1962; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 9, 1962.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 096886, for the withdrawal from location and entry under the General Mining Laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for use as a recreation area, located in the Arapaho National Forest. The specific area is the Dillon Reservoir Recreation Area.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

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 will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

T. 5 S., R. 77 W.,
In Sections 5, 8, 9, 15, 16, 20, 21, 29, and 32.
T. 5 S., R. 78 W.,
In Sections 11, 13, 14, 23, 24, 25, 35, and 36.
T. 6 S., R. 78 W.,
In Sections 2 and 3.

The above-described area in Arapaho National Forest aggregates approximately 5,006 acres.

J. ELLIOTT HALL,
Manager,
Land Office, Denver.

[F.R. Doc. 62-11405; Filed, Nov. 15, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI AND TEXAS

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 the hereinafter-named counties in the States of Mississippi and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Choctaw.	Sunflower.
Lafayette.	Tunica.

TEXAS

Navarro

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties 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 9th day of November 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-11403; Filed, Nov. 15, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF TEXAS

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Texas for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Texas and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Annexes referenced in the appendix are included in the complete text of the program. A copy of the Texas program, including proposed Texas regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., or may be obtained by writing to the Director, Division of Radiation Protection Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 FR 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Maryland, this 7th day of November 1962,

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

Agreement Proposed by the State of Texas Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Texas is authorized under Article 4590f of the Texas Revised Civil Statutes to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Texas certified on November 5, 1962, that the State of Texas (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on --------, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibilty with respect to regulation of:

A. The construction and operation of any production or utilization facility;

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

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement state. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This agreement shall become effective on March 1, 1963, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

APPENDIX A

Policies and Procedures for the Licensing and Regulation of Radioactive Materials, Source and Special Nuclear Materials

INTRODUCTION

Foreword. These documents present a brief description of the practices, capabilities, and proposed activities of the Division of Occupational Health and Radiation Control, Texas State Department of Health, insofar as they would relate to assumption of certain regulatory functions of the U.S. Atomic Energy Commission.

Under section 274 of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission is authorized to enter into agreement with the Governor of a state, whereby it may transfer certain licensing and regulatory control of byproduct, source, and special nuclear materials in quantities not sufficient to form a critical mass, to a state agency designated by the Governor. Relinquishment of such authority by the Atomic Energy Commission and subsequent assumption by the state is made when the Atomic Energy Commission has evaluated and accepted the competency of the state to administer such licensing and regulatory authority; and certain authorities are reserved to the Atomic Energy Commission.

The Texas Radiation Control Act of 1961, Article 4590f, Revised Civil Statutes, State of Texas, authorizes the Governor of Texas to enter into an agreement with the Atomic Energy Commission and to appoint a Radiation Advisory Board; and designates the Texas State Department of Health as the Agency responsible for the control of ionizing radiation. Further, the Act authorizes the Agency to formulate rules and regulations necessary for the control of ionizing radiation; makes mandatory the registration or licensing of all sources of ionizing radiation; provides for recognition of other agreement states and Federal licenses; requires that the regulatory program be compatible with that of the Federal Government, and insofar as possible, with that of other states; and authorizes the Agency, subject to approval of the Governor, to make subsequent agreements with the Federal Government, other states or interstate agencies for cooperative actions to be taken relating to the control of sources of ionizing radiation.

To this narrative are attached the Texas Radiation Control Act and the various resumes, regulations, and outlines of proposed practices and activities to be undertaken by the Division of Occupational Health and Radiation Control, Texas State Department of Health, pursuant to an agreement between the Atomic Energy Commission and the Governor of Texas.

History. The Texas State Department of Health became initially involved in limited radiological health activities in 1947. When more reliable survey instruments became available in 1948, instrumentation was furnished to the various field offices and to the central office of the Texas State Department of Health. The Bureau of Sanitary Engineering, parent of the Division of Occupational Health and Radiation Control, then expanded its evaluations of occupational health hazards by including x-ray and radium studies. One of the Nation's first extensive surveys demonstrating the radiation hazards of shoe fitting fluoroscopes was conducted in Texas.

In 1952, a series of basic courses in occupational health and radiological health hazards was given by the Texas State Department of Health throughout the State for the benefit of local health department personnel and other interested persons. In 1953, short courses in radiological health and safety for x-ray technicians were conducted in major cities of the State.

In 1956, the State Board of Health adopted "Regulations on Radiation Exposure" developed from National Committee on Radiation Protection and Measurements recommendations. These regulations provide for the registration of all sources of radiation and also establish standards governing personnel protection requirements, maximum permissible concentrations, and doses. An amendment was adopted in 1957 which prohibited the use of shoe-fitting fluoroscopes.

In 1959, the Legislature created a Radiation Study Committee charged with the responsibility of conducting a comprehensive review of all aspects of the State's role in the field of nuclear energy. This Committee, comprised of representation from the Texas Legislature and the general public drafted the Texas Radiation Control Act which was enacted into law in April 1961. This Act authorized the establishment of the Texas Radiation Advisory Board for the purpose of reviewing and evaluating policies and programs of the State relating to ionizing radiation, making recommendations, conducting hearings, and providing such technical advice as may be required on matters relating

to development, utilization and regulation of sources of ionizing radiation.

The Radiation Advisory Board members and their fields of representation are:

1. J. R. Maxfield, M.D., Chairman, Radiology.
2. Mr. E. C. Stokely, LL.B., Vice Chairman, Industry.
3. Herbert C. Allen, Jr., M.D., Secretary, Nuclear Medicine.
4. Julius W. Dieckert, Ph. D., Agriculture.
5. Ben DuBilier, M.D., Public Safety.
6. Lloyd R. Hershberger, M.D., Pathology.
7. Mr. Charles R. Johnson, Labor.
8. Mr. E. C. McFadden, P.E., Insurance.
9. Mr. Boone Powell, LL.D., Hospital Administration.

Radiation Advisory Board membership qualifications are given in Annex III.

As of September 1962, State Health Department records revealed that there were 6363 registered sources of radiation in Texas, of which 509 were Atomic Energy Commission licenses and 302 were radium registrations. In addition to registered sources of radiation, there are 32 radiation-producing installations of a special nature such as reactors and particle accelerators. The first and only uranium concentrating plant in Texas began operation on April 11, 1962.

The Texas Radiation Control Program has developed in proportion to this marked increase in the number of users of radioactive materials, x-ray producing machines and specialized radiation-producing equipment.

The Texas State Health Department currently administers a comprehensive radiation control program designed to govern and insure safeguards for the various aspects of use, transfer, storage, and disposal of radioactive materials. Inspectional surveys are routinely conducted to determine and correct radiological health hazards associated with the use of medical and dental x-ray equipment. To illustrate further the comprehensiveness of the radiation control program activities such as radiological defense monitoring training programs, special environmental background studies, preoperational reactor surveys, radioactivity counter measures evaluations, and environmental media monitoring are presently being conducted.

Division activities especially qualifying the Texas State Department of Health for expanded licensing and inspectional responsibilities are the dental x-ray surveys, surveys of medical radiographic and fluoroscopic units, inspections of therapeutic medical x-ray equipment, and cooperative Atomic Energy Commission-State inspections.

The scope of these activities can be illustrated by a consideration of the dental survey program. In the past two years a total of 850 dental x-ray units were inspected. During the inspections corrections were made to include adding of filtration, and the adjusting of collimation. Recommendations were provided for the reduction of occupational radiation scatter.

Since 1956, 84 incidents involving excessive exposures, losses, thefts, spills, or illegal transfers of radioactive materials were investigated. Current inspections of radioactive materials usually entail a comprehensive review by the inspector of the user's equipment and facilities; the handling or storage of radioactive material; the procedures in effect, including actual operations and interviewing the personnel directly involved; survey methods and results; personnel monitoring practices and results; posting and labelling; instructions to personnel; methods and effectiveness of maintaining control of people in the restricted area; licensee's records of receipts, transfers, personnel exposures and inventory of licensed material; records concerning disposal to the sewerage system and burial in the soil. These inspection procedures will be used in the future for inspections of all byproduct and other radioactive materials.

PROGRAM DESCRIPTION

The Radiation Control Program will be conducted by the Division of Occupational Health and Radiation Control, Texas State Department of Health.

Licensing and registration. The State Program will control all sources of ionizing radiation. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Agency. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the Atomic Energy Commission. In addition, regulations provide that the Agency will require specific radioactive materials licenses for naturally occurring radioactive materials such as radium and accelerator-produced isotopes of nonexempt quantities. All other sources of radiation such as medical and dental x-ray machines will be registered.

The licensing program will be essentially identical to that presently employed by the Atomic Energy Commission, and will cover prelicensing evaluations and postlicensing inspections. The Chief of Licensing and Regulation will have the responsibility for the evaluation of license applications.

A committee of not less than three qualified physicians, members of the Texas Radiation Advisory Board, will be used for consultation and recommendations concerning license applications for the human use of radioactive materials. These physicians are exceptionally well qualified in radiology and health physics. As general guides in the evaluation of licensee applications, the Division of Occupational Health and Radiation Control and the Radiation Advisory Board will utilize applicable criteria of the Atomic Energy Commission publications including Teletherapy—"Licensing Requirements for Teletherapy Programs"; Broad License (research and development)—"Licensing Requirements for Broad Licenses for Research and Development";—"Licensing Requirements for Broad Medical Use"; and the "Medical Use of Radioisotopes".

Inspection. The Texas State Department of Health, Division of Occupational Health and Radiation Control, proposes to conduct future inspectional activities of licensees comparable to the type now undertaken by the Division of Compliance of the Atomic Energy Commission. Inspections will be performed by personnel qualified in radiological health. Competency with the Atomic Energy Commission inspectional work has been developed through joint participation of Texas State Department of Health personnel with Atomic Energy Commission inspectors. It is estimated that the Texas State Department of Health has been represented in 98 percent of all Atomic Energy Commission inspections made in Texas during the last five years.

The following frequency for the inspection of Texas licenses is planned but may be either increased or decreased depending upon individual circumstances:

Industrial Radiographers — once each 6 months.
Operations involving waste disposal—once each 6 months.
Industrial, Special Licenses—once each 6 months.
Industrial, Broad Licenses—once each 12 months.
Academic—once each 24 months.
Medical and Hospital—once each 24 months.
Others—on a time-available schedule.

Before the termination of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting tentative oral recommendations or suggestions. During this meeting he will attempt to answer questions on the regulatory program.

The inspector will submit in writing comprehensive reports to the Director of the Division of Occupational Health and Radiation Control relating facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations. Recommendations made by field personnel will be subject to the critical review of senior members of the Division of Occupational Health and Radiation Control.

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

It is expected that most licensed activities will be inspected at least once in each two years. Most of the inspections will be scheduled visits, but a significant number may be on an unannounced basis.

Supporting resources available as an adjunct to the Division's inspection program include the Division of Laboratories, the Division of Public Health Education, the Division of Water Pollution Control, the Legal Counsel, all of the Texas State Department of Health, and the State Attorney General.

Compliance. Minor matters of noncompliance will be handled through official letter notification, and when deemed necessary, followed by reinspections.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the inspector based upon the degree of hazard involved. The licensee will be required to inform the Agency in writing within 30 days, or less if specified, as to corrective action taken and the date completed. The Agency will then conduct a followup inspection or the matter will be reviewed during the next regular inspection to assure that corrective action has in fact been accomplished. The legal recourses which may be taken by the Division of Occupational Health and Radiation Control are cited within the Texas Radiation Control Act, Article 4590f, Revised Civil Statutes, State of Texas, and commented upon elsewhere in the accompanying documents. They include the rights of injunction and impoundment.

Enforcement. When in the judgment of the Texas Radiation Control Agency a person is engaged or about to engage in acts or practices constituting a violation of the Act, rules, regulations or orders, the State's Attorney General may, at the request of the Agency, make application for a court order to enjoin such acts or practices or direct compliance.

Should the Division of Occupational Health and Radiation Control determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source whether licensed or not in the possession of any person who is not equipped to observe or fails to observe the provisions of the Texas Radiation Control Act or any rules and regulations issued thereunder. In the case of violation, section 16 of the Texas Radiation Control Act provides for appropriate penalties by fine or imprisonment or both.

The full legal procedures normally will be employed only in those instances where there is continued noncompliance after notice, willful negligence on the part of the licensee, or where a serious potential harzard results.

Of special importance is the provision under section 7 of Article 4590f, Revised Civil Statutes, State of Texas, which empowers the Texas Radiation Control Agency or its authorized representatives to enter into all private or public property in line of duty.

Staffing. The Texas Radiation Control Act of 1961 directs that the Commissioner of

Health shall designate a director of the Radiation Control Program. Mr. Charles R. Barden, Registered Professional Engineer, has been appointed Director of the Division of Occupational Health and Radiation Control of the Texas State Department of Health.

Functionally, the Division Director has been named by the Commissioner of Health to serve as the State's Radiation Control Officer. Administratively, the Director is responsible to Mr. G. R. Herzik, Jr., Chief, Section on Environmental Sanitation Services. The Chief Engineer, Mr. Martin C. Wukasch, who is also a Certified Health Physicist, has technical supervision of the broad Radiation Control Program. Mr. Ralph G. Griffin, Jr., Engineer III, is in charge of the licensing program and supervises the review and evaluation of applications for licenses.

Mr. Donald G. Decker and Mr. Richard G. Leard, Engineering Assistants; Mr. David K. Lacker, Radiological Health Specialist I; Mr. John A. Eure, Engineer; and Mr. James Edward Cowan, Radiation Biologist, will be used primarily to conduct inspections and generally administer on-site aspects of the licensing and regulatory program.

The minimum staffing pattern proposed by the Radiation Control Program consists of a Chief Engineer, four Engineers, three Radiological Health Specialists I, and two Radiological Health Specialists II. In addition, at least one laboratory staff member will be designated a radiochemist whose salary will be paid by the Division of Occupational Health and Radiation Control.

Future plans provide for the placement of representatives of the Division of Occupational Health and Radiation Control in regional offices.

When replacement of present personnel is necessitated, or new personnel are employed, these personnel will be required to have equivalent capabilities in radiological health now demonstrated by incumbent personnel, whose detailed personnel qualifications are given in Annex II.

In the event of emergencies, Mr. Hugh D. McGaw, Chief Engineer, Industrial Hygiene Program and Mr. Otto Paganini, Chief Engineer, Air Pollution Control Program, both of whom have extensive radiological health training and experience, will be used for field work and consultation.

Local health agencies. It has been the continuing policy of the Division of Occupational Health and Radiation Control to assist and at times furnish equipment and on-the-job radiological health training to selected personnel of local health departments. Such personnel will be utilized for prelicensing and preliminary incident investigative work. Assistance in the inspection and enforcement activities may be requested of selected local health agencies of cities and counties as they develop and demonstrate competence, but in no case will the authority and responsibilities of the Agency under the Texas Radiation Control Act be delegated. Local personnel assisting in the State investigation program will be appropriately qualified in radiological health and will be governed by the policies and pertinent rules, regulations and procedures of the Texas State Department of Health.

Relations With Federal Government and Other States. The State Radiation Control Agency is responsible by law for advising, consulting and cooperating with other agencies of the State, the Federal Government and other state and interstate agencies concerning radiation control.

Reciprocity. Regulations of the Agency provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement states.

Hearings. Provisions are made for a hearing at the request of a licensee. The Texas Radiation Control Act, under section 12(a)(3), states that the Agency shall afford an opportunity for a hearing before the Radiation Advisory Board upon the request of any person whose interest may be affected by the proceeding, when it is a question of determining compliance or granting exceptions from rules and regulations.

Further, section 12(b) authorizes issuance of a regulation or order, which shall be effective immediately, in those instances where the Division of Occupational Health and Radiation Control finds that an emergency exists. This may be done without prior notice or hearing. Any person to whom such an order is directed must comply therewith immediately, but he may apply to the Division of Occupational Health and Radiation Control for a hearing within ten (10) days. Upon the basis of such hearing, the emergency regulation or order shall be continued, modified or revoked within thirty (30) days after such hearing.

Any final order entered in any proceeding under the two foregoing subsections shall be subject to judicial review by any district court of Travis County, Texas.

[F.R. Doc. 62–11275; Filed, Nov. 8, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14146; Order No. E–18999]

WORLD AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of November 1962.

World Airways, Inc., has filed a tariff marked to become effective November 16, 1962, proposing one-way directional cargo charter rates from Hilo, Honolulu, and Kahului, Hawaii, on the one hand, to Los Angeles and Oakland, California, on the other, of $3,200 for L–1049 aircraft. No complaints have been filed.

The proposed rates are similar to certain rates of The Slick Corporation and The Flying Tiger Line, Inc., already under investigation in Docket 13487. The Board is not aware of any distinguishing factor between the rates proposed by World and those of Slick and Flying Tiger in Docket 13487. Consequently, on the basis of the findings made in the order of investigation in Docket 13487,[1] the Board finds that the cargo charter rates of World may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. Moreover, since the directional cargo charter rates of Slick from Hilo and Honolulu to San Francisco, which are under investigation in Docket 13487, are suspended, we find that World's rates insofar as they apply to operations from Hawaiian points to Oakland should similarly be suspended.

We do not at this time order consolidation of the investigation instituted herein with the pending one in Docket 13487. Rather, we will expect a prompt prehearing conference to be set in this proceeding, at which conference the parties are expected to come forward with appropriate suggestions designed to facilitate the disposition of the instant proceeding contemporaneously and simultaneously with the one already in process in Docket 13487. Since the issues appear to be identical and since we are aware of no distinguishing factors, we anticipate no difficulty in this respect.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered:

1. That an investigation is instituted to determine whether the rates and provisions on 1st Revised Page 23–F of Agent J. A. Forsyth's C.A.B. No. 4 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial or otherwise unlawful and, if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. That pending investigation, hearing and decision by the Board, the rates for the charter of L–1049 aircraft from Hilo, Honolulu, and Kahului, Hawaii, to Oakland, Calif., on 1st Revised Page 23–F of Agent J. A. Forsyth's C.A.B. No. 4 are suspended and their use deferred to and including February 13, 1963, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. That the proceeding ordered herein be assigned for prehearing conference before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order be served on World Airways, Inc., Pan American World Airways, Inc., United Air Lines, Inc., The Slick Corporation, The Flying Tiger Line, Inc., and the State of Hawaii, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–11413; Filed, Nov. 15, 1962; 8:52 a.m.]

[1] Order E–18138, March 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14789; FCC 62M–1504]

AVOYELLES BROADCASTING CORP.

Order Continuing Hearing

In re application of Avoyelles Broadcasting Corporation, New Roads, Louisiana, Docket No. 14789, File No. BP–14122; for construction permit.

Pursuant to agreements reached at a prehearing conference on November 9, 1962;

It is ordered, This 9th day of November, 1962, that the applicant submit a written affirmative case, and that the following procedural dates govern the further conduct of this hearing:

Draft of engineering exhibit to be submitted to Commission staff on or before December 5, 1962.

Nonengineering evidence in affidavit form to be submitted to Commisison counsel and the Examiner on or before December 5, 1962.

Final engineering exhibit to be submitted to Commission staff and Examiner on or before December 21, 1962.

Any request for availability of witnesses for cross-examination shall be made by the Commission's staff on or before December 28, 1962.

The hearing presently scheduled for December 5, 1962, is postponed to January 11, 1963, at 10:00 a.m. at the Commission's offices in Washington, D.C.

Released: November 13, 1962.

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

[F.R. Doc. 62-11419; Filed, Nov. 15, 1962; 8:52 a.m.]

[Docket No. 12316; FCC 62M-1500]

J. D. FALT, JR.

Order Continuing Hearing

In re application of J. D. FALT, JR., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permit.

Pursuant to verbal request by counsel for the Commisison's Broadcast Bureau:

It is ordered, This 9th day of November 1962, that the hearing herein now scheduled for November 15, 1962, be and the same is hereby rescheduled for November 28, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: November 13, 1962.

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

[F.R. Doc. 62-11420; Filed, Nov. 15, 1962; 8:52 a.m.]

[Docket No. 14840; FCC 62-1163]

MITCHELL BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Mitchell Broadcasting Company, Estherville, Iowa, Docket No. 14840, File No. BP-15283; requests 1340 kc, 250 w, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of November 1962;

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

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate the proposed station; and

1. The proposed operation will cause interference to Class III Station KELO, Sioux Falls, South Dakota, and to Class IV Stations KROC, Rochester, Minnesota, KWLM, Willmar, Minnesota, KIJV, Huron, South Dakota, and KHUB, Fremont, Nebraska.

2. Interference received from existing standard broadcast stations would affect more than ten percent of the population within the proposed 250 watt 0.5 mv/m contour. Since the applicant proposes a new, Class IV operation with a maximum power of 250 watts, the provisions of § 3.28(d)(3) of the Commission's rules are applicable to this proposal.

It further appearing that, on May 1, 1962, the applicant filed a petition requesting, inter alia, that the application be granted without hearing, or, in the alternative, that a hearing be held on the application, but that, in view of the foregoing, a hearing is necessary; and

It further appearing that the simultaneous operation of the Mitchell Broadcasting Company proposal and the operation of Station KROC, Rochester, Minnesota, proposed in the application of the Southern Minnesota Broadcasting Company, File No. BP-15531, would result in mutual interference, but that any grant of the application of the Mitchell Broadcasting Company will be made subject to the condition that the permittee shall accept the interference that may result from a subsequent grant of the KROC proposal, and that, therefore, the application of the Southern Minnesota Broadcasting Company will not be considered in this proceeding; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues specified below;

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

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposal would cause objectionable interference to Stations KELO, Sioux Falls, South Dakota, KROC, Rochester, Minnesota, KWLM, Willmar, Minnesota, KIJV, Huron, South Dakota, and KHUB, Fremont, Nebraska, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing standard broadcast stations would affect more than ten percent of the population within the normally protected primary service area of the proposed operation, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the applicant's petition filed on May 1, 1962, is granted, to the extent indicated herein and is denied in all other respects.

It is further ordered, That the Modcontinent Broadcasting Company, the Southern Minnesota Broadcasting Company, the Lakeland Broadcasting Company, the James Valley Broadcasting Company and H. C. Snyder and Leroy L. Snyder d/b as Snyder Enterprises, licensees of Stations KELO, KROC, KWLM, KIJV and KHUB, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of the Mitchell Broadcasting Company, the construction permit shall include the condition that the permittee shall accept any interference which may result in the event of a grant of the application, File No. BP-15531, of the Southern Minnesota Broadcasting Company.

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

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

Released: November 13, 1962.

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

[F.R. Doc. 62-11421; Filed, Nov. 15, 1962; 8:52 a.m.]

[Docket No. 14827; FCC 62M-1502]

POTOMAC BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Potomac Broadcasting Company, Incorporated, Keyser, West Virginia, Docket No. 14827, File No. BP-14853; for construction permit.

The Hearing Examiner having under consideration a petition filed on November 8, 1962, by Potomac Broadcasting Company, Incorporated, requesting (1) that the prehearing conference in the above-entitled proceeding presently scheduled for November 23, 1962, be continued to December 6, 1962, at 9:00 a.m.; and (2) that the hearing presently scheduled to commence on December 12, 1962, be continued to a date to be fixed at such prehearing conference; and

It appearing, that counsel for Potomac Broadcasting Company will be out of the city on the date the prehearing conference is scheduled and for that reason will be unable to be present; and

It further appearing that there are no other applicants or respondents in this proceeding and counsel for the Broad-

cast Bureau has consented to a grant of the relief requested;

It is ordered, This 9th day of November 1962, that the request be and it is hereby granted; the prehearing conference in the above-entitled proceeding be and it is hereby continued to December 6, 1962, at 9:00 a.m.; and the hearing is continued to a date to be fixed at the prehearing conference.

Released: November 13, 1962.

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

[F.R. Doc. 62-11422; Filed, Nov. 15, 1962; 8:52 a.m.]

[Docket No. 14839; FCC 62-1162]

SOUTHWESTERN BROADCASTING COMPANY OF MISSISSIPPI (WAPF)

Order Designating Application for Hearing on Stated Issues

In re application of Albert Mack Smith, Phillip Dean Brady and Louis Alford, A Partnership d/b as The Southwestern Broadcasting Company of Mississippi (WAPF), McComb, Mississippi, Docket No. 14839, File No. BP-14576; has 980 kc, 1 kw, Day, Class III, requests 980 kc, 5 kw, Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of November 1962;

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

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

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

1. According to data submitted with the subject application, the proposed operation of WAPF would cause cochannel interference to the existing operation of Station KREB, Shreveport, Louisiana. By letter dated February 16, 1961, Station KREB, formerly KOKA, objected to a grant of this application and requested that it be designated for hearing and KREB be made a party respondent.

2. According to data submitted with the subject application, the proposed operation of WAPF would cause adjacent channel (10 kilocycles removed) interference to the existing operation of Station WJMR, New Orleans, Louisiana.

3. The above-captioned application appears to be in contravention of § 3.28 (d)(3) of the Commission's rules.

4. The applicant is licensee of both WAPF and WMDC Hazelhurst, Mississippi. The proposed operation of WAPF will serve a portion of the WMDC service area which appears to be substantial within the meaning of § 3.35(a) of the Commission rules on multiple ownership. Therefore, a determination must be made as to whether a grant of the WAPF proposal would be in contravention of § 3.35(a) of the rules. In making this determination it is appropriate to consider the size, extent and location of the same areas served and to be served; the extent of the overlap involved; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.35(a) of the Commission's rules.

It further appearing that on August 2, 1962, the application was amended to include field intensity measurement data purporting to show that no interference would be caused to either KREB or WJMR and that interference received by the proposed operation would effect less than ten percent of the population within the proposed normally protected service area; but, that, the radial measurements made on KREB were not in a direction towards the proposed service area; the cross-radial measurements made on KREB and WAPF are not adequate for accurately determining the extent of the service area of these stations; a map was not submitted which would indicate the close-in measuring points utilized in measuring the signals of KREB and WAPF; no measurement data were submitted which would establish that the soil conductivity between WAPF and WJMR is less than indicated by Figure M-3 of the Commission Rules, as contended by the applicant; and that, therefore, it must be concluded that the problem of interference to KREB and WJMR and the question of excessive interference to the proposed operation have not been resolved; and

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

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

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WAPF and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WAPF would cause objectionable interference to Stations KREB, Shreveport, Louisiana and WJMR, New Orleans, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations KREB and WJMR would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

4. To determine whether a grant of the instant proposal would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That KREB, Inc., and Supreme Broadcasting Co., Inc., licensees of Stations KREB, Shreveport, Louisiana, and WJMR, New Orleans, Louisiana, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the above-captioned application, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

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

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

Released: November 13, 1962.

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

[F.R. Doc. 62-11423; Filed, Nov. 15, 1962; 8:53 a.m.]

[Docket No. 14841; FCC 62-1165]

VERNE M. MILLER

Order Designating Application for Hearing on Stated Issues

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; requests 1240 kc, 250 w, 1 kw-LS, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of November 1962;

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

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

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

1. The proposal of Verne M. Miller may cause interference to and receive interference from existing standard broadcast Stations KROY (1240 kc), KSUE (1240 kc) and KDOT (1230 kc). The data submitted by the applicant, which discloses interference to and from Stations KSUE and KDOT, were not properly made under the Commission's rules with the result that questions exist as to the extent of such interference, and whether there is compliance with § 3.28(d)(3). KROY and KSUE have objected to grant of this application.

2. Field intensity measurement data made from the proposed transmitter site and the site of KDOT may be necessary to establish that the 2 mv/m contour of the proposed operation would not overlap the 25 mv/m contour of Station KDOT, in contravention of § 3.37 of the Commission rules.

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

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

1. To determine the areas and populations which would receive primary service from the Verne M. Miller proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Verne M. Miller would cause objectionable interference to Stations KROY, Sacramento, California, Station KSUE, Susanville, California, and Station KDOT, Reno, Nevada, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations KDOT, KROY, KSUE, supra, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Verne M. Miller, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Verne M. Miller and Station KDOT in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, John T. Carey, Inc., James E. McKahan, and KDOT, Inc., licensees of Stations KROY, KSUE and KDOT, respectively, are made parties to the proceeding.

It is further ordered, That to the extent noted herein, relief sought by John T. Carey, Inc., and James E. McKahan is granted and in all other respects is denied.

It is further ordered, That, in the event of a grant of the application of Verne M. Miller, the construction permit shall contain the following conditions:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

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

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

Released: November 13, 1962.

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

[F.R. Doc. 62-11424; Filed, Nov. 15, 1962; 8:53 a.m.]

[Docket Nos. 14751, 14752; FCC 62M-1501]

WESTERN BROADCASTING CO. (KOLO) AND KWES BROADCASTING CO.

Order Continuing Hearing

In re applications of Western Broadcasting Company (KOLO), Reno, Nev., Docket No. 14751, File No. BP-14567; Corbett Pierce and Chester Smith, d/b as KWES Broadcasting Company, Ceres, Calif., Docket No. 14752, File No. BP-15261; for construction permits.

On the oral request of counsel for KWES Broadcasting Company and without objection by counsel for the other parties: *It is ordered,* This 9th day of November 1962, that the scheduled dates are extended as follows:

Exchange of affirmative direct written cases of applicants: From November 15 to November 21, 1962

Receipt of notification of witnesses desired for cross-examination: From November 27 to December 4, 1962

Hearing: From December 3 to Tuesday, December 11, 1962, at 10 a.m. in the offices of the Commission, Washington, D.C.

Released: November 13, 1962.

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

[F.R. Doc. 62-11425; Filed, Nov. 15, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

U.S. LINES CO. ET AL.

Notice of Agreements Filed With the Commission for Approval

Notice is hereby given that the following described agreements have 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 8860-1, between the American flag lines, United States Lines Company and Waterman Steamship Corporation, and the nine Japanese flag lines Daido Kaiun Kaisha, Ltd., Iino Kaiun Kaisha, et al, all parties to Agreement 8860 permitting discussions and agreement pertaining to the establishment of a revenue pool of the aforementioned carriers while engaged in the trade from Japan to United States Atlantic ports, clarifies paragraph 6 of the basic agreement by stipulating that the American flag share shall be increased by 2 percent on each October 1st "except during those years when the total revenue earned by the two groups exceeds the average revenue of the groups for the years 1959, 1960, and 1961" in which event such "increase will be shared 80 percent to the American flag lines and 20 percent to the Japanese flag lines, but the total share of the American flag lines of the total revenue earned [by the two groups] will be limited to [4 percent]". The "change of percentages shall continue until the American flag share reaches 50 percent".

Agreement 8860–2, between the American flag lines, United States Lines Company and Waterman Steamship Corporation, and the nine Japanese flag carriers, Daido Kaiun Kaisha, Ltd., Iino Kaiun Kaisha, et al, all parties to Agreement 8860 permitting discussion and agreement pertaining to the establishment of a revenue pool of the aforementioned carriers while engaged in the trade from Japan to United States Atlantic ports, supplements Agreement 8860, approved by the Commission September 25, 1962.

The filing is titled "Supplementary Rules" which "are to be read in conjunction with [Agreement 8860]" and in "the event of any disagreement between such Supplementary Rules and [Agreement 8860]" that the latter "is to apply".

By its terms, Agreement 8860–2 in part provides:

(1) for definition of the "pool area" as including all Japanese "loading" ports except those of the island of Hokkaido, and all United States Atlantic ports north of Key West, Florida, except Miami and Port Everglades, Florida;

(2) for the establishment of two "pool groups" composed of American and Japanese flag carriers respectively;

(3) for the establishment of a "Pool Authority", in Japan, to "perform the functions as stipulated in the basic Agreement (8860) and these Rules";

(4) for definition of the term "sailing" to be utilized in determining the minimum number of sailings required of each line as reflected in the "Group Sharing" agreements yet to be agreed upon and filed with the Commission for approval;

(5) for the apportionment of "pooled earnings" on the basis of 70 percent to the Japanese flag group and 30 percent to the American flag group until October 1, 1963 when the group shares will be re-allocated pursuant to paragraph 6 of the basic agreement as clarified;

(6) for penalty to be assessed any carrier who fails to maintain the minimum number of sailings set forth in the Group Sharing Agreements;

(7) for a "contingency clause" which stipulates that "whenever any conference operator" (Japan/Atlantic and Gulf Freight Conference, Agreement 3103) not a pool signatory "berths vessels of American or Japanese registry in its liner service of this trade, the revenue earned by such operation shall be included as part of the revenue carryings earned by the respective flag groups, and the share percentage of each flag group shall be adjusted based upon the revenue carryings earned by such [vessels]" in accordance with a formula incorporated in the clause;

(8) that the "total gross freight on all cargo shall be pooled subject to the provisions of Schedule A, as attached". Schedule A lists certain cargo exclusions from the pool, either by category or by specific reference, and details the manner in which "handling charges" shall be determined and deducted from the "total gross freight" to be pooled;

(9) for the manner in which the "Pool Auditors" will receive and process "pool returns" receive from the individual carriers, circulate "pool statements" reflecting the earnings "position" of the lines, and provides for the annual settlement of accounts between "under" and "over" earners;

(10) for suspension of the arrangement in case of "war or hostilities"; arbitration; admission of new parties; deposit of a $50,000 "faithful performance bond", voting requirements necessary to effect changes in the basic agreement (unanimous) or in the rules (unanimity less one); and

(11) for a "paramount clause" stipulating that the "Basic Agreement and these rules shall be regarded as subsidiary to and as adjunct to the Japan Atlantic and Gulf Freight Conference Agreement (3103) and nothing in the Basic Agreement or Rules shall over-ride the terms, conditions, and exceptions of the said JAGFC Agreement."

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulations, 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 either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–11426; File, Nov. 15, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4065]

ALABAMA POWER CO. ET AL.

Notice of Proposed Intrasystem Transfer of Utility Assets and Related Transactions

NOVEMBER 9, 1962.

In the matter of Alabama Power Company, 600 North 18th Street, Birmingham 2, Alabama; Mississippi Power Company, 2500 14th Street, Gulfport, Mississippi; Alabama Property Company, 600 North 18th Street, Birmingham 2, Alabama; File No. 70–4065.

Notice is hereby given that Alabama Power Company ("Alabama"), an exempt holding company and a public-utility company, Mississippi Power Company ("Mississippi"), a public-utility company, and Alabama Property Company ("Property Company"), a nonutility company, all subsidiary companies of The Southern Company, a registered holding company, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), stating that section 12(b) of the Act and Rules 45, 87(a)(3), 90, and 91 thereunder are applicable to the proposed transactions and that section 9(a)(1) and Rule 43 thereunder may be applicable thereto. All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Alabama has incurred $118,401 and expects to incur an additional $239,707 of development costs regarding a steam-electric generating plant site recently acquired for $461,892. Alabama proposes to sell said plant site free and clear of the lien of its general mortgage to Property Company for a cash consideration of not more than $820,000, said amount to be advanced on open account by Alabama and Mississippi in the respective amounts of not more than $492,000 and $328,000. In turn, Property Company will sell to Alabama and Mississippi and each of these companies proposes to acquire, respectively, a 60 percent and 40 percent undivided interest as a tenant in common in the plant site, such common interest to be restricted against voluntary or involuntary partition during the useful life of the plant. Thereafter the respective open account indebtedness to Alabama and Mississippi will be cancelled and any undischarged balance will be paid in cash.

Alabama, for itself and as agent for Mississippi, contemplates building steam-electric generating units on the site, the first with a capacity of 250 mw to be completed in 1965 and the second with a capacity of between 250 mw and 350 mw to be completed in 1966. Subject to obtaining certificates of convenience from appropriate State regulatory commissions, each company will own the transmission lines between the plant and its existing transmission system. Construction, operation, and maintenance contracts relating to the plant and transmission lines are designated in the filing as being exempt from the provisions of the Act by Rule 87(a)(3) under the Act on the basis that said contracts will comply with the provisions of Rules 90 and 91 under the Act.

It is stated in the filing that this common endeavor, as compared to individual undertakings, will result in construction cost savings of about $14,500,000 and annual savings of about $3,000,000. It is further stated therein that Alabama and Mississippi each will finance its share of the acquisition and construction costs of the plant in the usual manner from internal sources and from the sale of bonds and stocks.

It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the proposed transactions are estimated in the aggregate not to exceed $2,113 with respect to Alabama and $1,909 with respect to Mississippi.

Notice is further given that any interested person may, not later than November 29, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to

controvert; or he may request that he be notified if the Commission should order a hearing thereon. 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 each applicant-declarant, 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 joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-11384; Filed, Nov. 15, 1962; 8:46 a.m.]

[File No. 1-4257]

ATLANTIC RESEARCH CORP.

Order Summarily Suspending Trading

NOVEMBER 8, 1962.

The common stock, $1 par value of Atlantic Research Corporation, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, national securities exchanges; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period November 9, 1962, through November 18, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11388; Filed, Nov. 15, 1962; 8:47 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

NOVEMBER 9, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 10, 1962, through November 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11389; Filed, Nov. 15, 1962; 8:47 a.m.]

[File No. 70-4086]

CENTRAL APPALACHIAN COAL CO. ET AL.

Notice of Proposed Amendments to Certificates of Incorporation To Reduce Number and Par Value of Authorized and Issued Shares of Capital Stock, Create Capital Surplus and Reduce Liabilities for State License Tax

NOVEMBER 9, 1962.

In the matter of Central Appalachian Coal Company, Kanawha Valley Power Company, West Virginia Power Company, Charleston, West Virginia, Central Coal Company, Central Operating Company, New Haven, West Virginia; File No. 70-4086.

Notice is hereby given that the five above-named companies, each of which is a West Virginia corporation and a wholly-owned subsidiary company of America Electric Power Company, a registered holding company, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a)(2) of the Act as applicable to the proposed transactions, the stated purpose of which is to reduce the amount of license tax payable annually to the State of West Virginia by each of the above-named companies.

All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the proposed transactions which are summarized as follows:

Central Appalachian Coal Company ("Central"), a nonutility company, proposes (1) to reduce its authorized but unissued shares of capital stock from 7,000 to 2,000 shares, and to reduce its issued shares of such stock from 53,000 to 3,000 shares, (2) to reduce the par value of all of its authorized shares (whether unissued or issued) from $100 to $1 per share, and (3) to transfer the resulting surplus of $5,297,000 from capital to capital surplus.

Central Coal Company ("Central Coal"), a nonutility company, proposes (1) to reduce its authorized but unissued shares of capital stock, par value $1 per share, from 42,500 to 2,000 shares, and to reduce its issued shares of such stock from 57,500 to 3,000 shares, and (2) to transfer the resulting surplus of $54,500 from capital to capital surplus.

Central Operating Company ("Central Operating"), a nonutility company, proposes (1) to reduce its authorized but unissued shares of capital stock from 35,000 to 2,000 shares, and to reduce its issued shares of such stock from 45,000 to 3,000 shares, (2) to reduce the par value of all of its authorized shares (whether unissued or issued) from $94 to $1 per share, and (3) to transfer the resulting surplus of $4,227,000 from capital to capital surplus.

Kanawha Valley Power Company ("Kanawha"), an electric utility company, proposes to change the 500 shares of its authorized and issued shares of capital stock from no par value to a par value of $1 per share, and transfer the resulting surplus of $4,500 from capital to capital surplus.

West Virginia Power Company ("West Virginia"), a nonutility company, proposes to reduce the par value of its 100 authorized and issued shares of capital stock from $100 to $1 per share, and transfer the resulting surplus of $9,900 from capital to capital surplus.

It is stated that the estimated license tax reductions to be derived from the foregoing changes are as follows:

Name of company	License tax paid in 1962	Minimum tax payable	Amount of reduction
Central	$1,090	$20	$1,070
Central Coal	100	20	80
Central Operating	1,318	20	1,298
Kanawha	40	20	20
West Virginia	30	20	10
	2,578	100	2,478

The fees and expenses to be incurred by the five companies in connection with the proposed transactions, estimated to aggregate $550, are to be paid proportionately by each of the companies.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 29, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the joint declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. 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 declarants, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the joint declaration, as filed or as it may be amended, may be permitted to become effective, as provided by Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-11386; Filed, Nov. 15, 1962; 8:47 a.m.]

[File 7-2246]

CONTINENTAL INSURANCE CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 8, 1962.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Continental Insurance Company, File 7-2246

Upon receipt of a request, on or before November 23, 1962 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11387; Filed, Nov. 15, 1962; 8:47 a.m.]

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

NOVEMBER 9, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under Section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of nine (9) days, November 10, 1962 through November 18, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11390; Filed, Nov. 15, 1962; 8:48 a.m.]

[File Nos. 7-2244, 7-2245]

HOWARD JOHNSON CO. AND E. J. KORVETTE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 8, 1962.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Howard Johnson Company, File 7-2244
E. J. Korvette Incorporated, File 7-2245

Upon receipt of a request, on or before November 23, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11385; Filed, Nov. 15, 1962; 8:47 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

NOVEMBER 9, 1962.

The common stock, par value $1, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 10,

1962, through November 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11391; Filed, Nov. 15, 1962; 8:48 a.m.]

[File No. 1-3412]

PROSPER OIL AND MINING CO.

Order Summarily Suspending Trading

NOVEMBER 9, 1962.

The common stock of the par value of ten cents, of Prosper Oil and Mining Company, being listed and registered on the Salt Lake Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such stock on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the Salt Lake Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period of ten (10) days, November 10, 1962, through November 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-11392; Filed, Nov. 15, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9431]

HUNT OIL CO.

Notice of Application for Amendment of Certificate Authorization

NOVEMBER 8, 1962.

Take notice that on November 1, 1962, Hunt Oil Company (Applicant), 700 Mercantile Bank Building, Dallas 1, Texas, filed an application pursuant to section 7 of the Natural Gas Act requesting amendment of the certificate authorization in Docket No. G-9431 (order issued February 7, 1956, Docket Nos. G-8459, et al.) by deleting therefrom authorization to sell natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from the Hill Zone of the Rodessa Formation and the Harkrider Zone of the Travis Peak Formation, E/2 of Sec. 22, T17N, R16W, Greenwood-Waskom Field, Caddo Parish, Louisiana, originally dedicated under a gas purchase contract dated August 22, 1955, by and between Applicant and Texas Eastern, which acreage Texas Eastern has agreed to release from said contract by agreement dated August 30, 1962, all as more fully set forth in the application for amendment which is on file with the Commission and open to public inspection.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1962.

GORDON M. GRANT, *Assistant Secretary.*

[F.R. Doc. 62-11378; Filed, Nov. 15, 1962; 8:45 a.m.]

[Docket No. CI60-431 etc.]

ROBERT B. PRENTICE ET AL.

Notice of Severance and Notice of Applications and Date of Hearing

NOVEMBER 8, 1962.

In the matter of Robert B. Prentice (Operator), et al., Docket No. CI60-431; Hayward Ellison Gas Company, Docket No. CI61-377; Eva Sumpter Gas Company, Docket Nos. CI61-499, CI61-1485;[1] O. K. Wilfong Gas Company, Docket No. CI61-827; C. O. Killingsworth Gas Company, Docket No. CI61-1520; S. D. Coss, et al., Docket No. CI61-1683; Philip Gas Company, Docket No. CI62-154; Cabot Corporation, Docket No. CI62-567; Phillips Petroleum Company, Docket No. CI62-586; Mohawk Gas & Oil Producers, Docket No. CI62-616; Pan American Petroleum Corporation, Docket No. CI62-644; Area Rate Proceeding, Docket No. AR61-2, et al.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon natural gas service because of depletion of gas supply, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Take further notice that Docket No. CI60-431 heretofore consolidated with the Area Rate Proceeding, Docket No. AR61-2, et al., by order of the Commission issued June 13, 1961, is severed therefrom and will be consolidated with the abandonment applications in the above-docketed proceedings.

The pertinent facts in each abandonment application are as follows:

Docket No.	Location	Purchaser	Docket No. in which sale was authorized
CI60-431	Hollywood Field, Terrebonne Parish, La.	United Gas Pipe Line Co.	Application for certificate authorization pending in Docket No. CI60-431.
CI61-377	Sinking Creek, Dekalb District, Gilmer County, W. Va.	Equitable Gas Co.[2]	Application for certificate authorization pending in Docket No. G-15896.[3]
CI61-499, CI61-1485	do	do	G-2876.
CI61-827	Glenville District, Gilmer County, W. Va.	do	G-2783.
CI61-1520	Kanawha District, Gilmer County, W. Va.	do	G-2874.
CI61-1683	Meade District, Tyler County, W. Va.	Hope Natural Gas Co.	G-2738.
CI62-154	Lincoln County, W. Va.	United Fuel Gas Co.	G-7719.
CI62-567	Glenville District, Gilmer County, W. Va.	Carnegie Natural Gas Co.	G-5236.
CI62-586	South Rangely Field, Rio Blanco County, Colo.	El Paso Natural Gas Co.[4]	G-13559.
CI62-616	Union District, Wood County, W. Va.	Hope Natural Gas Co.	G-18143.
CI62-644	Turner Bluff Field, San Juan County, Utah.	El Paso Natural Gas Co.	G-14640.

[1] The application filed in Docket No. CI61-1485 appears to be a duplication of the application filed in Docket No. CI61-499.

[2] The application in Docket No. CI61-377 is for abandonment of service to Equitable Gas Company. The application pending in Docket No. G-15896 is for service to Hope Natural Gas Company.

[3] Applicant has no temporary authorization to make the subject sale.

[4] Successor in interest to Pacific Northwest Pipeline Corporation.

Each Applicant has filed a notice of cancellation of its related FPC gas rate schedule. The notices in Docket Nos. CI61-377, CI61-499 and CI61-1485, CI61-827, CI61-1520, and CI61-1683 have been rejected because the Applicants therein failed to file rate schedules.

These matters should be heard on a consolidated record and 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 December 18, 1962, at 9:30 a.m., e.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 applications: *Provided, however,* That the Commission may, after a noncontested 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Com-

mission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 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.

GORDON M. GRANT,
Assistant Secretary.

[F.R. Doc. 62-11379; Filed, Nov. 15, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 718]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 13, 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 65311. By order of November 7, 1962, the Transfer Board approved the transfer to Donald Jensen, doing business as Andover Trucking Company, Andover, Iowa, of Certificate No. MC 5550, issued April 8, 1958, to Harlan Andersen and Donald Jensen, a partnership, doing business as Andover Trucking Co., Andover, Iowa, authorizing the transportation of: Feed, from Chicago, Forest Park, and Chicago Heights, Ill., to Andover and Preston, Iowa; egg cases, set up, from Chicago, Ill., to Maquoketa, Iowa, farm machinery and parts, farm implements and parts, and tractors and parts, from Rock Island, Moline, and East Moline, Ill., to Preston, and Teeds Grove, Iowa; agricultural implements, and twine, from Chicago, Rock Falls, Canton, and Moline, Ill., to Anamosa, Monticello, Olin, Ryan and Fairbanks, Iowa, feed from Chicago, Ill., to Center Junction, Iowa, and livestock, between Center Junction, Iowa, and points within 20 miles thereof, to Chicago, Ill. A. H. Wheeler, Welander Building, De Witt, Iowa, attorney for applicants.

No. MC-FC 65444. By order of November 7, 1962, the Transfer Board approved the transfer to John Byrnes, doing business as Frank J. Byrnes, Norwalk, Conn., of Certificate No. MC 90371, issued February 25, 1941, to Frank Joseph Byrnes, doing business as Frank J. Byrnes Moving and Storage, Norwalk, Conn., authorizing the transportation of household goods, over irregular routes, between Norwalk, Conn., and points within ten miles of Norwalk, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-11404; Filed, Nov. 15, 1962; 8:50 a.m.]

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