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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11066

INCLUDING CERTAIN TRACTS OF LAND IN THE CHEROKEE AND JEFFERSON NATIONAL FORESTS, IN TENNESSEE AND VIRGINIA

WHEREAS, on the 28th day of June, 1962, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (Contract TV–21654A) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Sullivan County, Tennessee, and in Washington County, Virginia, so that said lands might be included in and reserved as a part of the Cherokee National Forest and the Jefferson National Forest, in accordance with the provisions and conditions of said agreement and subject to the approval required by Section 4(k)(c) of the Tennessee Valley Authority Act of 1933, as amended by the Act of July 18, 1941 (16 U.S.C. 831c(k)(c));

WHEREAS, on the 18th day of October, 1962, the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture was approved by the Director of the Bureau of the Budget pursuant to the provisions of Section 4(k)(c) of the Tennessee Valley Authority Act of 1933, as amended, supra, and of Section 1(h) of Executive Order No. 10530 of May 10, 1954; and

WHEREAS, it appears that such lands are suitable for national forest purposes and the inclusion of such lands in the Cherokee National Forest and the Jefferson National Forest would be in the public interest;

NOW, THEREFORE, by the virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered that the portions of the following-described lands located in the State of Tennessee be included in and reserved as a part of the Cherokee National Forest, and that the portion of the following-described lands located in the Commonwealth of Virginia be included in and reserved as a part of the Jefferson National Forest, such inclusions and reservations to be in accordance with and subject to all of the provisions and conditions of said agreement of the 28th day of June, 1962, between the Tennessee Valley Authority and the United States Department of Agriculture:

PARCEL NO. 1

Land lying in the First and Twenty-second Civil Districts of Sullivan County, on the northwest shores of South Holston Lake, approximately 1 mile northeast of South Holston Dam, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1742-foot contour on the shore of South Holston Lake and in the boundary between the lands of the United States of America and Mrs. Lillie Beeler Simerly.

From the initial point with the United States of America's boundary line,
N. 84° 54′ W., approximately 20 feet to a point in the 1747-foot contour;
N. 84° 54′ W., 584 feet to a stone (Coordinates: N. 803,790; E. 3,152,048);
N. 10° 11′ W., 198 feet to a stone at the top of a ridge;

With the top of the ridge as it meanders in a general northeasterly direction approximately along the following bearings and distances:
N. 2° W., 340 feet to a dead 18-inch hickory tree,
N. 33° E., 400 feet,
S. 88° E., 185 feet,
N. 48° E., 350 feet to a stone in the center of a junction of ridges,
N. 6° W., 245 feet,
N. 28° W., 270 feet to a 6-inch hickory tree,
N. 31° E., 200 feet,
N. 56° E., 255 feet,
N. 88° E., 250 feet,

N. 47° E., 235 feet to a twin chestnut oak tree,
N. 10° E., 305 feet,
N. 4° W., 250 feet,
N. 47° E., 165 feet to a wild cherry tree in the center of a junction of ridges,
N. 36° E., 330 feet,
N. 44° E., 330 feet to a 6-inch red oak stump,
N. 1° E., 175 feet,
N. 49° E., 220 feet to a stone,
N. 44° E., 235 feet,
Due east, 175 feet,
N. 50° E., 175 feet,
N. 3° W., 365 feet,
N. 18° E., 195 feet,
N. 42° E., 375 feet,
N. 11° E., 240 feet,
N. 36° E., 105 feet to a point (Coordinates: N. 808,762; E. 3,154,833);
Leaving the top of the ridge, N. 3° 28′ W., 1230 feet;
N. 81° 46′ E., 614 feet to a stone;
N. 89° 53′ E., 630 feet;
N. 37° 19′ E., 1867 feet to a 6-inch hickory tree;
N. 41° 57′ E., 216 feet;
N. 50° 47′ E., 242 feet;
N. 51° 33′ E., 695 feet;
N. 44° 11′ E., 199 feet;
N. 21° 40′ E., 192 feet;
N. 34° 20′ E., 125 feet;
N. 53° 29′ E., 135 feet;
N. 37° 15′ E., 526 feet;
N. 49° 15′ E., 455 feet to a point at the top of a ridge;

With the top of the ridge as it meanders in a northerly direction and subsequently in a southeasterly direction approximately along the following bearings and distances:

N. 1° W., 260 feet,
N. 37° E., 130 feet to a 10-inch hickory tree,
N. 85° E., 330 feet to a 24-inch hickory tree in the center of a junction of ridges,
S. 59° E., 520 feet,
S. 38° E., 350 feet;

Leaving the top of the ridge, S. 84° 19′ E., 295 feet to a metal marker (Coordinates: N. 813,363; E. 3,160,408);
N. 8° 41′ W., 205 feet to a metal marker at a stone corner;
N. 72° 23′ E., 147 feet to a metal marker in the 1747-foot contour;
N. 72° 23′ E., approximately 20 feet to a point in the 1742-foot contour on the shore of South Holston Lake.

Also six islands formed by the 1742-foot (MSL) contour and lying in South Holston Lake in the vicinity of the above described mainland, the dimensions and the approximate coordinates of the center of each of the islands being defined as follows:

(1) An island having a length of approximately 800 feet and an approximate maximum width of 370 feet, the coordinates of the center of the island being approximately N. 804,340 and E. 3,154,730.

(2) An island having a length of approximately 510 feet and an approximate maximum width of 220 feet, the coordinates of the center of the island being approximately N. 803,850 and E. 3,155,820.

(3) An island having a length of approximately 480 feet and an approximate maximum width of 420 feet, the coordinates of the center of the island being approximately N. 803,680 and E. 3,156,390.

(4) An island having a length of approximately 130 feet and an approximate maximum width of 110 feet, the coordinates of the center of the island being approximately N. 807,150 and E. 3,159,770.

(5) An island having a length of approximately 800 feet and an approximate maximum width of 230 feet, the coordinates of the center of the island being approximately N. 811,210 and E. 3,160,930.

(6) An island having a length of approximately 270 feet and an approximate maximum width of 70 feet, the coordinates of the center of the island being approximately N. 805,140 and E. 3,154,620.

There are hereby expressly EXCEPTED AND EXCLUDED from the lands described above as Parcel No. 1 and from this conveyance 26.6 acres, more or less, being those portions of the said lands which lie below elevation 1747 (MSL).

The lands described above as Parcel No. 1, after giving effect to the exclusion above noted, contain 392. acres, more or less.

PARCEL NO. 2

Two islands formed by the 1742-foot (MSL) contour and lying in South Holston Lake in the Twenty-second Civil District of Sullivan County, approximately ¾ mile northeast of the U.S. Highway 421 bridge across the lake, the said islands being more particularly described as follows:

An island having a length of approximately 980 feet and an approximate maximum width of 720 feet, the center of the island being defined approximately by the coordinates N. 815,900 and E. 3,165,270.

An island having a length of approximately 520 feet and an approximate maximum width of 480 feet, the center of the island being defined approximately by the coordinates N. 816,760 and E. 3,165,230.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 2 and from this conveyance 2.6 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 2, after giving effect to the exclusion above noted, contains 9.5 acres, more or less.

PARCEL NO. 3

Three islands formed by the 1742-foot (MSL) contour and lying in South Holston Lake in the Nineteenth and Twenty-second Civil Districts of Sullivan County, approximately 1½ miles northeast of the U.S. Highway 421 bridge across the lake, the said islands being more particularly described as follows:

An island having a length of approximately 1300 feet and an approximate maximum width of 370 feet, the center of the island being defined approximately by the coordinates N. 822,180 and E. 3,165,000.

An island having a length of approximately 330 feet and an approximate maximum width of 270 feet, the center of the island being defined approximately by the coordinates N. 821,700 and E. 3,164,580.

An island having a length of approximately 260 feet and an approximate maximum width of 140 feet, the center of the island being defined approximately by the coordinates N. 822,400 and E. 3,164,400.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 3 and from this conveyance 2.6 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 3, after giving effect to the exclusion above noted, contains 6.8 acres, more or less.

PARCEL NO. 4

Land lying in the Nineteenth Civil District of Sullivan County, on the shores of the Cave Spring Embayment on the southeast side of South Holston Lake, south of and adjacent to the Virginia-Tennessee state line and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1742-foot contour on the southeast shore of an inlet of South Holston Lake and in the Virginia-Tennessee state line.

From the initial point,

With the Virginia-Tennessee state line, N. 86° 54′ E., approximately 25 feet to a metal marker (Coordinates: N. 825,634; E. 3,172,507) in the 1747-foot contour;

N. 86° 54′ E., 1282 feet to a chestnut stump in the boundary of the United States of America's land at the top of a ridge;

With the United States of America's boundary line,

Leaving the state line, S. 82° 49′ E., 546 feet to a point in the center line of a trail;

With the center line of the trail in a southwesterly direction approximately along a bearing and distance of S. 32° 19′ W., 116 feet;

Leaving the trail, S. 57° 06′ E., 584 feet to a 15-inch red oak tree (Coordinates: N. 825,222; E. 3,174,759) at the top of a ridge;

With the top of the ridge as it meanders in a southwesterly direction approximately along the following bearings and distances:

S. 14° 14′ W., 277 feet,

S. 36° W., 1210 feet,

S. 50° W., 370 feet to a 10-inch hickory tree;

Leaving the top of the ridge, S. 26° 28′ W., 248 feet to a 15-inch chestnut oak tree in the center line of a hollow:

S. 48° W., 70 feet;

S. 84° W., 130 feet to a 4-inch pine tree;

N. 64° 38′ W., 191 feet to a 4-inch black oak tree;

N. 78° 04′ W., 62 feet to an 18-inch red oak snag (Coordinates N. 823,524; E. 3,173,168);

S. 81° 04′ W., approximately 200 feet to a point in the 1742-foot contour on the east shore of an inlet of South Holston Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 4 and from this conveyance 2.2 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 4, after giving effect to the exclusion above noted, contains 60. acres, more or less.

PARCEL NO. 5

Land lying in the Nineteenth Civil District of Sullivan County on the southeast shores of South Holston Lake, approximately 1¼ miles northeast of the U.S. Highway 421 bridge across the lake, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1742-foot contour on the southeast shore of an inlet of South Holston Lake and in the boundary between the lands of the United States of America and the John K. Cooper Heirs.

From the initial point with the United States of America's boundary line,

S. 49° 15′ E., approximately 420 feet to a 12-inch maple tree (Coordinates: N. 822,721; E. 3,174,462);
S. 49° 27′ E., 594 feet to a point at the top of a ridge;
S. 49° 03′ E., 671 feet;
S. 1° 51′ E., 558 feet;
S. 44° 46′ E., 173 feet;
S. 22° 37′ W., 104 feet;
S. 52° 26′ W., 115 feet;
S. 0° 45′ E., approximately 530 feet to a point in the 1742-foot contour on the north shore of the Jacob Creek Embayment of South Holston Lake.

Also an island formed by the 1742-foot (MSL) contour and lying in South Holston Lake off the southwest end of the above described mainland, the said island having a length of approximately 190 feet and an approximate maximum width of 100 feet, the center of the island being defined approximately by the coordinates N. 819,130 and E. 3,165,130.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 5 and from this conveyance 38.0 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 5, after giving effect to the exclusion above noted, contains 793. acres, more or less.

PARCEL No. 6

Land lying in the Nineteenth Civil District of Sullivan County, on the shores of the Jacob Creek and Little Jacob Creek Embayments of South Holston Lake, approximately 2 miles northeast of the U.S. Highway 421 bridge across the lake, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1742-foot contour on the south shore of the Jacob Creek Embayment and in the boundary between the lands of the United States of America and H. R. Russel.

From the initial point with the United States of America's (TVA's) boundary line,
S. 89° 04′ E., approximately 430 feet to a point (Coordinates: N. 820,046; E. 3,177,129);
S. 30° 11′ W., 50 feet to a stone;
S. 52° W., 535 feet to a chestnut post;
S. 82° E., 200 feet to a stone at the top of a ridge;

With the top of the ridge as it meanders in an easterly direction approximately along the following bearings and distances:
S. 40° E., 305 feet,
S. 58° E., 100 feet to a 20-inch maple tree,
S. 79° E., 245 feet to a dead chestnut tree,
N. 51° E., 130 feet to a stone,
N. 83° E., 275 feet,
N. 60° E., 210 feet to an 8-inch red oak tree;
Leaving the top of the ridge, S. 32° E., 280 feet;
S. 21° E., 100 feet;
Due south, 80 feet;
S. 56° E., 130 feet to a pine tree;
S. 43° 43′ E., 284 feet to a chestnut stump;
S. 9° 47′ W., 399 feet to a 14-inch gum tree at the top of a ridge;

With the top of a ridge as it meanders in a southeasterly direction and subsequently in a general westerly direction approximately along the following bearings and distances:
S. 44° E., 570 feet,
S. 18° E., 250 feet,
S. 19° W., 120 feet to a 14-inch spanish oak tree,
N. 79° 26′ W., 368 feet,
S. 62° W., 430 feet,
N. 85° W., 190 feet,
N. 27° 19′ W., 68 feet,
N. 69° W., 760 feet,
S. 82° W., 605 feet,
N. 65° W., 350 feet,
N. 46° W., 515 feet,
N. 7° E., 430 feet to a stone,
N. 82° W., 535 feet,
S. 73° W., 370 feet,
S. 62° W., 65 feet,
S. 65° W., 250 feet,
N. 74° W., 240 feet,
S. 86° W., 250 feet,
S. 52° W., 190 feet,
S. 48° W., 210 feet,
S. 33° W., 410 feet,
S. 75° W., 150 feet,
N. 73° W., 198 feet to a stone,
S. 47° W., 230 feet,
S. 75° W., 200 feet to a stake,
S. 23° W., 435 feet to an 8-inch black oak tree,
S. 62° W., 190 feet,
N. 85° W., 240 feet,

S. 86° W., 100 feet to U.S. Forest Service Monument No. 573;
Leaving the top of the ridge, S. 44° E., 1843 feet to a 14-inch black oak tree;
N. 13° E., 385 feet to an 8-inch black oak tree;
N. 68° E., 415 feet to an 8-inch hickory tree;
S. 31° E., 1595 feet to U.S. Forest Service Monument No. CA485 (Coordinates: N. 815,216; E. 3,174,948);
N. 80° 32′ W., 142 feet to a chestnut stump;
S. 56° 03′ W., 362 feet to a metal marker;
S. 47° 56′ W., 415 feet to a metal marker;
S. 43° 44′ W., 289 feet to a metal marker;
S. 47° 33′ W., approximately 80 feet, passing a metal marker in the 1747-foot contour at 64 feet, to a point in the 1742-foot contour on the northeast shore of the Little Jacob Creek Embayment of South Holston Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 6 and from this conveyance 13.6 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 6, after giving effect to the exclusion above noted, contains 322. acres, more or less.

PARCEL NO. 7

Land lying in the Nineteenth Civil District of Sullivan County, on the south shores of the Jacob Creek and Little Jacob Creek Embayments of South Holston Lake, approximately 1¼ miles east of the U.S. Highway 421 bridge across the lake, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point (the approximate coordinates of which are N. 813,230 and E. 3,174,730) in the 1742-foot contour on the southwest shore of the Little Jacob Creek Embayment and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point with the United States of America's (TVA's) boundary line,

S. 35° W., approximately 260 feet to an 8-inch black oak tree at the top of a ridge;

With the top of the ridge as it meanders in a southeasterly direction approximately along the following bearings and distances:

S. 68° E., 155 feet to a stone,
S. 47° E., 520 feet,
S. 6° W., 460 feet;
Leaving the top of the ridge, S. 15° E., 335 feet;
S. 5° W., 180 feet;
S. 21° W., 300 feet;
S. 1° W., 220 feet;
S. 11° W., 175 feet;
S. 9° E., 570 feet;
S. 6° W., 80 feet to an 8-inch hickory tree;
S. 41° 02′ W., 384 feet to an 8-inch chestnut snag;
S. 64° W., 315 feet;
N. 62° W., 250 feet;
N. 69° W., 280 feet;
N. 31° W., 110 feet;
N. 32° W., 240 feet;
N. 37° W., 610 feet;
N. 45° W., 130 feet;
N. 73° W., 470 feet to a 14-inch black oak tree;
N. 38° W., 470 feet to a chestnut tree;
S. 62° W., 200 feet to an 18-inch pine tree;
S. 52° W., 195 feet to a red oak tree;
N. 39° W., 175 feet to a stump;
N. 44° W., 205 feet to a post;
S. 73° W., 150 feet;
N. 11° 52′ W., 829 feet to a chestnut stump;
N. 47° 46′ W., 343 feet to an oak stump;
N. 44° 58′ W., 244 feet to a point in the center line of a county road;
N. 43° 32′ W., 903 feet to a stone;
N. 23° 25′ W., 683 feet to a 16-inch hickory tree;
N. 17° E., 535 feet to a stake;
N. 30° E., 235 feet;
N. 23° E., 130 feet to a post;
N. 42° W., 210 feet;
N. 64° W., 190 feet;
N. 71° W., 215 feet to a stone;
N. 58° W., 155 feet;
N. 72° W., 220 feet to a 20-inch pine tree;
N. 35° W., 185 feet to a 20-inch oak tree;
N. 55° W., 150 feet;
N. 68° W., 255 feet;
N. 56° W., 350 feet to U.S. Forest Service Monument No. CA574;
N. 33° E., 50 feet to a stone;
N. 81° W., 872 feet to a stone at the base of an oak stump;
S. 0° 52′ W., approximately 460 feet to a point in the 1742-foot contour on the north shore of an inlet of South Holston Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 7 and from this conveyance 12.3 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 7, after giving effect to the exclusion above noted, contains 329. acres, more or less.

PARCEL NO. 8

A tract of land lying in the Nineteenth Civil District of Sullivan County, on the south shores of the Stout Branch Embayment of South Holston Lake, approximately 1¼ miles east of the U.S. Highway 421 bridge across the lake, and more particularly described as follows:

Beginning at a point (the approximate coordinates of which are N. 815,170 and E. 3,167,830) in the 1742-foot contour on the northeast shore of an inlet on the south side of the Stout Branch Embayment and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point,

With the 1742-foot contour as it meanders in a northwesterly direction and subsequently in an easterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,

Leaving the contour, S. 74° 04′ W., approximately 240 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 8 and from this conveyance 0.1 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 8, after giving effect to the exclusion above noted, contains 0.4 acre, more or less.

PARCEL NO. 9

Land lying in the Nineteenth Civil District of Sullivan County on the southeast shores of South Holston Lake, approximately ¼ mile east of the U.S. Highway 421 bridge across the lake, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point (the approximate coordinates of which are N. 814,980 and E. 3,167,070) in the 1742-foot contour on the south shore of the Stout Branch Embayment of South Holston Lake and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point with the United States of America's (TVA's) boundary line,

S. 74° 04′ W., approximately 60 feet to a stone;

S. 45° E., approximately 650 feet (being a northeast boundary of the herein described Parcel No. 9) to a point in the 1742-foot contour on the shore of an inlet of South Holston Lake;

Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders around the inlet in a westerly direction and subsequently in a general southeasterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service and in the southeasterly prolongation of the last mentioned straight line course;

With the United States of America's (TVA's) boundary line,

Leaving the contour, S. 45° E., approximately 100 feet to a stone;

S. 43° W., 550 feet to a point from which an iron pin (U.S.F.S. Marker No. 10—Coordinates: N. 813,606; E. 3,167,595) bears S. 43° W. at a distance of 20 feet;

N. 65° W., 60 feet;

S. 43° W., 20 feet to a common corner of the lands of the United States of America (TVA), the U.S. Forest Service, and Stacy J. Grayson (formerly Louis H. Rouse et ux);

N. 65° 54′ W., 646 feet to an oak stump;

S. 36° 10′ W., 438 feet to a chestnut stump;

S. 58° 07′ W., 349 feet to a chestnut stump;

N. 81° 16′ W., 252 feet to a pine stump;

S. 74° 10′ W., 199 feet to a 20-inch oak tree;

S. 41° 33′ W., 235 feet to a stone;

S. 46° 15′ W., 555 feet to a stone;

S. 68° 15′ W., 365 feet to a stone;

S. 23° 10′ W., 416 feet to a stone;

S. 49° 51′ E., 670 feet to a stone;

Leaving the United States of America's (TVA's) boundary line,

S. 64° 23′ E., 374 feet, crossing an embayment of South Holston Lake (the "lakeward side" mentioned hereinabove lying to the southwest), to a stone in the boundary of the United States of America's (TVA's) land;

With the United States of America's (TVA's) boundary line,

S. 54° 10′ E., 231 feet to a stone and a metal marker;

N. 76° 21′ E., 212 feet to a 5-inch gum tree and a metal marker at the top of a ridge;

With the top of a ridge as it meanders in a general easterly direction and subsequently in a southeasterly direction approximately along the following bearings and distances:

S. 51° 30′ E., 454 feet to a stone and a metal marker,
N. 63° 23′ E., 551 feet,
N. 68° 22′ E., 572 feet to a stone and a metal marker in the center of a junction of ridges,
S. 20° 53′ E., 466 feet,
S. 44° 45′ E., 324 feet,
S. 26° 34′ E., 139 feet to a metal marker (Coordinates: N. 810,973; E. 3,167,976) in the 1747-foot contour on the north shore of the Lucy Creek Embayment of South Holston Lake,
S. 26° 34′ E., approximately 20 feet to a point in the 1742-foot contour on the shore of the embayment.

The land described herein as Parcel No. 9 is limited on the west by a line which extends on a bearing of N. 34° 53′ E. through a metal marker (the coordinates of which are N. 812,938 and E. 3,163,106) in the 1747-foot contour on the southwest side of U.S. Highway 421.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 9 and from this conveyance 11.0 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 9, after giving effect to the exclusion above noted, contains 137. acres, more or less.

PARCEL NO. 10

Land lying in the First and Nineteenth Civil Districts of Sullivan County on the southeast shores of South Holston Lake, approximately ½ mile south of the U.S. Highway 421 bridge across the lake, and more particularly described as follows:
Beginning at a point in the 1742-foot contour on the south shore of the Sharps Creek Embayment of South Holston Lake and in the boundary between the lands of the United States of America and Ray & Hester Harless.
From the initial point with the United States of America's (TVA's) boundary line,
S. 25° 56′ W., approximately 30 feet to a metal marker (Coordinates: N. 809,021; E. 3,167,193) in the 1747-foot contour;
S. 25° 56′ W., 203 feet to a metal marker;
S. 22° 10′ W., 514 feet;
S. 61° 24′ E., 266 feet, passing a metal marker at 1 foot, to a 20-inch hickory tree;
S. 31° 27′ W., 479 feet to a point at the top of a ridge;
S. 52° 38′ E., 432 feet to a stone in the center line of a trail;
S. 12° 37′ E., 453 feet;
S. 10° 37′ W., 98 feet to a point at the top of a ridge;
With the top of a ridge as it meanders in a general southwesterly direction approximately along the following bearings and distances:
S. 4° W., 460 feet,
S. 32° W., 310 feet to a twin oak tree,
S. 17° E., 340 feet,
S. 5° W., 240 feet,
S. 29° W., 460 feet,
S. 16° W., 240 feet to U.S. Forest Service Monument No. 202 in the center of a junction of ridges,
S. 16° W., 445 feet,
S. 59° W., 220 feet,
S. 75° W., 290 feet,
S. 12° W., 390 feet,
S. 42° W., 235 feet,
Due south, 310 feet,
S. 44° W., 335 feet,
S. 83° W., 370 feet,
S. 30° W., 275 feet,
S. 59° W., 315 feet to U.S. Forest Service Corner No. 89;
Leaving the ridge, N. 33° W., approximately 700 feet to a point in the 1742-foot contour on the south shore of an inlet of South Holston Lake;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders around the northeast end of the inlet in an easterly direction and subsequently in a general northwesterly direction to a point in the boundary of the United States of America's (TVA's) land and in the northwesterly prolongation of the last mentioned straight line course;
With the United States of America's (TVA's) boundary line,
Leaving the contour, N. 33° W., approximately 900 feet to a point in the 1742-foot contour on the south shore of the Underwood Branch Embayment of South Holston Lake;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders in a general northeasterly direction to the northeast end of the embayment and thence along the northwest shores of the embayment in a general southwesterly direction to a point (the approximate coordinates of which are N. 804,930 and E. 3,162,600) in the boundary of the United States of America's (TVA's) land;
With the United States of America's (TVA's) boundary line,
Leaving the contour, N. 82° 30′ E., approximately 330 feet to a 10-inch pine tree;
N. 63° E., 812 feet to a stone;
N. 30° W., 1104 feet to an 8-inch double red oak tree at the top of a ridge;

With the top of a ridge as it meanders southwesterly, thence northerly, and subsequently southwesterly approximately along the following bearings and distances:

S. 59° W., 370 feet to a point in the center of a junction of ridges,
N. 22° W., 360 feet,
N. 16° W., 390 feet to a stone in the center of a junction of ridges,
S. 71° W., 370 feet to an 8-inch dead oak tree,
S. 39° W., 1050 feet,
S. 20° W., 735 feet to U.S. Forest Service Monument No. 549;

Leaving the top of the ridge, S. 16° E., approximately 880 feet to a point in the 1742-foot contour on the northwest shore of an inlet of South Holston Lake;

Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders in a southerly direction to the mouth of the inlet, thence up the lake in a general northerly direction to the mouth of the Sharps Creek Embayment, and thence up the Sharps Creek Embayment in a general southeasterly direction to the point of beginning.

Also two islands formed by the 1742–foot (MSL) contour and lying in South Holston Lake in the vicinity of the above described mainland, the dimensions and the approximate coordinates of the center of each of the islands being defined as follows:

(1) An island having a length of approximately 380 feet and an approximate maximum width of 80 feet, the coordinates of the center of the island being approximately N. 809,300 and E. 3,164,600.

(2) An island having a length of approximately 100 feet and an approximate maximum width of 40 feet, the coordinates of the center of the island being approximately N. 804,460 and E. 3,165,340.

Also a portion of an island lying in South Holston Lake immediately north of the mouth of the Underwood Branch Embayment of the lake, the said portion being more particularly described as follows:

Beginning at a point in the 1742–foot contour on the north shore of the island and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service from which the south end of that course identified in the above description of the mainland by a bearing and distance of S. 16° E., approximately 880 feet, bears N. 16° W. at a distance of approximately 970 feet.

From the initial point with the United States of America's (TVA's) boundary line,

S. 16° E., approximately 650 feet to a point in the 1742-foot contour on the south shore of the island;

Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders along the west shore of the island in a general northerly direction to the point of beginning for the portion of the island.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 10 and from this conveyance 24.4 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 10, after giving effect to the exclusion above noted, contains 527. acres, more or less.

PARCEL NO. 11

A tract of land lying in the Nineteenth Civil District of Sullivan County on the west shore of an inlet on the northwest side of the Underwood Branch Embayment of South Holston Lake, approximately 1¾ miles south of the U.S. Highway 421 bridge across the lake, and more particularly described as follows:

Beginning at a 14-inch chestnut oak tree (the approximate coordinates of which are N. 804,820 and E. 3,167,780) at the top of a ridge and at a corner in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point with the United States of America's (TVA's) boundary line,

N. 82° 30′ E., approximately 250 feet to a point in the 1742-foot contour on the west shore of an inlet of the Underwood Branch Embayment;

Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders in a southerly direction to a point at the top of a ridge and in the boundary of the United States of America's (TVA's) land;

With the United States of America's (TVA's) boundary line,

With the top of the ridge as it meanders in a northwesterly direction approximately along the following bearings and distances:

N. 33° W., 320 feet,
N. 29° W., 220 feet,
N. 46° W., 470 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 11 and from this conveyance 0.3 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 11, after giving effect to the exclusion above noted, contains 4.1 acres, more or less.

PARCEL NO. 12

A tract of land lying in the First Civil District of Sullivan County on the shore of the Fishdam Creek Embayment of South Holston Lake, approximately 2¾ miles east of South Holston Dam, and more particularly described as follows:

Beginning at a point (the approximate coordinates of which are N. 800,200 and E. 3,163,760) in the 1742-foot contour on the south shore of the North Prong Fishdam Creek Embayment and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point with the United States of America's (TVA's) boundary line,

S. 6° W., approximately 520 feet to a point in the 1742-foot contour on the north shore of the Fishdam Creek Embayment;

Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders in a northwesterly direction and subsequently in a northeasterly direction to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 12 and from this conveyance 0.5 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 12, after giving effect to the exclusion above noted, contains 1.5 acres, more or less.

PARCEL NO. 13

Land lying in the First Civil District of Sullivan County on the southwest shores of the Fishdam Creek Embayment of South Holston Lake, approximately 2¼ miles east of South Holston Dam, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point (the approximate coordinates of which are N. 799,010 and E. 3,162,890) in the 1742-foot contour on the southwest shore of the Fishdam Creek Embayment of South Holston Lake and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point with the United States of America's (TVA's) boundary line,

N. 85° W., approximately 220 feet to a 6-inch chestnut oak tree;
N. 85° W., 204 feet to a 14-inch oak tree;
S. 22° W., 100 feet to a point at the top of a ridge;
S. 52° W., 155 feet to a point at the top of a ridge;
S. 68° W., 245 feet to a point at the top of a ridge;
S. 79° W., 260 feet to a point at the top of a ridge;
N. 83° W., approximately 230 feet to a point in the 1742-foot contour on the shore of an inlet of South Holston Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 13 and from this conveyance 3.9 acres, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 13, after giving effect to the exclusion above noted, contains 36.6 acres, more or less.

PARCEL NO. 14

Land lying in the First Civil District of Sullivan County on the southeast shores of South Holston Lake, approximately 1 mile east of South Holston Dam, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point (the approximate coordinates of which are N. 798,630 and E. 3,161,300) in the 1742-foot contour on the southwest shore of an inlet on the east side of the Little Oak Branch Embayment of South Holston Lake and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point with the United States of America's (TVA's) boundary line.

S. 11° W., approximately 70 feet to a stone;
S. 40° W., 136 feet;
S. 44° W., 160 feet;
S. 52° W., 132 feet to U.S. Forest Service Monument No. 548 at the top of a ridge;

With the top of the ridge as it meanders in a southeastly direction approximately along the following bearings and distances:

S. 26° E., 240 feet,
S. 13° E., 360 feet to a 6-inch dogwood tree,
S. 47° E., 460 feet,
S. 31° E., 220 feet to a stake;

Leaving the top of the ridge, S. 56° W., 340 feet;
S. 13° W., 260 feet;
S. 32° W., 210 feet;
S. 80° W., 240 feet;
N. 72° W., 585 feet to a 12-inch oak tree at the top of a ridge;

With the top of the ridge as it meanders in a general westerly direction approximately along the following bearings and distances:

S. 30° W., 460 feet,
S. 78° W., 360 feet,

S. 41° W., 310 feet to a triple chestnut tree,
N. 85° W., 245 feet,
N. 33° W., 255 feet,
N. 48° W., 265 feet;
Leaving the top of the ridge, S. 84° 49′ W., 102 feet to U.S. Forest Service Monument No. 551;
N. 26° 18′ E., 79 feet to a post;
N. 23° 19′ W., 405 feet to a 15-inch black gum tree;
N. 14° 31′ W., 1010 feet to a pine stump;
N. 27° 25′ W., 880 feet to a stone;
S. 47° W., 1117 feet to a stake;
S. 2° 35′ W., approximately 680 feet to a point in the 1742-foot contour on the northwest shore of an embayment of South Holston Lake;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders in a southwesterly direction approximately 190 feet to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.
With the United States of America's (TVA's) boundary line,
Leaving the contour, N. 89° 11′ W., approximately 120 feet to a point in the 1742-foot contour on the north shore of the said embayment of South Holston Lake.

Also two islands formed by the 1742-foot (MSL) contour and lying in South Holston Lake, in the vicinity of the above described mainland, the dimensions and the approximate coordinates of the center of each of the islands being defined as follows:

(1) An island having a length of approximately 1230 feet and an approximate maximum width of 760 feet, the coordinates of the center of the island being approximately N. 798,600 and E. 3,156,260.

(2) An island having a length of approximately 1000 feet and an approximate maximum width of 570 feet, the coordinates of the center of the island being approximately N. 798,520 and E. 3,155,020.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 14 and from this conveyance 23.5 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 14, after giving effect to the exclusion above noted, contains 235. acres, more or less.

PARCEL NO. 15

Two islands formed by the 1742-foot (MSL) contour and lying in South Holston Lake in the First Civil District of Sullivan County, approximately ¾ mile east of South Holston Dam, the said islands being more particularly described as follows:

An island having a length of approximately 690 feet and an approximate maximum width of 330 feet, the center of the island being defined approximately by the coordinates N. 797,920 and E. 3,153,700.

An island having a length of approximately 330 feet and an approximate maximum width of 140 feet, the center of the island being defined approximately by the coordinates N. 796,730 and E. 3,155,200.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 15 and from this conveyance 1.3 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 15, after giving effect to the exclusion above noted, contains 3.3 acres, more or less.

PARCEL NO. 16

A tract of land lying in the First Civil District of Sullivan County on the southwest shore of the Josiah Branch Embayment of South Holston Lake, approximately 1 mile southeast of South Holston Dam, and more particularly described as follows:

Beginning at U.S. Forest Service Monument No. 194 (the approximate coordinates of which are N. 794,400 and E. 3,154,890) in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.
From the initial point with the United States of America's (TVA's) boundary line,
N. 88° W., approximately 470 feet to a point in the 1742-foot contour on the northeast shore of an inlet of South Holston Lake;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders around the north end of the inlet in a westerly direction to a point in the westerly prolongation of the last mentioned straight line course and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;
With the United States of America's (TVA's) boundary line,
Leaving the contour, N. 88° W., approximately 110 feet to a fallen 6-inch white oak tree;
N. 10° W., approximately 730 feet to a point in the 1742-foot contour on the shore of the Josiah Creek Embayment;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders in a general southeasterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,
Leaving the contour, N. 88° W., approximately 180 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 16 and from this conveyance 0.9 acre, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 16, after giving effect to the exclusion above noted, contains 8.0 acres, more or less.

PARCEL NO. 17

A tract of land lying in the First Civil District of Sullivan County on the east shore of the Big Creek Embayment of South Holston Lake, approximately 1 mile southeast of South Holston Dam, and more particularly described as follows:
Beginning at a point (the approximate coordinates of which are N. 794,370 and E. 3,153,350), a corner in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.
From the initial point with the United States of America's (TVA's) boundary line,
N. 75° W., approximately 20 feet to a point in the 1742-foot contour on the east shore of the Big Creek Embayment;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders in a northerly direction and subsequently in a southeasterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;
With the United States of America's (TVA's) boundary line,
Leaving the contour, S. 4° 30′ E., approximately 590 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 17 and from this conveyance 0.7 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 17, after giving effect to the exclusion above noted, contains 0.9 acre, more or less.

PARCEL NO. 18

A tract of land lying in the First Civil District of Sullivan County on the west shore of the Big Creek Embayment of South Holston Lake, approximately ¾ mile southeast of South Holston Dam, and more particularly described as follows:
Beginning at a 14-inch gum tree (the approximate coordinates of which are N. 794,000 and E. 3,151,400) at a corner in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.
From the initial point with the United States of America's (TVA's) boundary line,
Due north, 140 feet to a stone;
N. 4° E., 475 feet to a persimmon snag;
N. 18° W., 405 feet;
S. 87° W., approximately 280 feet to a point in the 1742-foot contour on the east shore of the Riddle Creek Embayment of South Holston Lake;
Leaving the United States of America's (TVA's) boundary line,
With the 1742-foot contour as it meanders in a northeasterly direction and thence up the Big Creek Embayment in a southerly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;
With the United States of America's (TVA's) boundary line,
Leaving the contour, N. 59° W., approximately 130 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 18 and from this conveyance 1.5 acres, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 18, after giving effect to the exclusion above noted, contains 10.0 acres, more or less.

PARCEL NO. 19

A tract of land lying in the First Civil District of Sullivan County on the east shores of the Big Creek Embayment of South Holston Lake, approximately 1½ miles southeast of South Holston Dam, and more particularly described as follows:
Beginning at a 6-inch white oak tree (the approximate coordinates of which are N. 791,330 and E. 3,153,460) at a corner in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.
From the initial point with the United States of America's (TVA's) boundary line,
S. 51° W., approximately 400 feet to a point in the 1742-foot contour on the east shore of the Big Creek Embayment;
Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders in a northerly direction and subsequently in a southeasterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;
With the United States of America's (TVA's) boundary line,
Leaving the contour, S. 24° E., approximately 70 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 19 and from this conveyance 0.6 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 19, after giving effect to the exclusion above noted, contains 2.0 acres, more or less.

PARCEL NO. 20

A tract of land lying in the First Civil District of Sullivan County on the east shores of the Riddle Creek Embayment of South Holston Lake, approximately 2 miles south of South Holston Dam, and more particularly described as follows:
Beginning at a point (the approximate coordinates of which are N. 787,560 and E. 3,146,900) in the 1742-foot contour on the east shore of the Riddle Creek Embayment and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.
From the initial point,
With the 1742-foot contour as it meanders in a northerly direction to the mouth of an inlet and thence up the inlet in a southerly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;
With the United States of America's (TVA's) boundary line,
Leaving the contour, S. 88° 03′ W., approximately 240 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 20 and from this conveyance 0.6 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 20, after giving effect to the exclusion above noted, contains 2.1 acres, more or less.

PARCEL NO. 21

A tract of land lying in the First Civil District of Sullivan County on the west shores of the Riddle Creek Embayment of South Holston Lake, approximately 1¼ miles southwest of South Holston Dam, and more particularly described as follows:
Beginning at a 20-inch dead chestnut tree (Coordinates: N. 790,064; E. 3,145,269) at the top of a ridge and in the boundary of the United States of America's land at a corner of the lands of the M. J. Morrell Heirs and O. A. Stophel.
From the initial point with the United States of America's boundary line,
N. 12° 37′ E., 197 feet to a chestnut stump;
N. 3° 56′ E., 189 feet;
N. 7° 06′ E., 1118 feet;
N. 7° 23′ E., 483 feet;
N. 8° 23′ E., 433 feet to a 6-inch hacked locust tree;
N. 7° 18′ E., 236 feet to an 8-inch pine tree;
N. 7° 57′ E., 608 feet to US–TVA Monument 4–46;
Leaving the United States of America's boundary line,
S. 1° 28′ E., 1782 feet to a metal marker;
S. 25° 57′ E., 130 feet to a metal marker;
S. 26° 11′ E., 721 feet;
S. 25° 56′ E., 1638 feet to US–TVA Monument 4–58 in the 1747-foot contour on the west shore of the Riddle Creek Embayment;
S. 25° 56′ E., approximately 15 feet to a point in the 1742-foot contour;
With the 1742-foot contour as it meanders in a general southerly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;
With the United States of America's (TVA's) boundary line,
Leaving the contour, S. 25° 18′ W., approximately 60 feet to an 18-inch cedar tree at the top of a ridge;
With the top of the ridge as it meanders in a westerly direction approximately along the following bearings and distances;
N. 77° W., 810 feet,
N. 54° W., 610 feet to a point (Coordinates: N. 787,751; E. 3,144,864);
Leaving the top of the ridge, N. 20° 02′ E., 181 feet;
N. 6° 46′ E., 119 feet;
N. 7° 23′ E., 171 feet;
N. 38° 13′ E., 221 feet;
N. 29° 01′ E., 167 feet;
N. 4° 08′ W., 97 feet to a point at the top of a ridge;
With the top of the ridge as it meanders in a northerly direction approximately along the following bearings and distances:
N. 43° W., 430 feet,
N. 5° W., 700 feet;
Leaving the top of the ridge, N. 63° 54′ E., 334 feet;
N. 28° 03′ E., 310 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 21 and from this conveyance 1.7 acres, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 21, after giving effect to the exclusion above noted, contains 129. acres, more or less.

PARCEL No. 22

A tract of land lying in the First Civil District of Sullivan County on the west shores of the Riddle Creek Embayment of South Holston Lake, approximately ½ mile south of the South Holston Dam, and more particularly described as follows:

Beginning at U.S. Forest Service Corner No. 189 (Coordinates: N. 793,675; E. 3,147,928) at the top of a ridge and in the boundary of the United States of America's (TVA's) land at a corner of the lands of the U.S. Forest Service and William Oscar Stophel.

From the initial point with the United States of America's boundary line,

S. 86° 18′ W., 201 feet to a metal marker;
N. 49° 46′ W., 477 feet to a metal marker;
N. 33° 41′ W., 573 feet to a metal marker;
N. 7° 59′ W., 511 feet to a metal marker;
N. 21° 32′ E., 368 feet to a metal marker;
N. 6° 59′ E., 280 feet to a metal marker;
N. 68° 53′ W., 479 feet to a metal marker;
S. 87° 02′ W., 199 feet to a metal marker;
S. 67° 36′ W., 309 feet to a metal marker;
N. 85° 53′ W., 200 feet to a stone;
S. 67° 34′ W., 399 feet to a stone;
N. 5° 32′ W., 355 feet to a stone;
N. 5° 40′ W., 1058 feet to a stone;

Leaving the United States of America's boundary line,

N. 5° 35′ W., 918 feet to US–TVA Monument 2–82;

S. 63° 45′ E., 3709 feet to a corner in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,

S. 12° 04′ E., 2042 feet;

S. 69° 00′ W. to a point in the 1742-foot contour on the east shore of an inlet on the west side of the Riddle Creek Embayment;

Leaving the United States of America's (TVA's) boundary line,

With the 1742-foot contour as it meanders around the north end of the inlet in a general westerly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,

Leaving the contour, S. 69° 00′ W., approximately 1080 feet to the previously mentioned U.S. Forest Service Corner No. 189 at the top of a ridge;

With the top of the ridge as it meanders in a southerly direction approximately along the following bearings and distances:

S. 19° E., 660 feet,
S. 8° W., 480 feet to an oak stump (Coordinates: N. 792,584; E. 3,148,092);

Leaving the top of the ridge, S. 52° 28′ E., 97 feet to a 4-inch hickory tree;

N. 35° 17′ E., approximately 790 feet, passing a metal marker in the 1747-foot contour at 772 feet, to a point in the 1742-foot contour on the south shore of an inlet on the west side of the Riddle Creek Embayment;

Leaving the United States of America's boundary line,

With the 1742-foot contour as it meanders in an easterly direction to the mouth of the inlet and thence up the embayment in a general southwesterly direction;

Leaving the contour, N. 29° 36′ W., approximately 10 feet to US–TVA Monument 4–64 (Coordinates: N. 790,162; E. 3,147,606) in the 1747-foot contour;

N. 29° 36′ W., 284 feet to a metal marker;
N. 27° 21′ W., 680 feet to a metal marker;
N. 25° 15′ W., 824 feet to a metal marker;
N. 12° 35′ W., 170 feet to a metal marker;
N. 11° 23′ W., 938 feet to a metal marker;

N. 11° 28′ W., 316 feet to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

N. 69° 25′ E., 1512 feet to the point of beginning.

Also an island formed by the 1742-foot contour and lying in South Holston Lake in the vicinity of the above described mainland, the said island having a length of approximately 280 feet and an approximate maximum width of 120 feet, the center of the island being defined approximately by the coordinates N. 790,600 and E. 3,148,680.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 22 and from this conveyance 2.8 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 22, after giving effect to the exclusion above noted, contains 273. acres, more or less.

PARCEL No. 23

A tract of land lying in the First Civil District of Sullivan County on the north shores of the Riddle Creek Embayment of South Holston Lake, approxi-

mately ¾ mile south of South Holston Dam, and more particularly described as follows:

Beginning at a point (the approximate coordinates of which are N. 793,830 and E. 3,149,550) in the 1742-foot contour on the southwest shore of an inlet of the Riddle Creek Embayment and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point,

With the 1742-foot contour as it meanders in a southeasterly direction thence in a westerly direction, and subsequently in a northwesterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,

Leaving the contour, N. 89° 30′ E., approximately 250 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 23 and from this conveyance 0.3 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 23, after giving effect to the exclusion above noted, contains 1.3 acres, more or less.

PARCEL NO. 24

A tract of land lying in the First Civil District of Sullivan County on the west shores of the Riddle Creek Embayment of South Holston Lake, approximately ¾ mile south of South Holston Dam, and more particularly described as follows:

Beginning at a point (the approximate coordinates of which are N. 793,830 and E. 3,150,330) in the 1742-foot contour on the west shore of the Riddle Creek Embayment and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point,

With the 1742-foot contour as it meanders in a southerly direction and subsequently in a northwesterly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,

Leaving the contour, N. 89° 30′ E., approximately 230 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 24 and from this conveyance 0.2 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 24, after giving effect to the exclusion above noted, contains 0.9 acre, more or less.

PARCEL NO. 25

A tract of land lying in the First Civil District of Sullivan County on the west shore of and at the mouth of the Riddle Creek Embayment of South Holston Lake, approximately ⅜ mile south of South Holston Dam, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 796,353; E. 3,149,788) at a corner in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service.

From the initial point,

N. 79° 01′ E., 127 feet, passing a metal marker in the 1747-foot contour at 117 feet, to a point in the 1742-foot contour on the shore of the Riddle Creek Embayment.

With the 1742-foot contour as it meanders in a southerly direction to a point in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the United States of America's (TVA's) boundary line,

Leaving the contour, N. 15° W., approximately 60 feet to a stone;

N. 19° W., 540 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 25 and from this conveyance 0.3 acre, more or less, being that portion of the said land which lies below elevation 1747 (MSL).

The land described above as Parcel No. 25, after giving effect to the exclusion above noted, contains 1.6 acres, more or less.

PARCEL NO. 26

Land lying in the Abingdon and Goodson Magisterial Districts of Washington County, on the southeast shores of South Holston Lake, north of and adjacent to the Virginia-Tennessee state line, and being all that land which lies above the 1742-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1742-foot contour on the southeast shore of South Holston Lake and in the boundary between the lands of the United States of America and Charles K. Brown.

From the initial point with the United States of America's boundary line,
S. 25° 04′ E., approximately 20 feet to a point (Coordinates: N. 120,969; E. 978,608) in the 1747-foot contour;
S. 21° 59′ E., 332 feet to a point at the top of a ridge;
S. 24° 24′ W., 872 feet to a hickory stump;
S. 30° 29′ E., 834 feet;
S. 39° 52′ W., 137 feet;
S. 42° 21′ W., 55 feet;
S. 55° 15′ W., 374 feet;
S. 22° 30′ W., 671 feet to a chestnut stump at the top of a ridge;
With the top of a ridge as it meanders in a general southeasterly direction approximately along the following bearings and distances:
S. 47° E., 390 feet,
S. 35° E., 305 feet to a point in the center of a junction of ridges,
S. 84° 37′ E., 155 feet to a 30-inch chestnut oak tree in the center of a junction of ridges,
S. 27° E., 160 feet,
S. 5° W., 570 feet;
Leaving the top of the ridge, S. 11° W., 630 feet;
S. 20° 46′ E., 475 feet to a 6-inch chestnut oak tree (Coordinates: N. 115,865; E. 978,781) at the top of a ridge;
With the top of a ridge as it meanders in a general westerly direction approximately along the following bearings and distances:
S. 66° W., 340 feet,
N. 85° W., 310 feet,
S. 34° W., 465 feet,
S. 74° W., 245 feet,
N. 63° W., 210 feet to a 14-inch pine tree in the center of a junction of ridges,
N. 70° W., 550 feet,
N. 41° W., 675 feet to a 3-inch oak tree,
N. 71° W., 280 feet to a pine stump in the center of a junction of ridges,
N. 10° E., 230 feet,
N. 6° W., 210 feet to a point in the center of a junction of ridges,
N. 40° W., 330 feet,
N. 31° W., 300 feet to an oak stump in the center of a junction of ridges,
N. 82° W., 200 feet to a 12-inch post oak tree in the center of a junction of ridges,
S. 62° 24′ W., 749 feet to an 8-inch hickory tree,
S. 21° 33′ W., 142 feet to a 14-inch red oak tree,
S. 44° 47′ W., 444 feet to a 14-inch pine tree,
S. 34° W., 130 feet to a 12-inch pine tree,
S. 57° W., 430 feet,
Due west, 320 feet,
S. 65° W., 310 feet;
Leaving the top of the ridge, S. 14° 50′ W., 305 feet to a 24-inch oak snag;
S. 75° 06′ W., 486 feet to a 6-inch hickory tree (Coordinates: N. 115,461; E. 973,100) at the top of a ridge;
With the top of the ridge as it meanders in a general southwesterly direction approximately along the following bearings and distances:
S. 5° E., 480 feet,
N. 87° W., 320 feet,
S. 47° W., 450 feet,
S. 14° W., 580 feet to a chestnut stump (Coordinates: N. 114,114; E. 972,396) in the Virginia-Tennessee state line;
Leaving the United States of America's boundary and the top of the ridge,
With the Virginia-Tennessee state line, N. 88° 38′ W., approximately 1307 feet, passing a metal marker in the 1747-foot contour at 1282 feet, to a point in the 1742-foot contour on the southeast shore of an inlet of South Holston Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 26 and from this conveyance 21.5 acres, more or less, being those portions of the said land which lie below elevation 1747 (MSL).

The land described above as Parcel No. 26, after giving effect to the exclusion above noted, contains 453. acres, more or less.

All of the tracts hereinabove described as Parcel No. 1 through Parcel No. 26, inclusive, contain a total of 3,739 acres, more or less.

NOTE: The positions of corners and directions of lines for the lands comprising Parcel No. 1 through Parcel No. 26 proposed for transfer to the U.S. Forest Service which are located in the Commonwealth of Virginia are referred to the Virginia (South) Coordinate System, and those which are located in the State of Tennessee are referred to the Tennessee Coordinate System.

The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936. The boundary markers designated "US–TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 27, 1962.

[F.R. Doc. 62–11883; Filed, Nov. 28, 1962; 12:12 p.m.]

Executive Order 11067

INCLUDING CERTAIN TRACTS OF LAND IN THE NANTAHALA AND CHEROKEE NATIONAL FORESTS, RESPECTIVELY

WHEREAS, on June 28, 1962, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (Contract TV-*21679A*) providing for the transfer by the Authority to the Department of certain rights with respect to certain lands situated in the Second and Third Civil Districts of Polk County, State of Tennessee, and for the transfer by the Authority to the Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands situated in the Second Civil District of Polk County, Tennessee, and in Cherokee County, North Carolina, so that such land rights and such lands as hereinafter specified may be included in and reserved as parts of the Nantahala National Forest and the Cherokee National Forest, in accordance with the terms and conditions of the agreement and subject to the approval required by Section 4(k)(c) of the Tennessee Valley Authority Act of 1933, as amended by the Act of July 18, 1941 (16 U.S.C. 831c(k)(c)); and

WHEREAS, on October 18, 1962, the agreement between the Tennessee Valley Authority and the United States Department of Agriculture was approved by the Director of the Bureau of the Budget pursuant to the provisions of Section 4(k)(c) of the Tennessee Valley Authority Act of 1933, as amended, and of Section 1(h) of Executive Order No. 10530 of May 10, 1954; and

WHEREAS it appears that such land rights and lands are suitable for national forest purposes and that their inclusion in the Nantahala National Forest and the Cherokee National Forest would be in the public interest;

NOW, THEREFORE, by virtue of the authority vested in me by Section 24 of the Act of March 3, 1891, 26 Stat. 1103, and the Act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described lands in Cherokee County, North Carolina, be included in and reserved as a part of the Nantahala National Forest:

TRACT NO. XTFBR-15

Land lying in the Beaverdam and Shoal Creek Townships of Cherokee County, State of North Carolina, on both shores of Apalachia Lake, approximately ¼ mile west of Hiwassee Dam, the said land being comprised of two separate parcels and being more particularly described as follows:

PARCEL NO. 1

Beginning at a point in the 1280-foot contour on the north shore of Apalachia Lake and in the boundary of the land previously conveyed in fee by the Tennessee Valley Authority to the U.S. Forest Service designated as Tract No. XTFBR-3 from which a bronze plate (Coordinates: N. 548,779; E. 449,905) set in a flat rock and stamped "73-3A RM" bears N. 5° 35′ W. at a distance of 14 feet.

From the initial point,

With the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service by bearings and distances as follows:

N. 5° 35′ W., 1183 feet, passing the bronze plate set in a flat rock and stamped "73-3A RM" at 14 feet, to a large boulder in which is set a bronze plate stamped 72-9;

N. 52° 17′ E., 1866 feet to a metal marker in the southwest line of the right of way for the Hiwassee-Chickamauga Transmission Line;

Leaving the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service and with the southwest line of the right of way for the Hiwassee-Chickamauga Transmission Line, a line 75 feet southwest of and parallel to the center line of the said transmission line, S. 39° 41′ E., 1020 feet to a metal marker;

Leaving the line parallel to the transmission line, S. 20° 14′ W., 1580 feet to a metal marker;

S. 45° 09′ E., approximately 350 feet to a point in the 1280-foot contour on the north shore of Apalachia Lake;

With the 1280-foot contour as it meanders in a westerly direction to the point of beginning.

The land described above as Parcel No. 1 contains 82.5 acres, more or less.

PARCEL NO. 2

Beginning at a point in the 1280-foot contour on the south shore of Apalachia Lake and in the boundary of the land previously conveyed in fee by the Tennessee Valley Authority to the U.S. Forest Service designated as Tract No. XTFBR-3

from which the bronze plate (Coordinates: N. 548,779; E. 449,905) set in a flat rock and stamped "73–3A RM" in the boundary of the above described Parcel No. 1 bears N. 5° 35′ W. at a distance of 574 feet.

From the initial point,

With the 1280-foot contour as it meanders in an easterly direction to a point in the southeasterly prolongation of that course identified in the above metes and bounds description of Parcel No. 1 by a bearing and distance of S. 45° 09′ E., approximately 350 feet;

S. 45° 09′ E., approximately 500 feet to a metal marker from which the metal marker at the northwest end of the above mentioned course of Parcel No. 1 (S. 45° 09′ E., approximately 350 feet) bears N. 45° 09′ W. at a distance of 1158 feet;

N. 76° 50′ E., 1299 feet to a metal marker in the boundary of the United States of America's land;

With the United States of America's boundary line by bearings and distances as follows:

S. 5° 12′ E., 714 feet, passing a metal marker at 137 feet, to a metal marker;

S. 47° 15′ W., 897 feet to a metal marker;

N. 83° 53′ W., 745 feet to a 20-inch chestnut tree;

N. 83° 48′ W., 666 feet to US-TVA Monument HDR–84;

N. 83° 53′ W., 253 feet to US-TVA Monument HDR–85;

N. 83° 54′ W., 207 feet to US-TVA Monument 26–3;

N. 84° 03′ W., 954 feet to US-TVA Monument 26–1;

With the boundary line between the lands of the United States of America (TVA) and the U.S. Forest Service N. 5° 35′ W., 932 feet, passing US-TVA Monument 27–1 RM at 917 feet, to the point of beginning. The land described above as Parcel No. 2 contains 83.5 acres, more or less.

All of the above described land comprising Parcels 1 and 2 contains a total of 166 acres, more or less.

NOTE: The positions of corners and directions of lines are referred to the North Carolina Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936. The boundary markers designated "US-TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

and that the following-described lands and land rights in Polk County, Tennessee, be included in and reserved as a part of the Cherokee National Forest, such inclusions and reservations to be in accordance with and subject to all of the provisions and conditions of the aforesaid agreement of June 28, 1962, between the Tennessee Valley Authority and the United States Department of Agriculture:

TRACT NO. XTAR–5E

An easement and right to police, patrol, and guard the following described land for the control of any activities by third parties as set forth in Article 1 of the transfer agreement, the said land being located in the Second and Third Civil Districts of Polk County, State of Tennessee, along the Apalachia Tunnel location, the said land being comprised of four separate parcels and being more particularly described as follows:

PARCEL NO. 1

Beginning at survey station 347 + 03 on the center line of the Apalachia Tunnel location from which survey station 350 + 77.96 (Coordinates: N. 287,890; E. 2,474,865) at an angle in the said center line bears N. 80° 26′ W. at a distance of 375 feet.

From the initial point,

N. 70° E., 500 feet to a point in the north line of the Apalachia Tunnel location;

With the north line of the Apalachia Tunnel location, a line 250 feet north of and parallel to the center line of the location, S. 80° 26′ E., 200 feet;

With a line 100 feet south of and parallel to the first course mentioned above S. 70° W., 1000 feet, crossing the center line of the tunnel location at survey station 345 + 03 and at 500 feet, to a point in the south line of the tunnel location;

With the south line of the Apalachia Tunnel location, a line 250 feet south of and parallel to the center line of the location, N. 80° 26′ W., 200 feet;

N. 70° E., 500 feet to the point of beginning.

The land described above as Parcel No. 1 contains 2.3 acres, more or less.

PARCEL NO. 2

A strip of land 500 feet wide, lying 250 feet on each side of the center line of the Apalachia Tunnel location, being a portion of the right of way for the Apalachia Tunnel, the center line and the end boundaries of the said strip being described as follows:

Beginning at a point where the center line of the Apalachia Tunnel location crosses a line 50 feet west of and parallel to the left bank of Turtletown Creek at survey station 220 + 38 on the center line of the location, the said strip being bounded on the west end by the line that is 50 feet west of and parallel to the left bank of Turtletown Creek.

From the initial point,

With the center line of the Apalachia Tunnel location by bearings and distances as follows:

S. 87° 26′ E., 4047 feet to survey station 179 + 90.86 (Coordinates: N. 285,681.48; E. 2,491,737.77);

N. 87° 52′ E., 2221 feet to a point where the center line crosses the north line of sec. 30 of the Ocoee District at survey station 157 + 70, the strip terminating and becoming bounded on the east end by the north line of sec. 30, a line which extends on a bearing of S. 66° 30′ E.

The land described above as Parcel No. 2 contains 71.6 acres, more or less.

PARCEL No. 3

A strip of land 500 feet wide, lying 250 feet on each side of the center line of the Apalachia Tunnel location, being a portion of the right of way for the Apalachia Tunnel, the center line and the end boundaries of the said strip being described as follows:

Beginning at a point where the center line of the Apalachia Tunnel location crosses the west line of the E½ sec. 20 of the Ocoee District at survey station 100 + 99 on the center line of the location, the said strip being bounded on the west by the west line of the E½ sec. 20, a line which extends on a bearing of N. 23° E.

From the initial point,

With the center line of the Apalachia Tunnel location N. 87° 52′ E., 735 feet to a point where the center line crosses a former boundary line between the lands of the U.S. Forest Service and J. McKinley Cochran, at survey station 93 + 64, the strip terminating and becoming bounded on the north by the said former boundary line, a line having a bearing of S. 64° E.

The land described above as Parcel No. 3 contains 8.3 acres, more or less.

PARCEL No. 4

A strip of land 500 feet wide, lying 250 feet on each side of the center line of the Apalachia Tunnel location, being a portion of the right of way for the Apalachia Tunnel, the center line and the end boundaries of the said strip being described as follows:

Beginning at a point where the center line of the Apalachia Tunnel location crosses the west line of sec. 21 of the Ocoee District at survey station 72 + 40 on the center line of the location, the said strip being bounded on the west end by the west line of sec. 21, a line which extends on a bearing of N. 24° E.

From the initial point,

With the center line of the Apalachia Tunnel location by bearings and distances as follows,

S. 79° 27′ E., 2125 feet to survey station 51 + 15.26 (Coordinates: N. 285,544.36; E. 2,504,559.13);

N. 82° 13′ E., 1849.3 feet to survey station 32 + 65.96;

N. 66° 31′ E., 251 feet to a point where the center line crosses the north line of sec. 21 of the Ocoee District at survey station 30 + 15, the strip terminating and becoming bounded on the east end by the north line of sec. 21, a line which extends on a bearing of S. 67° 21′ E.,

The land described above as Parcel No. 4 contains 48.5 acres, more or less.

All of the above described land comprising Parcels 1, 2, 3, and 4 contains a total of 130.7 acres, more or less.

NOTE: The positions of corners and directions of lines are referred to the Tennessee Coordinate System.

TRACT No. XTAR–4

Land lying in the Second Civil District of Polk County, State of Tennessee, on both sides of the Apalachia Tunnel location, approximately ¼ mile east of the Apalachia Powerhouse, the said land being comprised of two separate parcels and being more particularly described as follows:

PARCEL No. 1

Beginning at a metal tablet (Coordinates: N. 289,924; E. 2,467,352) set in a stone in the center line of Smith Creek and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service at the most southerly corner of the Apalachia Powerhouse Reservation.

From the initial point,

With the southeast line of the Apalachia Powerhouse Reservation N. 25° 00′ E., 1157 feet to a metal marker in the southwest line of the right of way for the Apalachia Tunnel location;

With the southwest line of the right of way for the Apalachia Tunnel location, a line 250 feet southwest of and parallel to the center line of the tunnel location, by bearings and distances as follows:

S. 68° 55′ E., 1006 feet;

S. 63° 46′ E., 2838 feet to US–TVA Monument 1–7T in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service;

With the boundary line between the lands of the United States of America (TVA) and the U.S. Forest Service by bearings and distances as follows:

S. 12° 30′ W., 1079 feet to US–TVA Monument 1–8T;
N. 80° 00′ W., 479 feet to US–TVA Monument 1–9T;
N. 10° 00′ E., 673 feet to US–TVA Monument 1–10T;
N. 49° 50′ W., 605 feet to US–TVA Monument 1–11T;
N. 65° 55′ E., 347 feet to US–TVA Monument 1–12T;
N. 65° 00′ W., 2633 feet to US–TVA Monument 1–13T;
S. 25° 00′ W., 1370 feet to US–TVA Monument 1–14T;
N. 65° 00′ W., 450 feet to US–TVA Monument 1–15T;
N. 25° 00′ E., 312 feet to the point of beginning.

The land described above as Parcel No. 1 contains 41.8 acres, more or less.

PARCEL NO. 2.

Beginning at a point (Coordinates: N. 291,880; E. 2,468,264) in the center line of Big Hopper Creek and in the boundary between the lands of the United States of America (TVA) and the U.S. Forest Service at the most northeasterly corner of the Apalachia Powerhouse Reservation.

From the initial point,

With the boundary line between the lands of the United States of America (TVA) and the U.S. Forest Service S. 57° 31′ E., 3763 feet to US–TVA Monument 1–6T in the northeast line of the right of way for the Apalachia Tunnel location;

With the northeast line of the right of way for the Apalachia Tunnel location, a line 250 feet northeast of and parallel to the center line of the tunnel location, by bearings and distances as follows:

N. 63° 46′ W., 2739 feet;

N. 68° 55′ W., 994 feet to a metal marker in the southeast line of the Apalachia Powerhouse Reservation;

With the southeast line of the Apalachia Powerhouse Reservation N. 25° 00′ E., 499 feet, passing US–TVA Mounment 1–5T RM at 472 feet, to the point of beginning.

The land described above as Parcel No. 2 contains 18.6 acres, more or less.

All of the above described land comprising Parcels 1 and 2 contains a total of 60.4 acres, more or less.

NOTE: There is excepted from the properties transferred to the said Department mineral rights outstanding in third parties to that portion of the tract carved from tract AR–85 which lies in Section 33, record of which is found in deed book 4, page 120.

The positions of corners and directions of lines are referred to the Tennessee Coordinate System. The boundary markers designated "US–TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 27, 1962.

[F.R. Doc. 62–11884; Filed, Nov. 28, 1962; 12:12 p.m.]

Memorandum of November 27, 1962

[PLANNING AND DEVELOPMENT OF THE NATIONAL CAPITAL REGION]

Memorandum for the Heads of Executive Departments and Establishments and the Commissioners of the District of Columbia

THE WHITE HOUSE,
Washington, November 27, 1962.

Because of the importance of the Federal interest in the National Capital Region, I want the greatest possible coordination of planning and action among the Federal agencies in developing plans or making decisions which affect the Region.

Decisions of the Federal Government affect directly and indirectly the location of employment centers, highways, parks, airports, dams, rapid transit, utilities, and public and private housing. These decisions all have a crucial bearing on the future development of the metropolitan area outside as well as within the District of Columbia.

In order that the effect of the Federal Government's activities on the Region will be consistent and directed in a manner which will foster the implementation of modern planning concepts, the following development policies are established as guidelines for the agencies of the executive branch, subject to periodic review:

1. Planning for the Region shall be based on the prospect that regional population will approximate 5 million by the year 2000.

2. The corridor cities concept recommended by the Year 2000 Plan, prepared by the National Capital Planning Commission and the National Capital Regional Planning Council in 1961, shall be supported by agencies of the executive branch as the basic development scheme for the National Capital Region.

3. The success of the corridor cities concept depends on the reservation of substantial areas of open countryside from urban development. It shall be the policy of the executive branch to seek to preserve for the benefit of the National Capital Region strategic open spaces, including existing park, woodland, and scenic resources.

4. It shall be the policy of the executive branch to limit the concentration of Federal employees within Metro-Center, as defined in the Year 2000 Plan, over the next four decades to an increase of approximately 75,000.

5. It shall be the policy of the executive branch that new facilities housing Federal agencies outside Metro-Center shall, to the maximum extent possible, be planned, located, and designed to promote the development of the suburban business districts which will be required to serve the new corridor cities.

6. Planning to meet future transportation requirements for the Region shall assume the need for a coordinated system including both efficient highway and mass transit facilities, and making full use of the advantages of each mode of transportation.

7. It shall be the policy of the executive branch to complete and enhance the Mall complex as a unique monumental setting.

8. It shall be the policy of the executive branch to house new public offices of an operational nature in non-monumental buildings which, through the use of the highest quality of design and strategic siting, will have a dignity and strength to establish their public identity. Within Metro-Center this policy shall be carried out by locating new non-monumental Federal buildings in relatively small but strategically-situated groups in and adjacent to the Central Business District.

9. It shall be the policy of the executive branch to encourage the development of a system of small urban open spaces throughout the District of Columbia as adjuncts to the development of new Government, institutional, commercial and high-density residential facilities. In addition, a system of important streets and avenues shall be designated for special design coordination and treatment.

10. The executive branch will participate with local governments in the formulation of complementary policies essential to the coordinated development of the Region.

I am requesting each department and agency head concerned to give full consideration to these policies in all activities relating to the planning and development of the National Capital Region, and to work closely with the planning bodies which have responsibilities for the sound and orderly development of the entire area.

The Administrator of General Services is requested to cause this memorandum to be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

[F.R. Doc. 62-11850; Filed, Nov. 27, 1962; 4:26 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 481—RICE

Subpart—Rice Export Program; Payment in Kind (GR–369); Revision II

Correction

In F.R. Doc. 62–11231, appearing at page 10931 of the issue for Friday, November 9, 1962: at page 10932, third column, the material in the 39th through 67th lines should be transferred to page 10933, first column, between the 27th and 28th lines.

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

REVISION AND FEES

Statement of considerations leading to amendment of regulations. The cost of maintaining the cotton classing service has increased materially since the last adjustment in fees. Consequently it is necessary to make changes in the fees charged for this service. The changes increase the cotton classing fee on initial classification from 25 cents to 35 cents per sample and the combination service fee from 60 cents to 70 cents per sample.

Pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863), paragraphs (a) and (d) of § 27.80 of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A) are hereby amended to read as follows:

§ 27.80 Fees; classification, Micronaire, and supervision.

* * * * *

(a) Initial classification and certification—35 cents per bale.

* * * * *

(d) Combination service—70 cents per bale. (Initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)

(Sec. 4863, 68A Stat. 582; 26 U.S.C. 4863)

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of this amendment later than December 1, 1962 (5 U.S.C. 1003) are impracticable, unnecessary, and contrary to the public interest in that (1) the fees set forth herein are necessary to more nearly cover the cost of the services, including, but not limited to increased postal rates and salaries to Federal Employees required by recent legislation; (2) it is imperative that the increases in fees become effective in time to meet such increased cost; and (3) additional time is not required by users of these services to comply with this amendment.

Dated: November 26, 1962, to become effective at 12:01 a.m., December 1, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–11803; Filed, Nov. 28, 1962; 8:51 a.m.]

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Revision in Fees

Statement of considerations leading to amendment of regulations. The costs of maintaining cotton and cotton linters classing services and preparation of practical forms of cotton and cotton linters standards have increased materially since the last adjustment in fees. Consequently it is necessary to make changes in the fees charged for these services. The changes increase the cotton classing fee from 25 cents to 35 cents and the cotton linters classing fee from 20 cents to 30 cents. Increases are also being made for miscellaneous services furnished in conjunction with cotton classing programs. The increase in fees for practical forms of cotton and cotton linters standards ranges from $1.00 to $2.00 above the present fees.

Pursuant to the authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.), §§ 28.116, 28.117, 28.120, 28.123, 28.148, 28.149, and 28.151 of the regulations under the United States Cotton Standards Act (7 CFR Part 28, Subpart A), are hereby amended to read as follows:

§ 28.116 Amounts of fees for classification; exemption.

(a) For the classification and certification of any cotton or sample, the person requesting the classification or review shall pay a fee, as follows, subject to the minimum fee provided in paragraph (d) of this section:

(1) If the classification is with respect to grade only, at the rate of 35 cents a sample.

(2) If the classification is with respect to staple only, at the rate of 35 cents a sample.

(3) If the classification is with respect to any other single quality, at the rate of 35 cents a sample.

(4) In other cases where the classification is with respect to two or more of the qualities specified in subparagraphs (1), (2), or (3) of this paragraph at the rate of 35 cents a sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) For any review of the classification or comparison of any cotton, the fee shall be 35 cents per sample, regardless of the number of quality factors involved in the review.

(d) A minimum fee of $3.50 shall be assessed for services described in paragraphs (a), (b), and (c) of this section for each lot or mark of cotton reported or handled separately, unless the request for service is so worded that the samples become Government property immediately after classification.

(e) The fees provided for in paragraphs (a) and (b) of this section may be waived in whole or in part, as to the classification and comparison and the review, if any, of any cotton (1) for any governmental agency; (2) to facilitate a cotton program of any governmental agency, and (3) for a charitable or philanthropic organization if such cotton will be used in accordance with an act of Congress or a congressional resolution for the relief of distress or will be exchanged for goods to be so used. The samples accumulated in the classification or certification of cotton for a governmental agency or to facilitate a cotton program of any governmental agency shall be disposed of as required by such agency.

§ 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 50 cents when the number of bales covered by the new memorandum or certificate is 10 or less, or a fee of 75 cents per sheet when the number of bales covered by such memorandum or certificate is more than 10.

§ 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A or Form D determinations, the expense of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board or other place specifically designated for the purpose

by the Director or by the chairman of such board, shall be borne by the party requesting the classification. For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $4 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.123 Costs of practical forms of cotton standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

	Domestic shipments f.o.b. Washington	Shipments delivered outside the Continental United States
Grade standards	*Dollars each box*	
American Upland:		
12-sample official boxes (Universal Standards)	14.00	16.00
6-sample guide boxes	8.00	9.50
American Egyptian:		
6-sample official boxes	14.00	15.50
Tentative standards for preparation of American Upland long-staple cotton		
6-sample boxes	8.00	9.50
Standards for length of staple	*Dollars each length*	
American Upland (prepared in one pound rolls for each length)	2.50	3.00
American Egyptian (prepared in one pound rolls for each length)	2.50	3.00

§ 28.148 Fees and costs; classifications; reviews; other.

The fee for the classification, comparison, or review of linters with respect to grade, staple, and character or any of these qualities shall be at the rate of 30 cents for each bale or sample involved. The provisions of §§ 28.115 through 28.126 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.149 Fees and costs; Form C determinations.

For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $4 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.151 Cost of practical forms; period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.105: *Provided,* That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of $6.00 each, f.o.b., Washington, D.C., for shipments within the continental United States, and $7.50 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple shall be at the rate of $1.50 each, f.o.b., Washington, D.C., for shipments within the continental United States, and $2.00 each, delivered to destination, for shipments outside the continental United States.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621 et seq.), § 28.184 of the regulations for Classification for Foreign Growth Cotton and Cotton Linters (7 CFR Part 28, Subpart B) is hereby amended to read as follows:

§ 28.184 Cotton linters; general.

Requests for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Board of Cotton Linters Examiners. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be 30 cents per sample.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Pursuant to authority contained in the Cotton Statistics and Estimates Act, as amended (44 Stat. 1372; 7 U.S.C. 471 et seq.), § 28.911 of the regulations for Cotton Classification and Market News Services for Organized Groups of Producers (7 CFR Part 28, Subpart D) is hereby amended to read as follows:

§ 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is 35 cents per sample. Samples for review classification may be drawn by samplers bonded pursuant to § 28.906, or by samplers at warehouses which issue negotiable warehouse receipts, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or his representatives. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be without expense to the Government.

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

Pursuant to authority contained in the Cotton Statistics and Estimates Act, as amended (44 Stat. 1372; 7 U.S.C. 471 et seq.), Item number 28 of § 28.956 of the regulations for Cotton Fiber and Processing Tests (7 CFR Part 28, Subpart E) is hereby amended to read as follows:

§ 28.956 Prescribed fees.

* * * * *

28. Classification of ginned cotton lint in connection with fiber and/or processing tests (includes grade and staple classification of 6-ounce sample in accordance with the applicable United States standards for the cotton submitted), per sample	.35

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of these amendments later than December 1, 1962 (5 U.S.C. 1003) are impracticable, unnecessary, and contrary to the public interest in that (1) the fees set forth herein are necessary to more nearly cover the cost of the services, including, but not limited to increased postal rates and salaries to Federal employees required by recent legislation; (2) it is imperative that the increases in fees become effective in time to meet such increased costs; and (3) additional time is not required by users of these services to comply with these amendments.

Dated: November 26, 1962, to become effective at 12:01 a.m., December 1, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-11804; Filed, Nov. 28, 1962; 8:51 a.m.]

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

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Dessert Wines

Notices were published in the September 6, 1962 (27 F.R. 8881), and the October 19, 1962 (27 F.R. 10259), issues of the FEDERAL REGISTER regarding proposals to amend Subpart—Administrative Rules and Regulations (27 F.R. 3158, as amended) by defining, in § 990.162, the respective normal and non-normal outlets for dessert wine for the purpose of disposition of setaside dessert wine. The administrative rules and regulations are effective pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed definition of normal outlets for dessert wine, which was published in the FEDERAL REGISTER notice of October 19, set forth that the established trade channels (i.e., normal outlets) for dessert wine mean the (1) use, or sale for use, of dessert wine as a beverage within the United States, Canada, or Mexico, or on ships or other carriers porting thereon, (2) disposition to United States armed forces and diplo-

matic, trade or aid missions, and (3) use, or sale for use, within the United States of dessert wine in pharmaceuticals, flavorings, distillation, or the production of wine vinegar.

This notice afforded a 20-day period for the receipt of written data, views, or arguments; and written comments were received from the Grape Crush Administrative Committee.

In connection with the use, or sale for use, of dessert wine as a beverage or in pharmaceuticals, flavorings, distillation, or the production of wine vinegar, the Committee indicated that the reference to "United States" should be construed to include all territories and possessions of the United States and, if that term is not to be so construed, recommended that the definition of normal outlets for dessert wine be revised so that territories and possessions are included. The Committee indicated that there is normal trade with these outlying areas, especially Puerto Rico.

For purposes of disposition of setaside dessert wine, the above-mentioned outlying areas of the United States should share the same relationship to the United States as is shared by each of the 50 states and by the District of Columbia. Therefore, for such purposes, the definition of normal outlets should expressly include (1) the Canal Zone and (2) outlying areas under the sovereignty of the United States.

The Committee also recommended that the definition of normal outlets for dessert wine should specifically include the use, or sale for use, of dessert wine in tobacco products or as a blending agent in alcoholic beverages because dessert wine is normally used in these outlets; and it was not clear from the proposed definition whether or not these uses would be within the meaning of the term "flavorings". Therefore, such specification should be set forth in the definition.

The Committee's recommendation also indicated that the exportation of dessert wine to any country or area not stated in the definition of normal outlets for dessert wine should be regarded as a nonnormal outlet. This concept is consistent with the proposed definitions of normal and non-normal outlets for dessert wine contained in both notices; and § 990.62(c) of the marketing agreement and order provide that non-normal outlets are the outlets other than normal outlets.

After consideration of all relevant matters presented, including those in the notices, the recommendations and comments received within the prescribed time, and other available information, it is hereby found that the amendment, as hereinafter set forth, of the administrative rules and regulations is in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That § 990.162 of Subpart—Administrative Rules and Regulations, as amended (27 F.R. 3158, 7539, 9248, 10249; 11494), is hereby further amended as follows:

1. The following is inserted as subparagraph (3) in paragraph (b):

(3) *Dessert wine.* The established trade channels (i.e., normal outlets) for dessert wine mean the (i) use, or sale for use, of dessert wine as a beverage within Canada or Mexico, the United States, the Canal Zone, or outlying areas under the sovereignty of the United States, or on ships or other carriers porting thereon, (ii) disposition to United States armed forces or diplomatic, trade or aid missions and (iii) use, or sale for use, within the United States, the Canal Zone, or outlying areas under the sovereignty of the United States, of dessert wine in pharmaceuticals, tobacco products, flavorings, distillation, or the production of wine vinegar, or as a blending agent in alcoholic beverages.

2. Paragraph (c) is amended to read as follows:

(c) *Nonnormal outlets.* Nonnormal outlets for the purpose of disposition of setaside concentrate, highproof, and dessert wine, respectively, mean all outlets not specifically set forth in paragraph (b) of this section as normal outlets for the purpose of disposition of the particular setaside item.

It is hereby further found that good cause exists for making this action effective at the time hereinafter set forth and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The Committee is presently negotiating for the disposition of a portion of the 1961–62 setaside (including dessert wine) into nonnormal outlets, and this disposition is imminent; (2) postponement of this action could adversely affect these sales and potentially reduce net returns to producers or their successors in interest; and (3) it is necessary that the specifications of normal and nonnormal outlets be made effective promptly to assure that dispositions of dessert wine will be maximized and for the uses and in the areas consistent with the attainment of program objectives, thus tending to enhance the total net return.

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

Dated: November 26, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–11802; Filed, Nov. 28, 1962; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Statement Concerning Records of Packers

The following statement with respect to the disposition of certain records made or kept by packers subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Agricultural Marketing Service for the guidance of all packers and is issued as § 203.4, Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.4 Statement with respect to the disposition of certain records made or kept by packers.

(a) Section 401 of the Packers and Stockyards Act (7 U.S.C. 221) provides, in part, that every packer shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. This section contains no provision as to the period of time such records are to be retained. Apparently, it is contemplated that records which are made or kept by a packer to disclose transactions involved in his business should be retained for such periods of time as may be necessary to permit the Packers and Stockyards Division of the Agricultural Marketing Service a reasonable opportunity to examine such records in connection with its administration of the Act.

(b) In the course of conducting investigations under the Act, the Packers and Stockyards Division has found that the practice varies among packers with respect to the retention period for records made or kept to disclose transactions involved in their business; some packers retain such records for extended periods of time, while other packers dispose of their records after much shorter periods of time. For this reason the Agricultural Marketing Service has formulated and adopted for the guidance of all packers the following statement concerning its views as to periods of time after which certain specified records relating to the purchase or sale of livestock, meat, meat food products, livestock products in unmanufactured form, poultry or poultry products may be disposed of.

(c) It is the view of the Agricultural Marketing Service that set forth in subparagraphs (1), (2), and (3) of this paragraph, are reasonable periods of time after which packers subject to the provisions of the Packers and Stockyards Act, may dispose of the records specified in said subparagraphs. The Agricultural Marketing Service recognizes that many packers do not find it necessary to make or keep all such records in order to comply with the provisions of § 401 of the Act. On the other hand, the Agricultural Marketing Service makes no attempt to cover in this statement many other business records which packers may maintain. Questions pertaining to the disposition of records not referred to herein, and requests for special dispositions of records named herein, may be addressed to the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C. Microfilm copies of records may be substituted for the actual records and duplicate copies of records may be disposed of without notification to the

Director of the Packers and Stockyards Division. The periods specified in subparagraphs (1), (2), and (3) of this paragraph should be extended if necessary to comply with any Federal, State, or local law, or if the packer is notified in writing by the Director of the Packers and Stockyards Division that specified records should be retained pending the completion of any investigation or proceeding under the Act.

(1) The following records made or kept by a packer may be disposed of after one year: Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(2) The following records made or kept by a packer may be disposed of after two years: Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(3) The following records made or kept by a packer may be disposed of after three years: Departmental statements and summaries; balance sheets and profit and loss or operating statements.

If it is found that a packer subject to the Act has disposed of the records referred to above prior to the periods specified herein, consideration will be given by the Agricultural Marketing Service to the issuance of a complaint charging the packer with violation of section 401 of the Act. In the formal administrative proceeding initiated by any such complaint, the Judicial Officer of the Department will determine, after full hearing, whether the packer has kept accounts, records, and memoranda which fully and correctly disclose all transactions involved in his business and will issue an appropriate order.

The periods specified herein after which records may be disposed of have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (56 Stat. 1078; 5 U.S.C. 139 et seq.).

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER (secs. 401, 407; 42 Stat. 169; 7 U.S.C. 221, 228).

Done at Washington, D.C., this 27th day of November 1962.

CLARENCE H. GIRARD,
Acting Deputy Administrator, Regulatory Programs, Agricultural Marketing Service.

[F.R. Doc. 62-11864; Filed, Nov. 28, 1962; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2; Rev. 1]

PART 123—DISASTER LOANS

Eligibility

The Small Business Administration Revised Disaster Loan Regulation (27 F.R. 1882), as amended (27 F.R. 2793), is hereby further amended by deleting § 123.7-2(d) in its entirety and substituting the following in lieu thereof:

§ 123.7-2 Eligibility.

* * * * *

(d) Farmers, stockmen and others engaged primarily in an agricultural activity are not eligible for disaster loans, except that, where the disaster area is located beyond the territorial jurisdiction of any other Federal lending agency otherwise authorized to provide such assistance, such parties shall be eligible for assistance under section 7(b)(1) of the Small Business Act, as amended.

Dated: November 20, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-11790; Filed, Nov. 28, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 61-NY-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On July 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7457) stating that the Federal Aviation Agency was considering the alteration of intermediate altitude VOR Federal airway No. 1693 by designating a segment from the Riverhead, N.Y., VOR as a 16-mile wide airway to the intersection of the Riverhead VOR 203° and the Idlewild, N.Y., VOR 155° True radials.

Subsequent to the publication of the notice, Parts 600 and 601 of the regulations of the Administrator have been consolidated and recodified into a new Part 71 of the Federal Aviation Regulations which will become effective December 12, 1962 (27 F.R. 10352, 220-2). The airspace action taken herein reflects the new format and numbering system adopted for these parts.

The Air Transport Association of America submitted a comment concurring with the proposal. No other comments were received.

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

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

In § 71.143 (27 F.R. 220-38, November 10, 1962) V-1693 is amended to read:

V-1693 INT Riverhead, N.Y., 203°, Idlewild, N.Y., 155° radials; Riverhead; 10-miles wide Poughkeepsie, N.Y.; Cambridge, N.Y.; Burlington, Vt.; INT Burlington 359°, St. Johns, Quebec, 158° radials; St. Johns, excluding the portion which lies over Canada.

This amendment shall become effective 0001, e.s.t., January 10, 1963.

(Secs. 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 21, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-11766; Filed, Nov. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On August 8, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 7826) stating that the Federal Aviation Agency was considering the extension of intermediate altitude VOR Federal airway No. 1658 from Martinsburg, W. Va., to Elkins, W. Va., and the redesignation of the segment of intermediate altitude VOR Federal airway No. 1646 from Elkins to Front Royal, Va.

The Air Transport Association of America submitted a comment concurring with the proposal. No other comments were received.

Subsequent to the publication of the notice, Parts 600 and 601 of the regulations of the Administrator have been consolidated and recodified into a new Part 71 of the Federal Aviation Regulations which will become effective December 12, 1962 (27 F.R. 10352, 220-2). The airspace action taken herein reflects the new format and numbering system adopted for these parts.

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

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

§ 71.143 (27 F.R. 220–38, November 10, 1962) is amended as follows:

a. V–1658 is amended to read:

V–1658 Elkins, W. Va., Martinsburg, W. Va.; 10 miles wide Baltimore, Md.; INT Baltimore 097°, Kenton, Del., 242° radials; Kenton; INT Kenton 086°, Barnegat, N.J., 233° radials; Barnegat.

b. V–1646 is amended as follows: "Elkins, W. Va.; 10 miles wide INT Elkins 076°, Front Royal, Va., 269° radials; Front Royal." is deleted and "Elkins, W. Va.; INT Elkins 074°, Front Royal, Va., 271° radials; Front Royal." is substituted therefor.

These amendments shall become effective 0001, e.s.t., January 10, 1963.

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

Issued in Washington, D.C., on November 21, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62–11767; Filed, Nov. 28, 1962; 8:45 a.m.]

[Airspace Docket No. 62–EA–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

The purpose of this amendment to Part 71 (NEW) of the Federal Aviation regulations is to redesignate the segment of intermediate altitude VOR Federal airway No. 1505 from Raleigh-Durham, N.C., to Richmond, Va., via the Lawrenceville, Va., VOR.

In an amendment to the regulations of the Administrator published in the FEDERAL REGISTER on November 11, 1961 (26 F.R. 10875) the Lawrenceville VOR was deleted from the description of Victor 1505 because aircraft utilizing this VOR while operating along this airway segment received frequency interference from another VOR.

A recent flight survey conducted by the Federal Aviation Agency indicates the frequency interference has been corrected and that the Lawrenceville VOR may be utilized satisfactorily for navigational purposes by aircraft operating at intermediate altitudes.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

In § 71.143 (27 F.R. 220–38, November 10, 1962) V1505 is amended as follows:

In the text "INT Richmond, Va., 214°, Cofield, N.C., 298° radials;" is deleted and "Lawrenceville, Va.;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., January 10, 1963.

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

Issued in Washington, D.C., on November 21, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62–11768; Filed, Nov. 28, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–CE–54]

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 § 601.2100 of the regulations of the Administrator is to alter the description of the Glenview, Ill., control zone.

The Glenview control zone is presently designated, in part, with reference to the Glenview radio range. The Glenview radio range has been decommissioned. Therefore, action is taken herein to revoke the control zone extension based on this facility. However, this extension also serves the prescribed VOR and TACAN instrument approaches, but is not required with the alignment and to the extent presently designated.

Accordingly, action is taken herein to realign the Glenview control zone extension on the Northbrook, Ill., VORTAC 138° True radial and terminate it at the VORTAC. In addition, action is taken herein to adjust the control zone extension based on the Northbrook VORTAC 158° True radial by centering it on the 159° True radial, the present final approach course. A 1-mile radius area is also retained around the Chicagoland Airport to ensure efficient application of ATC IFR procedures and separation standards.

Since the change effected by this amendment is minor in nature 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), § 601.2100 (14 CFR 601.2100) is amended to read:

§ 601.2100 Glenview, Ill., control zone.

Within a 5-mile radius of NAS Glenview (latitude 42°05′21″ N., longitude 87° 49′07″ W.); within a 1-mile radius of Chicagoland Airport, Wheeling, Ill. (latitude 42°11′35″ N., longitude 87°56′05″ W.) and within 2 miles either side of the Northbrook, Ill., VORTAC 138° and 159° radials extending from the Glenview 5-mile and the Chicago-O'Hare, Ill., 6-mile radius zones to the VORTAC, excluding the portion within the Chicago-O'Hare control zone.

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 21, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62–11764; Filed, Nov. 28, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8094o.]

PART 13—PROHIBITED TRADE PRACTICES

J. A. Folger & Co.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, J. A. Folger & Company, Kansas City, Missouri, Docket 8094, Nov. 14, 1962]

In the Matter of J. A. Folger & Company, a Corporation

Order requiring a large manufacturer of coffee—which it distributed to wholesalers and retailers, including voluntary retail groups, retail chains, independents, and the restaurant trade, with sales in 1958 and 1959 approximately $100,000,000—to cease violating sec. 2(d) of the Clayton Act by such practices as paying $150 in 1958 and again in 1959 to Benner Tea Company, a retail grocery chain, in connection with the latter's "Foodarama" anniversary sale promotions, while not making comparable payments available to Benner's competitors.

The order to cease and desist is as follows:

It is ordered, That respondent J. A. Folger & Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for

the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any advertising or any other services or facilities furnished by or through such customer, in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

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

It is further ordered, That respondent J. A. Folger & Company shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth herein.

By the Commission, Commissioner Elman dissenting and Commissioner Higginbotham not participating.

Issued: November 14, 1962.

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

[F.R. Doc. 62–11775; Filed, Nov. 28, 1962; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 222—REPORTS AND INSPECTIONS OF FACILITIES AND AGENCIES FOR THE PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

Delegation of Authority

1. A new section numbered § 222.25 and reading as follows is added to Part 222:

§ 222.25 Investigations, hearings, proceedings.

(a) The Chairman, Federal Petroleum Board, may hold and conduct such investigations, hearings, and proceedings as may be necessary to administer and enforce the act of February 22, 1935, as amended (15 U.S.C. 715–715k) either within or outside of the areas designated in section 222.1. In connection with such investigations, hearings, or proceedings he may exercise the authority granted by the act relating to the administering of oaths and affirmations, the attendance and testimony of witnesses, and the production of evidence.

(b) In case of the death, resignation, absence, or sickness of the Chairman, Federal Petroleum Board, the Chief Investigator for the Board may exercise the authority delegated to the Chairman by paragraph (a) of this section.

(c) The Chairman, Federal Petroleum Board, and the Chief Investigator for the Board when exercising the authority of the Chairman pursuant to paragraph (b) of this section, may, in writing, redelegate to any employee of the Department of the Interior the authority conferred upon the Chairman by paragraph (a) of this section.

(Sec. 11, 49 Stat. 33; 15 U.S.C., 715j; sec. 2, Executive Order 10752, 23 F.R. 973)

2. Secretary's Order No. 2870, dated September 24, 1962, on the subject "Federal Petroleum Board—Delegation of Authority" (27 F.R. 9571) is revoked.

The purpose of this amendment is to include in the regulations on the Connally Act a clear statement of the authority to conduct investigations under that act.

STEWART L. UDALL, *Secretary of the Interior.*

NOVEMBER 21, 1962.

[F.R. Doc. 62–11780; Filed, Nov. 28, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

PART 121—FOOD ADDITIVES

Zoalene in Feed for Chickens and Turkeys

Correction

In F.R. Doc. 62–11584, appearing at page 11546 of the issue for Saturday, November 24, 1962, the last column in the amendment to Table 1 of § 121.208(d) should read as follows:

Indications for use
As prescribed in § 121.207(c), Table 1, Item 2; § 121.207 (c), Table 1, Item 3.
As prescribed in § 121.207(c), Table 1, Item 2; § 121.207 (c), Table 1, Item 3.
As prescribed in § 121.207(c), Table 1, Item 2; § 121.207 (c), Table 1, Item 3.
As prescribed in § 121.207(c), Table 1, Item 2; § 121.207 (c), Table 1, Item 3.

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

§ 1001.305–52 [Amendment]

1. In § 1001.305–52(c)(1)(i), amend the reference therein to read: "§ 1007.2606–3."

2. A new § 1001.313 is added as follows:

§ 1001.313 Procurement of parts.

Subpart D—Procurement Responsibility and Authority

1. Revise § 1001.453(l)(3) and (m)(3) to read as follows:

§ 1001.453 Delegation of authority.

* * * * *

(l) * * *

(3) Requirements and indefinite quantity contracts as defined in § 3.409 of this title and § 1003.409 of this subchapter and call procurement arrangements as defined in § 1003.409–50 of this subchapter when maximum requirements are set forth (in such cases the maximum requirements will be contained in the call procurement arrangements as the estimated dollar amount of supplies or services to be procured during the contract period), even though no funds are committed or obligated thereby.

* * * * *

(m) * * *

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 1003.409(b) of this subchapter), indefinite quantity contracts (§ 1003.409 (c) of this subchapter), or call procurement arrangements (§ 1003.409–50 of this subchapter).

§ 1001.457 [Amendment]

2. In the last line of § 1001.457(a), amend the reference to read: "§ 1003.408 of this subchapter)."

§ 1001.464 [Amendment]

3. In § 1001.464, present paragraphs (c) and (d) are redesignated subparagraphs (2) and (3) of paragraph (b), and the references in redesignated subparagraph (2) are amended, as follows:

§ 1001.464 Delegation to Commander, Air Training Command.

* * * * *

(b) * * *

(2) Authority to authorize ATC contracting officers to enter into contracts containing any of the price redetermination clauses set forth in Subpart D, Part 1003 of this subchapter, provided facts have been obtained which established that:

(i) It is impractical to secure services of the kind or quality required without the use of such a price redetermination clause.

(ii) The conditions for use of the price redetermination clauses which are set forth in pertinent sections of Subpart D, Part 1003 of this subchapter, have been satisfied. The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC.

Subpart G—Small Business Concerns

§ 1001.704–3 [Amendment]

In the last line of § 1001.704–3(c)(3), delete the words "as described in § 1001.707–50."

Subpart I—Responsible Prospective Contractors

§§ 1001.902; 1001.902–1; 1001.902–2 [Amendment]

1. In § 1001.902(f), delete the last sentence; in § 1001.902–1(b), amend subparagraph (1) to read: "(1) The prospective contractor is on the Financial Control List (§ 1030.5, paragraph E–212.51 of this subchapter)", and in § 1001.902–2(e) amend the word "exceptions" to read: "exemptions."

§ 1001.905–1 [Amendment]

2. In § 1001.905–1(a), amend the first sentence to read: "(a) See § 1001.902 (d)."; amend paragraph (b) to read: "(b) See § 1001.902(c)"; and in paragraph (b)(3), (4), and (5), delete the references in parentheses.

Subpart J—Publicizing Procurement Actions

§ 1001.1002–51 [Amendment]

In § 1001.1002–51(a)(1)(i) delete the "(c)" from the second reference.

Subpart M—Transportation

§ 1001.1302–3 [Deletion]

1. Delete § 1001.1302–3.
2. Revise § 1001.1305–3 to read:

§ 1001.1305–3 F.o.b. destination.

Whenever the supplies are to be delivered f.o.b. specified destinations, the following will appear in the schedule:

* * * * *

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

§ 1002.201 [Amendment]

In § 1002.201(a), amend the reference at the end of the clause to read: § 1002.407–5(g).), and in paragraph (b), delete subparagraph (21)(ix).

Subpart V—Auctioneering Services

§ 1002.2202–3 [Amendment]

In § 1002.2202–3(c), amend "§§ 805.1 to 805.8" to read: "AFR 205–1 (Safeguarding Military Information)."

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

§ 1003.406–2 [Amendment]

In § 1003.406–2, delete the "(c)" from the reference therein.

Subpart F—Small Purchases

§ 1003.606–2 [Amendment]

1. In § 1003.606–2, redesignate paragraph (g) as paragraph (d).

2. In § 1003.652–3(a)(4) subdivision (iii) is republished to correct the instruction given in 27 F.R. 10211, October 18, 1962:

§ 1003.652–3 Purchasing procedures.

(a) * * *
(4) * * *
(iii) * * *
(*a*) and (*b*) * * *

(*c*) If item is reparable notify vendor to proceed with repair. This notification may be verbal for accomplishment under the Cash Purchasing or Blanket Purchase Agreement procedures, or by issuing a purchase order (DD Form 1155). Regardless of the method used in effecting the procurement, the vendor will be required to furnish an itemized list (Invoice on DD Form 1155 purchases) reflecting labor and parts required in the actual performance of the work.

(*d*) If the vendor's quotation exceeds the $2,500 limitation imposed for the use of this procedure, and it is determined that the services are still required, the breakdown submitted by the vendor may be used as a basis in soliciting competition for the requirement.

PART 1005—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

Subpart A—Procurement Under Federal Supply Schedule Contracts

1. Add § 1005.101 as follows:

§ 1005.101 Federal Supply Schedule contracts.

§ 1005.102 [Amendment]

2. In § 1005.102, amend the reference to read "§ 5.203."

PART 1006—FOREIGN PURCHASES

Subpart A—Buy American Act—Supply and Service Contracts

Revise § 1006.104–6 to read as follows:

§ 1006.104–6 Contract administration.

See § 1003.903–54 of this subchapter.

Subpart T—Offshore Procurement

§ 1006.2001–2 [Amendment]

In § 1006.2001–2(c)(1) amend the last sentence to read: "Delivery schedules on delinquent contracts may be extended under this policy according to § 1001.305–52 of this subchapter."

PART 1007—CONTRACT CLAUSES

§§ 1007.103; 1007.203; 1007.604–51 [Amendment]

In the last line of § 1007.103, amend "Part 1" to read "Part 7;" in the last line of § 1007.203, amend "Part 2" to read "Part 7;" and in § 1007.604–51, amend the reference "§ 1003.405–5(b)" to read "§ 1003.409(b)."

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

Revise § 1007.2104–1 to read as follows:

§ 1007.2104–1 Walsh-Healey Public Contracts Act.

According to the requirements of § 12.602 of this title, insert the clause set forth in § 12.604 of this title.

Subpart Y—Clauses and Arrangements for Letter Contracts

1. Revise § 1007.2505–3 to read as follows:

§ 1007.2505–3 Contract clauses incorporated by reference.

(a) The provisions of the contract clauses set forth in the following paragraphs of the Armed Services Procurement Regulation in effect on the date hereof, and the additional clauses which are made a part of this letter contract in Exhibit "A" are hereby incorporated into this letter contract by reference, with the same force and effect as though herein set forth in full:

7–103.1 (Definitions); 7–203.2 (Changes); 7–203.5 (Inspection); 7–103.8 (Assignment of Claims); 7–103.13 (Renegotiation); 7–203.7 (Records); 7–203.8 (Subcontracts); 7–104.14 (Utilization of Small Business Concerns); 7–103.12 (Disputes); 6–104.5 (Buy American Act); 12–203 (Convict Labor); 12–303.1 (Eight-Hour Law of 1912—Overtime Compensation); 12–604 (Walsh-Healey Public Contracts Act); 12–802 (Nondiscrimination in Employment); 7–103.19 (Officials Not to Benefit); 7–103.20 (Covenant Against Contingent Fees); 13–503 (Government Property); 7–203.22 (Insurance—Liability to Third Persons); 7–104.12 as modified by 7–204.12 (Military Security Requirements); 7–104.16 (Gratuities); 7–104.18 (Priorities, Allocations and Allotments); 9–104 (Notice and Assistance Regarding Patent Infringement); 9–106 (Filing of Patent Applications); 9–102.1 (Authorization and Consent); 9–102.2 (Authorization and Consent—R & D); 9–107.2 (Patent Rights); 9–203.1, 9–203.2, 9–203.3 and 9–203.4 (Data); 6–403 (Soviet Controlled Areas); 7–104.4 (Notice to the Government of Labor Disputes); 7–104.20 (Utilization of Concerns in Labor Surplus Areas); and 8–708 (Excusable Delays); 7–104.22 (Defense Subcontracting Small Business Program); 12–102.3(c) (Payment for Overtime and Shift Premiums).

(b) Reference in any of the clauses enumerated above to contract costs or adjustments in fixed fee, if any, and delivery schedules to the extent such are not specifically included in this Letter Contract, shall be inapplicable, except that any adjustments in amounts finally payable to the Contractor, or in time of performance required by such clauses, shall be made either at the time of settlement of Contractor's termination claims or shall be taken into account at the time of execution of the definitive contract contemplated herein.

§ 1007.2506–3 [Amendment]

2. In § 1007.2506–3 add the following to paragraph (b): "and § 1007.2703–30 (Patent Indemnity)."

Subpart FF—Clauses for Bakery and Dairy Products Contracts

§ 1007.3204–10 [Amendment]

In § 1007.3204–10(b), amend the words: "ASPR 3–403.2(a)" to read "§ 3.404–3(a) of this title."

Subpart NN—Special Clauses

§ 1007.4028 [Amendment]

In § 1007.4028(b) amend the reference to read "§ 1003.409(b)(4)."

PART 1009—PATENTS, DATA, AND COPYRIGHTS

§ 1009.000 [Deletion]

Delete § 1009.000.

Subpart A—Patents

§ 1009.103 [Deletion]

1. Delete § 1009.103.

§§ 1009.107–2; 1009.110 [Amendment]

2. In § 1009.107–2(b)(1), delete the first sentence; and in § 1009.110(a) delete the parenthetical phrase therein.

3. Revise § 1009.108(a) to read as follows:

§ 1009.108 Patent rights under contracts for personal services.

(a) Applicable AF policy and procedures for the implementing Executive Order 10096, January 23, 1950, are set forth in Section B, AFR 110–8 (Invention, Patents, Copyrights, Trade-Marks, and Related Claims), which may be consulted for background information.

Subpart B—Data and Copyrights

1. Revise § 1009.203–2(d) to read as follows:

§ 1009.203–2 Provision for addition to basic data clause for use in supply contracts.

* * * * *

(d) *Additional clauses for use in open contracts.* In open contracts (see § 1003.410–50 of this subchapter), in addition to the Data Clause of §§ 9.203–1, 9.203–2, and 9.203–3 of this title, the following clause will be inserted:

* * * * *

2. Revise § 1009.203–3 to read as follows:

§ 1009.203–3 Limited rights provision for addition to basic data clause.

(a) If it has been determined according to § 9.202–2(b)(1) of this title that certain of the data specified to be delivered to the Government under a negotiated supply contract other than one for standard commercial items is "proprietary data" and that part or all of such "proprietary data" should be subject to limitation on its use, paragraph (j) in § 9.203–3 of this title will be included in the contract. That "proprietary data" which is to be furnished subject to limitation as to its use will be identified in the Schedule of the contract by use of the following or substantially identical language:

The limitation on use which appears in paragraph (j) of clause _____ entitled Data, shall be applicable only to the data called for by item(s) _____ and _____ or any specific portions of that data listed at the end of this paragraph if such data is marked in accordance with such paragraph (j). The Contractor agrees that the portion of Subject Data which is subject to such limitation on use will be furnished in such form as to be readily distinguished from the remainder of Subject Data which is not subject to such limitation on use. The identification in this paragraph of item(s) _____ of Part _____ of this contract (supplemental agreement, etc.) or the listing of such data following this clause shall not be deemed to constitute a determination by the Government that such data is "proprietary data", as defined in paragraph (i) of said clause _____. The limitation on use which appears in paragraph (j) of said clause _____ is based upon the assertion by the Contractor that the data identified in this paragraph and listed at the end of this paragraph is "proprietary data" as defined in paragraph (i) of said clause _____. However, if such data is not "proprietary data", as defined in paragraph (i) of said clause _____ the limitation on use of such data shall be of no force and effect.

The listing of such data at the end of the paragraph set forth in this paragraph (a) may be by any suitable means such as those which are in § 1009.203–2(c)(2).

(b) Release of data subject to the restrictive provisions of paragraph (j) in § 9.203–3 of this title outside the Government may be made without the contractor's permission to another contractor only for the purpose of manufacture required in connection with repair or overhaul where an item is not procurable commercially so as to enable the timely performance of the overhaul or repair work. Whenever such data is to be released or disclosed outside the Government for such overhaul or repair purposes, the contracting officer will cause the following action to be taken:

(1) Include in the overhaul or repair contract the following clause:

Certain data furnished by the Government to the Contractor under this contract have been obtained by the Government subject to restriction upon disclosure. Such data or restricted portions are marked with an appropriate legend. Contractor will abide by the restrictions appearing on such data and will not use the information contained therein for other than the purposes set forth in this contract.

(2) Assure that the Notice, if authorized by paragraph (j) of § 9.203–3 of this title, appearing on the data is reproduced on the copies distributed.

§ 1009.205–1 [Deletion]

3. Delete § 1009.205–1.

§ 1009.250 [Amendment]

4. In § 1009.250, amend "WADC" in lines two and four to read "WADD."

Subpart J—Processing of Purchase Requests and Military Interdepartmental Purchase Requests

The heading of Subpart J is amended to delete "For Review" as shown above.

PART 1010—BONDS AND INSURANCE

Subpart A—Bonds

§§ 1010.101; 1010.108–52 [Deletion]

1. Delete §§ 1010.101 and 1010.108–52.

2. Revise § 1010.104–2 to read as follows:

§ 1010.104–2 Payment bonds in connection with construction contracts.

(a) See § 1010.103–2(b) regarding requirements for payment bonds for contracts initially less than $2,000 which are increased over that amount.

(b) See § 1010.103–2(c) regarding waiver of payment bonds with respect to cost-reimbursement type construction contracts.

Subpart B—Sureties on Bonds

§ 1010.203 [Amendment]

In Note 1 of § 1010.203(a), amend the reference "§ 1010.104–2(b)" to read "§ 1010.104–2(a)."

PART 1011—FEDERAL, STATE, AND LOCAL TAXES

§ 1011.054 [Amendment]

In § 1011.054 amend "AFR 110–3 (Taxation, Legal and Administrative Actions, and Legal Process)" to read "§§ 837.1 to 837.5 Subchapter C of this chapter".

Subpart A—Federal Excise Taxes

§§ 1011.101–2; 1011.101–4; 1011.101–5; 1011.102–3; 1011.102–6—1011.102–10; 1011.102–12—1011.102–14; 1011.104 [Deletion]

Delete §§ 1011.101–2; 1011.101–4; 1011.101–5; 1011.102–3; 1011.102–6 through 1011.102–10; 1011.102–12 through 1011.102–14 and 1011.104.

Subpart D—Contract Clauses

§§ 1011.401–1; 1011.401–2 [Deletion]

1. Delete §§ 1011.401–1 and 1011.401–2.

§§ 1011.401; 1011.403 [Amendment]

2. In §§ 1011.401 and 1011.403, delete the text therefrom.

PART 1012—LABOR

Subpart D—Labor Standards in Construction Contracts

§§ 1012.404–4; 1012.404–6 [Deletion]

1. Delete §§ 1012.404–4 and 1012.404–6.

§ 1012.404–7 [Amendment]

2. In § 1012.404–7(b), line five, delete the reference in parentheses.

Subpart F, "Walsh-Healey Public Contracts Act," is deleted and reserved.

Subpart G—Fair Labor Standards Act of 1938

§§ 1012.701; 1012.703 [Deletion]

Delete §§ 1012.701 and 1012.703.

Subpart H—Nondiscrimination in Employment

§ 1012.806–4 [Amendment]

1. Amend § 1012.806–4 to read "Compliance reviews."

§§ 1012.805; 1012.806–8 [Deletion]

2. Delete §§ 1012.805 and 1012.806–8.

§ 1012.806–4 [Amendment]

3. In § 1012.806–4(a), delete the words "and (c)", and in paragraph (b)(4) delete the words "under paragraph (c) of this section."

§§ 1012.806–5; 1012.806–7 [Amendment]

4. In § 1012.806–5 amend the reference to read "§ 12.806–6"; and in § 1012.806–7 amend the reference to read "§ 12.806–7."

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

1. Revise § 1013.102–3(a)(10)(ii) to read as follows:

§ 1013.102–3 Facilities.

(a) * * *

(10) * * *

(ii) Vehicles: Provisioning of vehicles will be according to Subpart GG of this part.

2. In § 1013.102–50, revise the Note and paragraph (c) to read as follows:

§ 1013.103–50 Bailments.

* * * * *

NOTE: In reference to the availability of property referred to above, it is recognized that some exceptions to this policy will be in the best interests of the Government, particularly in the case of contracts with universities because contractors of this nature do not have items of material normally considered as contractor owned and maintained by industrial firms. Accordingly, exceptions on an individual case basis may be authorized by the Deputy for Procurement, Hq AMC, or the Director of Procurement, Hq ARDC, as appropriate.

* * * * *

(c) The Director of Procurement and Production, Hq AMC, has determined that contracting officers of AMC field procurement activities may enter into and execute bailment agreements and amendments thereto for the loan of Government property, except complete aircraft, to AF contractors. This authorization for contracting officers at depot and AMA level pertains only to bailment actions relative to contracts which are placed by the depot and AMA. Depot and AMA contracting officers will not enter into, execute or amend bailment agreements for which procurement responsibility remains at AMC centers. All master bailment agreements and all AMC bailment actions pertaining to complete aircraft (whether a new bailment or a request for amendment to an existing bailment agreement) will be accomplished by the Bailment and Leasing Section (LMEMSB), AMC Aeronautical Systems Center.

3. In § 1013.102–51, paragraph (b) is revised to read as follows:

§ 1013.102–51 Emergency assistance to civil aircraft and military contract carriers.

* * * * *

(b) Commanders of AF bases may approve bailment of aircraft engine(s) and/or major components to the owner or operator of a military contract carrier if the conditions set forth in paragraph (a) of this section are met, and subject to the following exceptions:

* * * * *

Subpart B, "Material", is deleted and reserved.

Subpart E—Contract Clauses

§ 1013.503 [Amendment]

1. In § 1013.503 amend the first reference to read "§ 1030.2(B–102.50(c))."

§ 1013.551 [Deletion]

2. Delete § 1013.551.

Subpart T, "Bailment", is deleted and reserved.

Subpart U—Adjustment of Discrepancies Incident to the Shipment of Government Property

§ 1013.2104–3 [Amendment]

1. In § 1013.2104–3(e)(6) amend the reference to read "AFR 205–1 (Safeguarding Military Information).)," and in paragraph (g) delete the last sentence.

§ 1013.2104–4 [Amendment]

2. In § 1013.2104–4, amend the line preceding paragraph (a) to read "(d)(18)) and distribution as follows:".

§ 1013.2105 [Amendment]

3. In § 1013.2105, amend the sentence preceding paragraph (a) to read "The procedure in this section will not be used in connection with classified articles referred to in AFR 205–1 (Safeguarding Military Information)."

Subpart X—Facility Expansion Procedure

In § 1013.2403–2:

a. Add or amend the following headings to the following paragraphs, as follows:

§ 1013.2403–2 Contractor's formal application for facilities.

* * * * *

(a) *Contractor.* * * *
(b) *Location.* * * *
(c) *Purpose of expansion.* * * *
(d) *Basis of need.* * * *
(e) *Estimated cost.* * * *
(f) *Construction or equipment.* * * *
(g) *Subcontracting.* * * *
(h) *Financial progress.* * * *
(i) *Dollar comparison.* * * *
(j) *Financing.* * * *
(k) *Quantity and cost.* * * *
(l) *Other services.* * * *
(m) *Technical development.* * * *
(n) *Complete facility.* * * *
(p) *Information concerning labor (as applicable to this project).* * * *
(q) *Information concerning screening of existing facilities (as applicable to this project).* * * *
(r) *Facilities clause.* * * *

b. Amend paragraph (o) to read as follows:

(o) *Information concerning floor space.* If additional floor space will be required for the proposed expansion, the following information should be provided:

* * * * *

Subpart Y is revised to read as follows:

Subpart Y—Industrial Real Property—Construction, Rehabilitation, Modification and Alteration

Sec.

AUTHORITY: §§ 1013.2500 to 1013.2506 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1013.2500 Scope of subpart.

This subpart establishes a standard procedure for obtaining approvals of construction, modification, alteration, additions and rehabilitation to industrial real property owned or under the cognizance or jurisdiction of the Air Force which is operated by a contractor.

§ 1013.2501 Applicability of subpart.

This subpart applies to all commands (ConUS), buying divisions, contract management regions, contract management districts, and AF plant representatives, participating in the industrial facilities expansion program.

(a) This subpart does not cover all contract requirements for construction, modification, alteration, addition, or rehabilitation projects. Therefore, the contracting officer will be governed by all applicable terms of the governing contracts. The labor provisions in the governing contracts applicable to construction work will be particularly noted and enforced.

(b) Reference to "cognizant division" in this subpart applies to all the major divisions of AFSC: Aeronautical Systems Division; Ballistic Systems Division; Electronic Systems Division; Space Systems Division; as well as the Foreign Technology Division and the Aerospace Medical Division.

(c) Under the surveillance of Deputy Chief of Staff, Systems and Logistics, Hq USAF, AFSC is responsible for the overall management of the Air Force industrial facilities programs. The responsible office at Hq AFSC is the Director of Procurement. The following offices are responsible for management of the industrial facilities expansion program for their respective divisions:

Office and Division

DCS/Procurement and Production, Aeronautical Systems Division.
Deputy for Technical Development, Ballistic Systems Division.
DCS/Procurement and Production, Electronic Systems Division.
Deputy for Technical Development, Space Systems Division.
DCS/Materiel, Aerospace Medical Division.
DCS/Materiel, Foreign Technology Division.

§ 1013.2502 Definitions.

(a) Construction, as differentiated from rehabilitation, includes new construction, modification and alteration of, and additions to, industrial facilities.

(b) New construction: Erection or assembly of a new facility separate and apart from an existing facility.

(c) Modification: Any work in a facility which does not change its size or dimensions, which changes the function or use for which it was originally intended or is presently being used.

(d) Alteration: Any work on a facility which involves structural change and which changes the present function or usage.

(e) Addition: Any external extension of a facility which increases its geometrical dimensions, which may be required for the improvement of functional capability or the expansion of capability.

(f) Rehabilitation (capital type, abnormal or nonrecurring maintenance): Covers those projects which require extensive repairs or replacement and the cost is normally capitalized in privately-owned industries. Work performed on real property to maintain it in good physical condition will not be classified as rehabilitation, e.g., painting, patching or plaster, walkways, pavements, or roofing; replacement of defective light bulbs and electrical switches; servicing of nonseverable mechanical and electrical equipment; and inspection and repair of utility systems as required to insure continued operation.

(g) Emergency repair: Urgent repair work on facilities damaged by an "excepted peril."

(h) Major projects: All work of a capital nature, (such as additions, new construction, modification, alteration, rehabilitation, or abnormal maintenance projects) which materially affects the structure, capacity, or capability of the real property whether the work is to be performed by Government or contractor funds.

(i) Minor projects: Those projects consisting of items or groups of items which are of addition, modification, alteration or abnormal maintenance nature which do not materially affect the structure, capacity of capability of the facility, building or structure on which the work is to be accomplished, regardless of costs.

(j) Normal maintenance: The term normal maintenance is not used in this subchapter, however, it is used in connection with the administration of the contract in a manner as to have bearing on the requirements set forth herein. Such maintenance is normally expensed by the contractor, is not a capital type obligation, and is not reimbursable under the facilities contract.

(k) Engineering supervision: The engineering evaluation and approval of plans and specifications, supervision and inspection of construction required by this subpart will be performed by AF civil engineer at the divisions under the surveillance of the AF civil engineer at Hq AFSC unless otherwise directed.

§ 1013.2503 General provisions.

(a) All Government-owned real property operated by a contractor under a separate facilities contract will receive over-all program management from the cognizant AFSC division. The cognizant division will provide proper and adequate contractual coverage, adequate and effective engineering supervision, and insure that the necessary coordination of projects, within the Department of Defense, is obtained from Hq USAF through Hq AFSC when required according to current requirements of existing regulations and directives.

(b) All construction, rehabilitation, and/or abnormal maintenance projects must be approved by the cognizant division, whether the work is to be performed with Government or contractor funds.

(c) All projects to be accomplished at an industrial facility under a facilities contract with Government-appropriated funds will be reviewed at the time application for the requirement is submitted in the appendix A. Such appendix A will be submitted according to procedures set forth in Subpart X of this part. At this time a determination will be made by the cognizant division that the project, or projects, are either "major" or "minor" projects. Sufficient general data will be contained in the justification for the projects to permit assignment of either a "major" or "minor" project classification.

(d) In cases where the contractor is to accomplish the work at his own expense and the costs involved to be written off, for Government contract costing purposes, such costs will be processed by the contractor through his normal approved accounting practices. Allocation of such costs will be subject to approval by the administrative contracting officer. When depreciation for such investments by the contractor is greater than that normally allowed, Hq USAF approval must be secured.

(e) For all construction and/or building rehabilitation projects, to be accomplished at industrial facilities under a facilities contract with appropriated Government funds, the administrative contracting officer may allow the contractor to proceed with construction or building rehabilitation projects only upon prior specific approval of the cognizant division. When coordination, concurrence, or approval of Hq USAF, and/or other departments or agencies of the Government are required or necessary prior to approval or release of construction and/or rehabilitation projects, the cognizant division will secure such coordination, concurrence or approval from Deputy Chief of Staff, Systems and Logistics, Hq USAF through Hq AFSC. All concurrences, coordinations or approvals, or plans or projects issued by the cognizant division, will be in writing. However, nothing herein is intended to modify the procedures established under Part 1011 of this subchapter, "Labor."

(f) Emergency repairs, not exceeding $50,000, will not require the foregoing approvals. This will permit the immediate processing of repairs of an emergency nature. All such repairs must be reported, in detail, by the administrative contracting officer, to the cognizant division at the earliest possible time, regardless of funding conditions.

(g) All facilities contracts will include in the schedule thereof provisions necessary to implement the requirements of this subpart and for the furnishing of all necessary engineering, technical, operational and other documents and data required to successfully operate and maintain the facilities procured thereunder. (Also see § 1013.2505(e)(1).)

(h) Budgetary estimates will be submitted to the cognizant division on or before February 1st, preceding the beginning of the fiscal year (program year beginning on July 1). The appendix A in support of the budget estimate should be submitted at the earliest possible date covering the fiscal year requirements, however, the following schedules must be adhered to in all other cases:

(1) First quarter requirements—not later than June 1st.

(2) Second quarter requirements—not later than September 1st.

(3) Third quarter requirements—not later than December 1st.

(4) Fourth quarter requirements—not later than March 1st.

Four copies of the budgetary estimates and four copies of the appendix A will be submitted through established channels to the cognizant division.

§ 1013.2504 Minor or major projects.

After review of the appendix A by the cognizant division, each project set forth therein will be designated as a "minor" or "major" project and a corresponding assignment number affixed to each project requiring AF engineering supervision. Should cognizance of the contract change from the initiating division to another division, the engineering responsibility changes with the contract. Under division contracts covering facilities in support of procurements of more than one division, the engineering supervision will be the responsibility of the division having supplemental agreement cognizance. Such responsibility may be delegated to a single division by agreement between supervising engineers.

§ 1013.2504–1 Capital type rehabilitation (nonrecurring maintenance).

All requirements for nonrecurring maintenance (CTR) will also be submitted in accordance with § 1013.2503(h). The expected future usage of the real property concerned and the necessity for protection of Government property will be major factors in development and approval of such projects.

§ 1013.2504–2 Minor projects.

Normally minor projects will not be assigned a project number in such cases local building codes will be complied with as a matter of policy. In cases requiring close technical support, or coordination under interservice agreements, a minor project number will be assigned. In such cases, Air Force engineering supervision will be provided.

§ 1013.2504–3 Major projects.

Those projects classified as major projects by the cognizant division will require engineering evaluation and approval, and will be assigned a major project number. Major projects will be accomplished by Air Force contractors in four phases, as follows:

(a) *First phase.* Selection of the architect-engineering (A/E) firm to prepare drawings and specifications and to include supervision of construction. Use of an A/E firm rather than the contractor's engineering force is mandatory for

design and supervision of projects costing over $50,000 unless waived by the ACO acting on advice of the responsible Air Force supervising engineer.

(b) *Second phase.* Preparation of preliminary drawings (prepared on 28 x 40 inch sheets), outline specifications, cost estimates and design analysis of the work to be accomplished under each project. The drawings and specifications will be prepared so as to avoid to the maximum practicable extent the inclusion of restrictive features which would tend to require furnishing the products of specific manufacturers (see §§ 1.304 and 1.1201 of this title and § 1001.1201 of this subchapter). These preliminary drawings and outline specifications will cover the following construction features:

(1) Plot plan of construction site and construction orientation.

(2) General building configuration and dimensions (plans and elevations).

(3) Soil conditions and bearing values.

(4) Foundations (isolated, spread, combined, continuous, mat or raft, pile (type)).

(5) Type superstructure (wood, steel, prefab, and others).

(6) Type roof and decking.

(7) Type floor.

(8) Type and extent of electrical installations (primary supply and secondary distribution).

(9) Type and extent of other utilities and services.

(10) Construction or rehabilitation schedule.

(11) Type and extent of mechanical and nonmechanical building installations required.

(12) Type and extent of site preparation.

(13) Number of employees in each work area (manufacturing, assembly, office, etc.).

(14) Cost estimate of construction (line items breakdown as: land, property, improvements, structures, mechanical building installations, and others).

(15) Design analysis providing a description of the facility, design assumptions, design factors used, type and character of materials, and contractor's options, if any to be employed.

Two bound ozalid copies with the project identification and number on the binding, will be forwarded to the cognizant division. The division will obtain engineering and cost evaluations of the proposal. One marked copy will be returned, through channels, to the contractor with technical review comments which will include authorization to proceed with the third phase.

(c) *Third phase.* Upon approval of the preliminary drawings and outline specifications by the cognizant division, the preparation of detailed plans and specifications will be accomplished. Two reproducible copies of such detailed plans and specifications will be forwarded to the cognizant division for review. Sufficient space will be allowed on each reproducible drawing of the final plans and the cover sheet of the specifications to provide for the following signature blocks:

Prepared by:

(Representative for firm doing architect and engineering work)

Recommended by:

(Representative for contractor operating AF plant)

Approved by:

(Air Force engineer—cognizant division)

Approved by:

(Project officer—Industrial facilities division)

One reproducible copy will be retained in the cognizant division, the other will be returned to the contractor through established channels. After approval by the cognizant division the contractor may advertise for bids and initiate construction. A bid tabulation will accompany all initial construction progress reports. Bids will be opened publicly at the time and place indicated on the invitation for bid.

(d) *Fourth phase — construction.* Change orders issued by the contractor during construction affecting previously approved plans and specifications will be reviewed by the cognizant division as they occur, and if authorized, will be approved by the appropriate Air Force supervising engineer and project officer to whom the facilities contract is assigned. Subject to availability of funds, emergency changes may be executed upon telephone authorization by the Air Force supervising engineer, and necessary documentation for such changes processed as soon as possible thereafter. Reporting will be according to § 1013.2506.

§ 1013.2505 Inspection and acceptance.

(a) The cognizant division will perform periodic technical inspections of construction and/or building rehabilitation projects to insure compliance with plans and specifications approved by that division.

(b) Acceptance of the completed project for the Air Force will be the responsibility of the cognizant division.

(c) The only exceptions to paragraphs (a) and (b) of this section, will be by direction from Hq AFSC. (e.g., Interservice General Agreement dated April 1, 1961).

(d) The AFCMD/AFPR having administration of the contract will monitor the accomplishment of industrial construction and rehabilitation projects, the submittal of progress reports and acceptance of completed construction.

(e) At the time of completion of construction a physical inspection of the project by the Air Force supervising engineer, together with the prime contractor's representative and architect-engineer will take place. Deficiencies in portions of the construction work required by the contract or lack of specific items of equipment need not necessarily delay the transfer of usable new construction. The completed work for all major construction projects will be documented by the prime contractor and the certification and acceptance will be evidenced by a receipt containing the following summary data:

(1) Transfer of construction:

(i) Station, name, and location of the industrial facility being expanded.

(ii) Serial number, Air Force contract number, supplement, etc.

(iii) Job number/project.

(iv) Date of transfer of construction.

(v) Description:

(*a*) Type of building or feature.

(*b*) Number of units.

(*c*) Drawing number reference.

(*d*) Base data (lin. ft; gals/day; etc.).

(*e*) Remarks pertaining to the building or feature.

(*f*) Deficiencies (list exceptions to plans and specifications). Include an agreement for correction of deficiencies, with a time limit in agreement with the contract terms; a certification that deficiencies will be corrected as an integral part of the contract; and date of final acceptance inspection.

(*g*) Final approval cost of the project.

(vi) Certification: It is certified that the construction listed hereon is according to maps, drawings, specifications, and change orders approved by the authorized representative of the Air Force, except for the deficiencies listed:

Certified by:

(*a*) (Architect-engineer.)

(*b*) (Air Force contractor.)

Accepted by:

(*1*) (Air Force supervising engineer.)

(2) (Air Force facilities project officer.)

(f) All necessary documents, including originals or copies of all records and maps, complete reproducible "as-built" drawings (cloth, mylar or equal) and specifications corrected to show all changes from the originals, including supporting utilities, operating manuals both for individual items and complex installations, leases, contracts, guarantees given by the contractor, subcontractors and material vendors, estimated costs and other pertinent data required for accountability records and for protection of Air Force interests and investments will be retained in the protective custody of the facilities contractor for the Air Force. In event any of these documents and data are not available, the fact will be noted, together with a statement as to date each item will be obtained. The AFCMD/AFPR will forward a list of such documents, and five copies of the prepared receipt to the cognizant division for signatural approval.

(g) The Air Force prime contractor will be provided with an executed copy of the receipt referred to in paragraph (e) of this section.

§ 1013.2506 Reports.

(a) AFCMD/AFPR will be responsible for insuring the accomplishment and submission of industrial construction progress reports, by prime contractors to the cognizant division for all "major" construction projects.

(b) Industrial construction progress reports will be submitted, beginning as soon after the opening and analysis of the construction bid as possible and before construction is begun, then monthly thereafter until the project is completed. Progress reports will be submit-

ted within 15 calendar days after the close of monthly reporting period and will cover construction activity for the preceding month. Two copies of the reports will be submitted. The reports will be no smaller than 8 x 10½ inches and no larger than 8½ x 15 inches, or folded to these sizes.

(c) The reports will be of two types:

(1) Initial report will contain, but is not limited to, the following information:

(i) Project No. _____.

(ii) Facility contract No. _____.

(iii) Project title _____.

(iv) Name of the facility (to include AF Plant No. if applicable) _____.

(v) Location of the project _____.

(vi) Name and address of the architect-engineer _____.

(vii) Amount of the engineering fee, to include supervision and inspection of construction _____.

(viii) Design and specifications:

(*a*) Completed by the engineering firm on _____ (date).

(*b*) AF supervising engineer approval _____ (date).

(*c*) Submitted for bids _____ (date).

(ix) A bid tabulation and analysis sheet marked to indicate the selected contractor, and any other appropriate comments.

(x) Date construction contract is to be awarded.

(xi) Type of contract (SFP, CPFF, other).

(xii) Explanation of why contract was not awarded to low bidder (if applicable).

(xiii) Signature of responsible official _____ (Contractor's).

(2) The monthly reports will contain, but not be limited to, the following information:

(i) A short narrative by the supervising engineer explaining the work progress or lack of progress. Problem areas where Air Force assistance might be beneficial should be included.

(ii) A short explanation of the funds which show the amount of the basic construction contract and change orders with appropriate increases and decreases. A short explanation of the changes.

(iii) When applicable, a statement showing construction time extensions, with a short explanation for each one.

(iv) Photographs of significant steps in the construction. (Not necessarily required with each report.)

(v) The final progress report will be so identified, and will contain the A/E summation of project.

NOTE: Forms are not specifically required in order that full use may be made of the reports submitted by the engineering firm supervising the construction. No locally designed forms will be established in connection with the reports prescribed herein. Each of the above types of reports should include items of special interest or importance to the specific construction job. Due to the variety of construction jobs in progress at any given time, it is considered appropriate to depend upon the supervising engineer to divide the individual projects into their important components. Industrial reporting requirements set forth in this instruction are subject to review and approval by the Bureau of Budget under the Federal Reports Act. BOB approval 21-R-134.2 which expires March 31, 1963, is assigned to this report.

Subpart DD—Leasing of Machinery and Industrial Equipment

§§ 1013.3003–6; 1013.3006–2 [Amendment]

In § 1013.3003–6(a)(2), "acceptable" is amended to read "acceptance;" in § 1013.3006–2(c), the heading entitled "Quality" is amended to read "Quantity;" in § 1013.3006–2(d)(2), "AMA" is amended to read "CMR," and subparagraph (3) of paragraph (d) is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-11763; Filed, Nov. 28, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 24—THIRD CLASS

PART 25—FOURTH CLASS

PART 33—METERED STAMPS

PART 41—SERVICE IN POST OFFICES

PART 51—REGISTRY

PART 61—MONEY ORDERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows: I. In Part 24—Third Class, make the following changes:

A. Strike out § 24.6 and insert in lieu thereof the following to make an appropriate reference therein to permissible additions authorized for matter mailed at third-class rates of postage:

§ 24.6 Permissible additions.

The additions authorized for fourth-class mail in § 24.5(b) are permissible with matter mailed at third-class rates of postage.

NOTE: The corresponding Postal Manual section is 134.6.

§ 24.7 [Amendment]

B. In § 24.7 *Enclosures,* make the following changes to revise the cross references therein:

1. In paragraph (a)(1) amend subdivision (v) to read as follows:

(a) *Books and catalogs mailed at bulk rates*—(1) *Permissible.* * * *

(v) An invoice. (See § 25.5(b)(2).)

2. In paragraph (b) amend subparagraph (1) to read as follows:

(b) *All other third-class matter*—(1) *Permissible.* An invoice. (See § 25.5(b)(2).)

NOTE: The corresponding Postal Manual sections are 134.711e and 134.721.

II. In Part 25—Fourth Class, make the following changes:

§ 25.5 [Amendment]

A. In § 25.5, as amended by 27 F.R. 6498, make the following changes for the purpose of clarification and to show as permissible, written instructions and directions for use of an article in the package:

1. Amend the section heading of § 25.5 to read: "§ 25.5 *Additions.*"

2. Amend paragraph (b) to read as follows:

(b) *Permissible.* (1) The following written additions may be placed on the wrapper, on a tag or label attached to the outside of the parcel (see § 13.2(b) of this chapter for space requirements), or inside the parcel, either attached to an article or loose:

(i) Marks, numbers, name, or letters descriptive of contents.

(ii) Please do not open until Christmas, Merry Christmas, Happy Birthday, With Best Wishes, and similar inscriptions.

(iii) Instructions and directions for the use of an article in the package.

EXAMPLE: Directions for use of prescription medicine.

(iv) Manuscript dedication or inscription not in the nature of personal correspondence.

(v) Marks to call attention to any word or passage in text.

(vi) Corrections of typographical errors in:

(*a*) *Circulars or printed matter.* Handwritten or typewritten changes or additions in the body of a circular are limited to corrections of actual typographical errors.

(*b*) *Proof sheets.* Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of part if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.

(vii) Handstamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication. In the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical, unsealed copies will be sufficient evidence to establish that the imprint is impersonal.

(viii) Any printed matter mailable as third class.

(2) An invoice or similar document for descriptive purposes only, may be enclosed or placed in an envelope (marked "Invoice Enclosed" attached to the outside, showing any or all of the following:

(i) Names and addresses of sender and addressee.

(ii) Names and quantities of articles enclosed.

(iii) Description of articles enclosed, including price, tax, style, stock number, size, and quality; and if defective, nature of defect.

(iv) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(v) Initials or name of packer or checker.

NOTE: The corresponding Postal Manual section is 135.5.

B. Section 25.6 is amended to reflect the provisions of the foregoing amendments. As so amended § 25.6 reads as follows:

§ 25.6 Enclosures.

(a) *Catalogs.* Catalogs mailed at the rates in § 25.1(b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of a printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(3) An invoice. (See § 25.5(b)(2)).

(b) *Educational and library materials*—(1) *Books.* The following may be enclosed with books mailed at the rates in § 25.1(c):

(i) Reply envelope or post card, single order form, and a printed circular, relating exclusively to the book with which it is enclosed.

(ii) Incidental announcements of books, appearing in book pages or as loose circulars.

(iii) An invoice. (See § 25.5(b)(2)).

(2) *All other materials.* Enclosures are not permitted except as provided in § 25.5(b)(2).

NOTE: The corresponding Postal Manual section is 135.6.

III. In Part 33—Metered Stamps, make the following changes:

A. In § 33.2 paragraph (a) is amended to delete the requirement that a specimen meter stamp be submitted with each application to use a postage meter. As so amended, paragraph (a) reads as follows:

§ 33.2 Meter license.

(a) *Application.* A patron may obtain a "License to Use a Postage Meter", Form 3601–A, by submitting an application on Form 3601–A (or a form supplied by the manufacturer) to the post office where his metered mail will be deposited. No fee is charged. The application must specify the make and model of the meter. On approval, the postmaster will issue a license.

NOTE: The corresponding Postal Manual section is 143.21.

B. In § 33.4 *Meter stamps,* as amended by 27 F.R. 6976, that part of paragraph (a) preceding the illustrations is further amended to require that only approved designs of meter stamps be used. As so amended, paragraph (a) reads as follows:

§ 33.4 Meter stamps.

(a) *Designs.* The types, sizes, and styles of meter stamps are fixed when meters are approved by the Post Office Department for manufacture. Only approved designs may be used. Some approved designs are illustrated below.

* * * * *

NOTE: The corresponding Postal Manual section is 143.41.

§ 41.3 [Amendment]

IV. In § 41.3, *Post office boxes,* make the following changes:

A. In paragraph (c) subparagraph (4) is amended to clarify the box fees applicable under special circumstances, and to provide for a more equitable fee in the absence of equipment to accommodate patron needs. As so amended, subparagraph (4) reads as follows:

(c) *Rental rates.* * * *

(4) *Fees applicable under special circumstances.* When boxes of the size desired by a patron are not available arrangements may be made to use bags or other containers instead of lockboxes. The fee for this service will be equivalent to the rental that would be collected for the size box necessary to accommodate the patron's average daily mail volume. If the average daily mail volume exceeds the capacity of the largest box in the installation, the rental fee for the largest box will be collected.

B. Paragraph (d) is amended to provide for payment of box rents on an annual basis when rented after July 1. As so amended paragraph (d) reads as follows:

(d) *Payment of box rent.* Box rent must be paid in advance. Form 1538, Box Rent Receipt, is given for each payment. A box may be rented for the following periods: Quarterly; or for the balance of the current quarter; annually (July 1–June 30); or for the remaining portion of the fiscal year. The rent may be paid, at the option of the boxholder, as follows:

(1) *Quarterly.* Quarters begin July 1, October 1, January 1, and April 1. Rent may be paid any time on or before June 30, September 30, December 31, and March 31 respectively.

(2) *For balance of current quarter.* (i) First month of quarter: Entire quarterly rate.

(ii) Second month of quarter: Two-thirds of quarterly rate. To determine the amount to be paid, multiply quarterly rate by two, and divide by three. Drop fractions of a cent.

(iii) Third month of quarter: If rented before twenty-first day, one-third quarterly rate. On or after the twenty-first day, no rent will be charged for the remaining days in the quarter, but full payment must be made for the following quarter.

(3) *Annually.* Rent may be paid annually any time on or before June 30. The fiscal year for box rents begins July 1 and ends June 30.

(4) *For balance of fiscal year.* After June 30, box rent may be paid for the remaining portion of the fiscal year. Rent must be paid for the fractional quarter, if any, computed in accordance with subparagraph (2) of this paragraph, and for the remaing full quarters.

NOTE: The corresponding Postal Manual sections are 151.334 and 151.34.

V. In § 51.9, paragraph (g) is amended by revising subparagraph (1) and adding a new subparagraph (5) to provide for the delivery of restricted delivery registered mail to the agents of certain military personnel. As so amended and added, subparagraphs (1) and (5) referred to read as follows:

§ 51.9 Delivery.

* * * * *

(g) *Restricted delivery.* * * *

(1) Mail marked "Delivery to Addressee Only" will be delivered only to the addressee, except as provided in subparagraph (4) and (5) of this paragraph.

* * * * *

(5) Registered mail addressed to the commander or head of a staff section of military organization, installation, or activity, or to military personnel who, because of their military assignment, are located at a place remote from the serving post office, may be delivered to an agent designated in writing by the addressee on Form 3849, "Mail Arrival Notice", or 3801, "Standing Delivery Order."

NOTE: The corresponding Postal Manual section is 161.97.

VI. In Part 61—Money Orders, make the following changes:

A. In § 61.2, as amended by 27 F.R. 224, 27 F.R. 2605, 27 F.R. 4836, and 27 F.R. 6978, paragraph (a) is amended to show that post offices will provide international money order service whenever a need for the service arises. As so amended, paragraph (a) reads as follows:

§ 61.2 Issuance of international money orders.

(a) *Where sold.* International money orders may be purchased at almost all first-class post offices. Some second-, third-, and fourth-class post offices have been designated to provide this service. Post offices not designated but having sufficient need for the service will make application to the regional controller. International money orders will be issued to addressees in those counties that have agreed with the United States to conduct such business.

B. In § 61.4, as redesignated by 27 F.R. 224, amend paragraph (b) to show that Form 6337 shall be completed in duplicate and that both copies shall be submitted to the postal inspector in charge. As so amended paragraph (b) reads as follows:

§ 61.4 Wrong payment.

* * * * *

(b) *Through alleged fraud.* When improper payment is alleged, the postal employee shall send Form 6065, "Request for Photo Copy of Money Order", to the Money Order Center. If the claimant denies proper payment after examination of the photostat, he must complete Form 6337, "Affidavit Relative to Alleged Wrong Payment of a Money Order" in duplicate. The postal employee shall send the two copies of the completed Form 6337 with the photostat of the paid order to the postal inspector in charge.

NOTE: The corresponding Postal Manual sections are 171.21 and 171.42.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505, 708)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–11787; Filed, Nov. 28, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that the Grape Crush Administrative Committee has unanimously recommended that Subpart—Administrative Rules and Regulations (27 F.R. 3158, as amended) be further amended by revising the definitions of normal outlets for concentrate and high proof in paragraph (b) of § 990.162 thereof. The administrative rules and regulations, as amended, are effective pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On October 19, 1962, there was published in the FEDERAL REGISTER (27 F.R. 10249) an amendment of the rules and regulations, as amended, defining normal and nonnormal outlets for concentrate and high proof. By this action, the normal outlets for concentrate and high proof were defined in terms of the use, or sale for use, within the United States of such items in the production of specified products.

A new notice of rule making was published in the same issue of the FEDERAL REGISTER (October 19, 1962, 27 F.R. 10259) regarding proposed definitions of normal and nonnormal outlets for dessert wine; and the final rule is published elsewhere in this issue of the FEDERAL REGISTER.

After the Committee's reappraisal of the matter in the light of its recommendations relative to the final rule regarding normal and nonnormal outlets for dessert wine, the Committee concluded that there is a similarity in established trade channels on a geographic basis for all setaside products. Hence, the United States, Canada, and Mexico should be treated as one trade area for concentrate, high proof, and dessert wine. Moreover, it should be recognized that any sale at prices substantially less than normal market prices into areas (i.e., Canada and Mexico) contiguous to the United States could introduce the risk of reentry into normal markets within the United States, as well as disrupting markets of grape producers in these countries. The Committee therefore recommended that Canada and Mexico be included in the respective definitions of normal outlets for concentrate and high proof.

The Committee also intended that use, or sale for use, of concentrate and high proof within the United States should include all territories and possessions of the United States. In view of the Committee's recommendation and intention and to afford full coverage with respect to outlying areas of the United States, the respective definitions (in § 990.162 (b) (1) and (2)) of normal outlets for concentrate and high proof should be extended to Canada, Mexico, and the Canal Zone and to outlying areas under the sovereignty of the United States.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 10 days after publication of this notice in the FEDERAL REGISTER.

The proposal is to revise subparagraphs (1) and (2) of paragraph (b) of § 990.162 to read, respectively, as follows:

§ 990.162 Disposition.

* * * * *

(b) *Normal outlets*—(1) *Concentrate.* The established trade channels (i.e., normal outlets) for concentrate mean the use, or sale for use, within Canada or Mexico, the United States, the Canal Zone, or outlying areas under the sovereignty of the United States, of concentrate in the production of wine, high proof, brandy, wine vinegar, grape beverages, jams, or jellies.

(2) *High proof.* The established trade channels (i.e., normal outlets) for high proof mean the use, or sale for use, within Canada or Mexico, the United States, the Canal Zone, or outlying areas under the sovereignty of the United States, of high proof in the production of wine or other alcoholic beverage.

Dated: November 26, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–11801; Filed, Nov. 28, 1962; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1040 and 1042]

[Docket Nos. AO–225–A12 and AO–240–A5]

MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICH., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreement and to 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), a public hearing was held at Lansing, Traverse City and Holland, Michigan, on October 17–26, 1961, pursuant to notice thereof issued on September 15, 1961 (26 F.R. 8844), and October 3, 1961 (26 F.R. 9514).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Under Secretary on November 5, 1962 (27 F.R. 10954; F.R. Doc. 62–11222), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expansion of the Southern Michigan marketing area, and consolidation of the Muskegon, Michigan and Upstate Michigan orders with the Southern Michigan order.

2. Provisions in the applicable orders or in their consolidation with respect to:

(a) Exempt status for producer-handlers;

(b) Pooling provisions;

(c) "Call percentage" applicable to pool plant supplies;

(d) Classification and accounting for liquid dietary products and other fortified fluid milk products;

(e) Computation of plant shrinkage;

(f) Computation and application of the basic formula, Class I and Class II prices and the supply-demand adjustor;

(g) Direct delivery "incentive" payments and zone location adjustments;

(h) Butterfat differentials;

(i) Base-excess provisions;

(j) Advance payments to producers; and

(k) Miscellaneous and conforming changes.

All issues with the exception of that portion of 2(f) relating to the Class II price of Orders 40 and 42 are reserved for a separate decision. That portion of issue 2(f) relating to the Class II price of Orders 40 and 42 is considered herein pending effectuation of the consolidated order.

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

Class II milk price. The Class II price for Orders 40 and 42 should be established at the level of the basic formula price, but not to exceed the price resulting from a butter-powder formula plus 10 cents. The basic formula price for Orders 40 and 42, incorporated therein effective March 1, 1962, is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat test.

At the present time, the Class II prices of Orders 40 and 42 are based on the higher of two alternative formulas, one

based on the market prices of butter and nonfat dry milk and the other based on the reported paying prices of a group of milk manufacturing plants in Wisconsin and Michigan.

The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Three producers' cooperative associations proposed that prices paid at manufacturing plants in Wisconsin and Minnesota be used in establishing the Class II prices throughout the area. The present formula, based on plant prices paid at specified local milk manufacturing plants and the market prices for nonfat dry milk and butter, is no longer representative of the value for Class II milk in that area. A more representative measure of manufacturing milk prices is advisable. This can be accomplished by providing a Class II price based on prices paid at numerous plants in a representative and comprehensive milk manufacturing region.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. About 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin about 65 percent. Competition for this milk is strong in both states. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The alternative formula herein recommended, a butter-powder formula plus 10 cents, is used for the same purpose in other nearby Federal orders. This will tend to insure an alignment of prices among the various orders in the region and lessen the likelihood of a disparity between the value of manufacturing milk locally and the Class II price.

The Class II price provisions recommended herein will return producers a value for their milk consistent with the value of milk used in the manufacture of similar products in adjacent or nearby markets.

The average of the prices paid farmers in the various states for manufacturing grade milk, as reported by the Statistical Reporting Service, United States Department of Agriculture, is at the weighted average butterfat test of such milk. Since the class prices of the orders are based on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin price be adjusted to this basis. Official notice is here taken of the amendment to the Chicago order which became effective September 1, 1961, (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5 percent butterfat basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.12. This factor is an appropriate and representative value of butterfat in the East North Central region, which includes the area covered by Orders 40 and 42 and should likewise be used in the order for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent basis.

Official notice is taken of the March 1, 1962 amendment to the Northeastern Ohio order relative to its Class III price formula, which is identical to that recommended in a separate decision for Class II milk under the consolidated order. In addition, it is contemplated that the hearing on the proposed Lower Michigan order will be reopened to consider compensatory payment provisions. This could delay the effective date of the consolidated order beyond January 1, 1963.

To insure orderly marketing, it is advisable that the Class II prices in the Southern Michigan and Muskegon orders herein recommended be made effective as promptly as possible. Otherwise, the Class II price now effective in these orders will maintain a disalignment of prices, thereby tending to create unstable and chaotic marketing conditions in the territory in which handlers subject to these and nearby orders operate.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southern Michigan Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area"; "Marketing Agreement Regulating the Handling of Milk in the Muskegon, Michigan Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Muskegon, Michigan Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of September 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Southern Michigan and Muskegon, Michigan marketing areas, is approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on November 23, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area

§ 1040.0 Findings and determinations.

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

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

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

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended as follows:

1. Section 1040.52 is revised to read as follows:

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month and which is classified as Class II utilization shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the sum of paragraphs (a) and (b) of this section plus 10 cents, rounded to the nearest cent:

(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the United States Department of Agriculture for the Chicago market subtract 3 cents and multiply the remainder by 4.2; and

(b) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

Order[1] *Amending the Order Regulating the Handling of Milk in the Muskegon, Michigan, Marketing Area*

§ 1042.0 Findings and determinations.

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

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

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

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as further amended as follows:

1. Section 1042.52 is revised to read as follows:

§ 1042.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month and which is classified as Class II utilization shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the sum of paragraphs (a) and (b) of this section plus 10 cents, rounded to the nearest cent:

(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the United States Department of Agriculture for the Chicago market, subtract 3 cents and multiply the remainder by 4.2; and

(b) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

[F.R. Doc. 62-11805; Filed, Nov. 28, 1962; 8:52 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-FW-24]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas; Reopening of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on June 21, 1961 (26 F.R. 5527), it was stated that the Federal Aviation Agency (FAA) was considering the alteration of Low altitude VOR Federal airway Nos. 243 and 157 in the vicinity of Waycross, Ga. In accordance with the terms of the notice, the time for public comment expired 30 days after the date of publication of the notice.

In view of the time that has elapsed since the close of the comment period, the FAA has determined that a further opportunity should be afforded to interested persons to submit comments which would allow for consideration of the proposal in the light of the current aeronautical situation.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), I hereby give notice that the time for which comments will be received for consideration on Airspace Docket No. 61-FW-24 is reopened for 15 days from the date of publication of this supplemental notice. Communications should be submitted in triplicate to the Assistant Administrator, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie St., Atlanta 3, Ga., or to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 21, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-11769; Filed, Nov. 28, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-83]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zones

Pursuant to the authority delegated to me by the Administrator (14 CFR

11.65), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 of the regulations of the Administrator (Part 71 [New] of the Federal Aviation Regulations, effective December 12, 1962, 27 F.R. 10352), the substance of which is stated below.

The Mountain View, Calif., (Moffett NAS) control zone is presently designated within a 5-mile radius of the Moffett NAS. The San Jose, Calif., control zone is presently designated within a 3½-mile radius of the San Jose Municipal Airport, excluding the portion which overlaps the Mountain View, Calif., Moffett NAS control zone. The air traffic control authority over prescribed instrument approach and departure procedures conducted within these adjoining control zones is exercised by the Moffett NAS approach control facility.

The Federal Aviation Agency has under consideration:

1. Redesignation of the San Jose, Calif., control zone within a 5-mile radius of the San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion northwest of a line from latitude 37°25'45" N., longitude 121°56'35" W., to latitude 37°19'30" N., longitude 122°00'10" W.

2. Redesignation of the Mountain View (Moffett NAS), Calif., control zone within a 5-mile radius of NAS Moffett field (latitude 37°24'55" N., longitude 122°02'50" W.); within a one-mile radius of the San Mateo County Airport of Palo Alto, Calif. (latitude 37°27'40" N., longitude 122°06'50" W.); within 2 miles either side of the Moffett TACAN 157° True radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, and within 2 miles either side of the San Jose VOR 325° True radial extending from the VOR to 7 miles northwest of the VOR; excluding the portion southeast of a line from latitude 37°-25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°-00'10" W.

These control zone alterations would provide protection for the larger, more-modern type civil aircraft and high performance military aircraft executing prescribed instrument approach and departure procedures at the San Jose Airport and NAS Moffett Field.

Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60–21/60–29 implementation program.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room 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.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 21, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62–11765; Filed, Nov. 28, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14452; FCC 62–1191]

GENEVA RADIO REGULATIONS (1959)

Implementation of Certain Requirements Regarding Frequencies, Frequency Stability and Definitions; Further Notice of Proposed Rule Making

1. In a Report and Order in this proceeding adopted on April 12, 1962, the Commission stated, among other things, that it was deemed appropriate at that time to withhold the adoption of the amended frequency tolerances of Radio Regulations of the International Telecommunication Union, Geneva (1959) which applied to land stations and certain mobile stations in the band 100–470 Mc/s and to continue the study of this subject.

2. Comments received in response to the original Notice of Proposed Rule Making included numerous objections from the aviation interests including aircraft manufacturers, pilots and owners, to the proposed frequency tolerance of 0.005 percent for aircraft transmitters. These objections were based on opinions that the development of general aviation would be discouraged because of higher initial cost of radio equipment and because of the high cost of replacing aircraft radio station equipment in order to comply with the 0.005 percent frequency tolerance. Comments also stated that the increased frequency stability of 0.005 percent had no technical or operational justification.

3. The Commission is not persuaded by the conclusional statements filed in this proceeding that a requirement of 0.005 percent frequency tolerance would lead to the early obsolescence of more than 65,000 aircraft equipments with a replacement cost exceeding $65,000,000 on the present market. In contrast, it is observed that approximately 75 percent of all the types of transmitting equipment operating in the band 118–136 Mc/s and type accepted for the Aviation Services meets a frequency tolerance of 0.005 percent or less. In addition, the Commission's records show that some of the types of equipment listed for 0.01 percent frequency tolerance are capable of meeting a frequency tolerance of 0.005 percent. This indicates that the equipment replacement problems which might be engendered by adoption of 0.005 percent frequency tolerance should be much less burdensome than claimed by those objecting to the Commission's original proposal. In this connection, it should be noted that the Commission's Rules provide that type accepted equipment is required in the Aviation Services after January 1, 1965.

4. As an additional matter, the Radio Technical Committee for Aeronautics (RTCA) in its report prepared by Special Committee 80 determined that the channel width required for voice communications is twice the sum of the receiver frequency tolerance, the transmitter frequency tolerance and the audio passband, all expressed in kilocycles. Using equal tolerances of 0.01 percent for receivers and transmitters at 136 Mc/s the above method shows that the total spectrum required is 61.4 kc/s and that a receiver designed to receive a channel of this width and having a shape factor of 1.8 will have a passband of 110 kc at 60 db attenuation. From this report it becomes clear that equipment of 0.01 percent frequency tolerance used in the aeronautical mobile service may suffer or cause objectionable, harmful, and at times destructive interference in an operational environment of 50 kc/s channel spacing. The fact that some 50 kc/s channels are being utilized at this time, as provided for in the Commission's Rules, and that comments received indicate that harmful interference is not ordinarily being experienced is not persuasive. First, it has been possible, in many instances, to make ground station assignments which afford a degree of protection from adjacent channel interference. It is not reasonable to expect that this type of protection can be provided in the future. Second, only a limited number of 50 kc/s channels are, in fact, being used. As more and more 50 kc/s channels are utilized, it may be expected that an increased number of cases will result where an aircraft calling a ground station may receive harmful interference from another aircraft calling a second ground station on an adjacent 50 kc/s channel. Aeronautical safety communications must be protected from such harmful interference to the maximum practicable extent.

5. Applying the RTCA SC–80 method of calculation to a transmitter and receiver of 0.005 percent frequency tolerance the total spectrum required is 34.2 kc/s and the receiver passband will be 61.6 kc at 60 db attenuation. Accordingly, the Commission is of the opinion that 0.005 percent frequency tolerance is justified for 50 kc/s channels in VHF aeronautical band as proposed in the original Notice of Proposed Rule Making. The Commission, however, is of the opinion, for reasons set forth hereinafter, that 0.005 percent may prove to be only an intermediate step.

6. By informal action, completed on January 3, 1962, the member agencies of the Interagency Group on International Aviation (IGIA) approved portions of the United States Position to the Seventh Session of the ICAO Communications Division. A portion of the position material relates directly to the subject of this rule making, and is quoted below:

> Studies of the Radio Technical Commission for Aeronautics indicate that by the 1963 time period, a total of 423 VHF channels will be needed to satisfy air traffic control requirements within the United States. This number of channels is based generally on the technical criteria recommended in the Bell Laboratories Study on Air Traffic Control Communications, various reports of the RTCA and others. Recent studies within the FAA reaffirm the findings in the RTCA study.
>
> There are now 241 channels available within the bands presently allocated in the United States for air traffic control purposes between 117.975–135 Mc/s using 50 kc/s channel spacing.
>
> Several approaches have been explored in an effort to find a means of obtaining the required 423 channels. One of the approaches which appears to merit further study is that of 25 kc/s channel spacing. In this respect, a total of 470 channels could be made available within the same frequency bands by using 25 kc/s channeling. However, there are several problems involved in the implementation of any 25 kc/s channel spacing arrangements. Probably one of the biggest problems would be that of devising a means of implementation whereby:
>
> a. Equipment utilizing 25 kc/s channel spacing can be made available on a reasonable cost, weight and space basis.
>
> b. All users of equipment operating on channel spacing greater than 25 kc/s could reasonably amortize their investment in such equipment; and,
>
> c. The ground environment could be arranged in such a way that all users of radio could be accommodated regardless of the type of equipment being used, e.g., 200 kc/s, 100 kc/s, 50 kc/s or 25 kc/s.

7. The Commission is of the opinion, therefore, that due to the requirements that have been established in the aviation industry for additional VHF communications channels, technical criteria are justified which will permit utilization of 25 kc/s channel spacing within a reasonable time period.

8. The RTCA in its report prepared by Special Committee 80 stated as follows:

> Although it cannot reasonably be anticipated that there will be standardization of ground station frequency tolerance at ±.001 percent within the foreseeable future, the following would be the channel width required for VHF voice communications only, presuming both sidebands must be received:

Aircraft receiver	±0.004% at 128 Mc = ±5.12 kc or	10.24 kc
Ground station	±0.001% at 128 Mc = ±1.28 kc or	2.56 kc
Audio passband	±3.5 or	7.0 kc
Total spectrum required		19.8

> A shape factor of 1.8 (6 db to 60 db) is reasonably easy to achieve. Considerable additional complexity is incurred if much tighter shape factors and greater attenuation are attempted. 1.8×20 kc=36 kc so the selectivity curve would be 20 kc total at 6db and 36 kc total at 60 db. This might be considered satisfactory for 25 kc spacing if adjacent channels were geographically separated.

9. With regard to adjacent channel interference, it appears that interference caused by aircraft and ground station should be given equal consideration and, therefore, the frequency tolerance requirements for these stations should be the same. In addition, it is desirable, but not necessary, that both sidebands be accommodated within the passband of the receiver. The highest modulation frequency encountered from voice modulation and in the transmission of data is 3,000 cycles per second. In applying these considerations at the frequency 136 Mc/s with a view to obtaining the potential advantage of 25 kc/s channel capability it is found that a frequency tolerance of 0.003 percent will be required for transmitters and receivers both in the air and at the aeronautical ground stations. This is illustrated by the following:

Receivers	±0.003% at 136 Mc/s = ±4.08 kc or	8.16 kc/s
Transmitter	±0.003% at 136 Mc/s = ±4.08 kc or	8.16 kc/s
Audio passband		3.0 kc/s
Total spectrum required		19.32 kc/s

The figure 19.32 kc/s is less than the figure 19.8 kc/s which, according to the report of RTCA SC–80, might be considered satisfactory for 25 kc/s channel spacing. It is proposed, therefore, that a frequency tolerance of 0.003 percent be adopted for use by both aircraft and ground station transmitters in U.S. band 100–136 Mc/s.

10. In recognition of the economic factors which will result from the transition to .003 percent frequency tolerance and to provide a time for amortization of existing equipments, it is proposed that the effective date for 0.003 percent tolerance will be January 1, 1973. The table set forth below proposes continued use of 0.01 percent frequency tolerance until January 1, 1973.

11. The joint comment of Aeronautical Radio, Inc. (ARINC) and Air Transport Association of America (ATA) urges that the 0.01 percent frequency tolerance be continued for survival craft stations as an exception to the general requirement for 0.005 percent as specified in the notice of proposed rule making. The Commission recognizes that survival craft station equipment is necessarily designed to provide maximum portability, with minimum size, weight and power consumption. This requires circuit simplicity and minimum sophistication, which would otherwise be required to meet the more stringent frequency tolerance proposed. There is a distinct probability, however, that a survival craft transmitter of 0.01 percent capability would not be received on a receiver capable of 25 kc/s operation. It is noted, in addition, that the equipment of a prominent manufacturer of survival craft transmitters claims 0.005 percent frequency stability for its product. The Commission is of the opinion, therefore, that, in the absence of a showing to the contrary, survival craft equipment is capable of and should be required to maintain this stability which is provided in the Appendix as an exception to 0.003 percent frequency tolerance.

12. ARINC and ATA also comment that special provision must be made to permit continued operation of the many network station facilities employing the offset carrier technique wherein the carrier frequencies employed by the individual transmitters of each group of interconnected stations are offset from the assigned frequency. In order to meet the requirements of using the offset carrier technique, the Commission proposes to authorize these stations to use the assigned frequencies. In addition, however, the Commission may specify a reference frequency having a fixed and specified position with respect to the assigned frequency. In these cases, the frequency tolerance will be the maximum permissible departure of the station's carrier or characteristic frequency from the reference frequency.

13. In view of the foregoing, the Commission proposes to amend Part 9 of its rules and regulations as set forth below.

14. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in section 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before January 2, 1963, and reply comments on or before January 14, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements,

briefs, or comments filed shall be furnished the Commission.

Adopted: November 21, 1962.

Released: November 23, 1962.

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

The table in § 9.180(a) is amended by adding footnote designator 2 to the headnote of the third column, amending the entries for items 5 and 6, by adding a new item 7, and by amending footnote 2, as follows.

§ 9.180 **Frequency stability.**

(a)

* * * * *

Frequency bands (lower limit exclusive, upper limit inclusive) and categories of stations	Tolerances applicable until Jan. 1, 1966, to transmitters in use and to those to be installed before Jan. 1, 1964	Tolerances applicable to new transmitters installed after Jan. 1, 1964, and to all transmitters after Jan. 1, 1966 [1] [2]
* * * *	*	*
(5) Band—100 to 136 Mc/s:		
Fixed stations:		
Power 50 w or less	0.01	*0.005
Power above 50 w	.01	*.002
Land stations	.01	**.003
Mobile stations:		
Survival craft stations	.01	**.005
Land mobile stations with power above 5 w	.01	.002
All other mobile stations	.01	**.003
(6) Band—136 to 470Mc/s:		
Fixed stations:		
Power 50 w or less	.01	*.005
Power above 50 w	.01	*.002
Land stations	.01	.005
Mobile stations:		
Land mobile stations with power above 5 w	.01	.002
All other mobile stations	.01	.005
(7) All stations on frequencies above 470 Mc/s	.01	.01

[1] Jan. 1, 1970, in the case of all tolerances marked with an asterisk.
[2] Jan. 1, 1973, in the case of all tolerances marked with a double asterisk.

[F.R. Doc. 62-11794; Filed, Nov. 28, 1962; 8:50 a.m.]

[47 CFR Parts 31, 33, 34, 35]

[Docket No. 14850 (RM-377) (RM-381); FCC 62-1186]

CLASS A, B, AND C TELEPHONE COMPANIES; RADIOTELEGRAPH CARRIERS; WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

Uniform System of Accounts; Notice of Proposed Rule Making

In the matter of amendment of Parts 31 and 35 of the Commission's rules (Uniform Systems of Accounts for Class A and Class B Telephone Companies and for Wire-Telegraph and Ocean-Cable Carriers, respectively) concerning accounting for investment credits made available by the Revenue Act of 1962. Possible like amendment of the Uniform Systems of Accounts for Class C Telephone Companies and for Radiotelegraph Carriers (Parts 33 and 34 of the rules, respectively), Docket No. 14850 (RM-377) (RM-381).

1. This notice of proposed rule making is issued pursuant to a request filed by the American Telephone and Telegraph Company (AT & T) on behalf of itself and its associated operating telephone companies, by letter dated October 18, 1962. In this letter AT & T requested that the Commission amend its system of accounts for Class A and Class B telephone companies (Part 31) so as to permit certain proposed accounting for investment credits made available to telephone companies under the Revenue Act of 1962. In addition, by letter dated October 31, 1962, The Western Union Telegraph Company (WU) requested the Commission to amend the system of accounts for wire-telegraph and ocean-cable carriers (Part 35) with respect to accounting for investment credits. These requests are conditioned upon our determining that amendments of the rules are necessary to permit the accounting requested.

2. In brief, AT & T requests that we amend Part 31 so as to permit the investment credits to be charged to operating expenses with offsetting credits to the plant accounts. In the case of qualified leased property the credits would be made to a deferred credit account. WU on the other hand requests amendment of Part 35 so as to permit 48 percent of the investment credit to be reflected as a reduction in current charges in the accounts for Federal income taxes with the balance or 52 percent being set up as a deferred tax item. WU states that in its case it does not expect to have any consequential amounts related to leased property. Therefore, it plans to let any related investment credits flow through to net income immediately.

3. The Commission's uniform systems of accounts (Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies; Part 33—Uniform System of Accounts for Class C Telephone Companies; Part 34—Uniform System of Accounts for Radiotelegraph Carriers; and Part 35—Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers), as presently worded, permit charges to the tax expense accounts only for the taxes actually payable and, with minor exceptions, arising out of operations during the current accounting period. AT & T's request and WU's request, to the extent that they relate to tax deferrals, if granted, would involve a departure from this fundamental theory which underlies the present systems of accounts. The accounting treatment proposed by WU for the 48 percent of the investment credit is in accordance with this Commission's current accounting rules as set forth in Parts 31, 33, 34 and 35.

4. AT & T states in paragraph 2 of its letter of October 18, 1962, that its reasons for the accounting proposed are "(1) the nature of the credit and the intent of the law, set forth in its legislative history, (2) the fact that the law itself requires the credit to be deducted from the cost of the property in determining its tax 'basis', (3) the desirability of consistency between book and tax treatment, and (4) the conformity of such accounting with the basic concepts of the Uniform System of Accounts prescribed by your Commission." As a matter of information we have attached hereto a copy of AT & T's letter as Appendix A.[1]

5. WU states that it appears logical and realistic to permit 48 percent of the investment credits to flow-through and to establish the balance, or 52 percent, in a deferred tax account. A copy of WU's letter of October 31, 1962, is attached hereto as Appendix B.[1]

6. As we view this matter, currently there seem to be at least three basic ways to reflect investment credits in the accounts. These are:

(a) "Flow-through" accounting, which would permit the investment credits to "flow-through" immediately to net income. This would require no change in any of our systems of accounts.

(b) "Flow-through" accounting for 48 percent of the investment credits and normalization of 52 percent of such credits by setting up a reserve for deferred taxes. The contra entry to establish the reserve would be a charge to operating taxes. (WU's proposal.)

(c) Normalization by entering the investment credits as a credit to the plant accounts and charging operating taxes. (AT & T's proposal.)

Normalization may be accomplished with a charge to operating taxes, a below-the-line account, or in a separate account, either above or below-the-line, established for this purpose. Under full normalization (i.e., for the entire investment credit) the contra credit could be made to either the plant accounts and fed back by reduced depreciation charges or 48 percent to the plant accounts and 52 percent to a deferred tax account with the latter fed back as a credit to operating taxes over the life of the plant. If the credits are made direct to the plant accounts 100 percent then future book depreciation charges are lower by an amount equal to the charge against operating taxes for taxes not paid but future taxes are increased to the extent of 52 percent of the investment credit. If the credits are split as indicated between the plant accounts and a deferred tax account future book depreciation charges are lower by an amount equal to 48 percent of the charge against operating taxes for taxes not paid and future taxes booked are not increased any because of the feed back of the deferred tax account to operating taxes.

7. We are not presenting for comment any specific language changes in the systems of accounts which would be necessary to effectuate any amendments adopted. We believe this detail may be accomplished in a relatively simple manner.

8. Comments of communications carriers and State and Federal regulatory bodies as well as other interested parties are particularly solicited concerning the propriety of these petitioners' basic

[1] Appendices filed as part of original document.

accounting proposals and on any alternative accounting proposals which may appear appropriate in the circumstances. In addition, comments and briefs are especially solicited with respect to the intent of Congress in enacting the investment credit provisions of the Revenue Act of 1962 and the extent to which this Commission should recognize such intent in considering amendment of its accounting rules. Also, any other germane comments which would be of value in resolving the problem at hand are invited.

9. The Commission in issuing this notice of proposed rule making takes no position at this time regarding the merits of any of the accounting approaches discussed herein.

10. Comments are requested on whether, if we amend our telephone and wire-telegraph and ocean-cable systems of accounts, like amendments, in principle, should be made in our other sets of accounting rules, namely, those for small telephone companies and for radiotelegraph companies, Parts 33 and 34 of our rules, respectively.

11. Whether or not any amendments are made in our accounting rules as a result of this proceeding we intend to amend our common carrier annual report forms (Forms M, O, and R) to the extent, if any, necessary so that they will disclose clearly the amounts involved in the investment credits and how they are being accounted for. These contemplated reporting requirements will be simple and we are certain will not call for any data not compiled for management and income tax purposes. Any suggestions regarding reporting will be welcome.

12. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of a final order with respect to this docket, as required by section 220(g) of the Communications Act, with the option that those telephone, wire-telegraph and ocean-cable companies which desire to do so may place any amendments which may be adopted in this proceeding into effect retroactively to any earlier date.

13. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before December 26, 1962 and reply comments on or before January 8, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. In accordance with the provisions of § 1.54 of the Commission's Rules and Regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: November 21, 1962.

Released: November 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 62-11793; Filed, Nov. 28, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

NOVEMBER 21, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050090 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the general mining laws only, subject to existing valid claims. The applicant desires the land for use by the Forest Service to protect roadside zones and preserve the natural scenic and aesthetic values of the forest; also for safety improvements for the public.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

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 involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

SEQUOIA NATIONAL FOREST

Roadside Zone Along the Kernville-Johnsondale Highway

California Forest Highway No. 2202

All national Forest land between the Kern River channel and 200 feet east of the centerline of the Kernville-Johnsondale Highway through the following legal subdivisions:

T. 22 S., R. 32 E.,
Sec. 36: W½SW¼.

Roadside Zone Along the Kings River Highway

California State Highway No. 180

A strip of land 200 feet on each side of the center line of the Kings River Highway through the following legal subdivisions:

T. 13 S., R. 27 E.,
Sec. 31: Lots 3 and 4, NE¼SW¼, SW¼SE¼ SE¼SE¼;
Sec. 32: SW¼NE¼, S½SW¼, NW¼SE¼, NE¼SE¼, SE¼SE¼, including portions of Oak Flat A.S.;
Sec. 33: NE¼SW¼, NW¼SW¼, SE¼SW¼ NW¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 34: SW¼SW¼, SE¼SW¼.
T. 14 S., R. 27 E.,
Sec. 3: SW¼NE¼, SE¼NE¼, NW¼SE¼, SE¼SE¼;
Sec. 11: NE¼NE¼, S½NE¼, NE¼NW¼, SW¼SW¼, SE¼NW¼;
Sec. 12: N½SW¼.
T. 13 S., R. 28 E.,
Sec. 1: Lots 7, 8, 9, 10, 18, 19, 20, 21, N½ Lot 22, N½S½ Lot 22, NW¼SW¼, SW¼ SW¼, S½NE¼SW¼;
Sec. 2: Lots 1, 2, 3, 4, 5, 8, 10, 12, 13, 15, 16, W½SW¼;
Sec. 3: SE¼SE¼;
Sec. 29: NW¼NE¼, SW¼NE¼, NE¼NW¼, NE¼SW, SE¼SW¼, SE¼NW¼.
T. 13 S., R. 29 E.,
Sec. 3: S½SW¼;
Sec. 4: Lots 21, 22, 23, 24, N½S½, SE¼ SE¼;
Sec. 5: Lots 19, 20, 21, 22, 23, 24, NE¼SE¼;
Sec. 6: Lots 17, 18, 19, 20, 21, 22, 23, 24;
Sec. 10: N½N½;
Sec. 11: S½N½;
Sec. 12: N½.
T. 13 S., R. 30 E.,
Sec. 7: Lots 1, 2, E½NW¼, NE¼;
Sec. 8: S½N½, N½S½;
Sec. 9: S½N½, N½S½;
Sec. 10: S½N½, N½S½;
Sec. 11: SW¼, S½SE¼;
Sec. 13: S½NE¼, NW¼, N½SW¼, SE¼;
Sec. 14: NE¼NE¼.
T. 13 S., R. 31 E.,
Sec. 16: NW¼SW¼;
Sec. 17: N½S½;
Sec. 18: Lots 2, 3, S½NE¼ less portion in Kings Canyon National Park, NE¼SW¼, N½SE¼, SE¼NW¼;
Sec. 19: Lot 1, N½NE¼, NE¼NW¼.
T. 14 S., R. 28 E.,
Sec. 7: Lot 4, SW¼NE¼, SE¼SW¼, W½ SW¼SE¼, SE¼SE¼, excepting any portion within the Kings Canyon National Park;
Sec. 18: NE¼NE¼, NW¼NE¼.

Roadside Zone Along the California State Highway No. 65

A strip of land 200 feet on each side of the center line of the State Highway No. 65 through the following legal subdivisions:

T. 14 S., R. 27 E.,
Sec. 12: NE¼SW¼, NW¼SW¼;
Sec. 13: NW¼SW¼;
Sec. 14: NW¼SE¼, SW¼SE¼.

Roadside Zone Along the General's Highway

A strip of land 200 feet on each side of the center line of the General's Highway through the following legal subdivisions:

T. 14 S., R. 28 E.,
Sec. 10: SE¼NE¼, NE¼SE¼, NW¼SE¼ less portion in Kings Canyon National Park;
Sec. 11: SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, SE¼SW¼, NE¼SE¼, NW¼ SE¼, SW¼SE¼, SE¼SE¼;
Sec. 12: SW¼SW¼;
Sec. 13: SW¼NE¼, SE¼NE¼, NE¼NW¼, NW¼NW¼ less portion in Kings Canyon National Park, SE¼NW¼, NE¼SE¼, NW¼SE¼ less portion in Kings Canyon National Park.
T. 14 S., R. 29 E.,
Sec. 18: Lot 3, Lot 4, SE¼SW¼, SW¼SE¼;
Sec. 19: Lot 1, E½NE¼, NE¼NW¼, E½ SW¼, S½SE¼;
Sec. 20: SW¼SW¼, SE¼SW¼;
Sec. 29: NE¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 30: NE¼NE¼;
Sec. 32: NE¼NE¼, NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼SE¼, NW¼SE¼;
Sec. 33: SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, SE¼SW¼, NW¼SE¼, SW¼ SE¼.
T. 15 S., R. 29 E.,
Sec. 4: Lot 2, Lot 3, SW¼NE¼ less portion in Kings Canyon National Park, SE¼ NW¼.
T. 23 S., R. 32 E.,
Sec. 1: Lots 3 and 4, SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼;
Sec. 11: NE¼SE¼, SE¼SE¼;
Sec. 12: NE¼NW¼, NW¼NW, SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼;
Sec. 13: SW¼NW¼;
Sec. 14: NE¼NE¼, SW¼NE¼, SE¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼ SW¼, SE¼SW¼;
Sec. 23: SW¼NE¼, SE¼NE¼, NW¼NW¼, NE¼SE¼, NW¼SE¼, SW¼SE¼, SE¼ SE¼;
Sec. 24: SW¼SW¼, SE¼SW¼;
Sec. 25: NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼, NW¼NW¼, NE¼SE¼;
Sec. 26: NE¼NE¼.

The areas described above aggregate approximately 2,250.00 acres.

The applicant agency has cancelled its application insofar as it involved lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on December 27, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN

SEQUOIA NATIONAL FOREST

Roadside Zone Along the Kernville-Johnsondale Highway

California Forest Highway No. 2202

A strip of land 200 feet on each side of the center line of the Kernville-Johnsondale Highway through the following legal subdivisions:

T. 13 S., R. 28 E.,
Sec. 1: S½S½, Lot 22, N½NE¼SW¼;
Sec. 8: NE¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 9: SE¼NW¼, NE¼SW¼, NW¼SW¼, NW¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 10: NE¼NE¼, SW¼NE¼, SE¼NE¼, SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼ SW¼;
Sec. 17: NE¼NE¼, NW¼NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼, SE¼ SW¼;
Sec. 20: NE¼NW¼, NW¼NW¼, SW¼ NW¼, SE¼NW¼, SE¼SW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼;
Sec. 26: SW¼SW¼, SE¼SE¼.
T. 13 S., R. 31 E.,
Sec. 18: That portion S½NE¼ in Kings Canyon National Park.
T. 14 S., R. 27 E.,
Sec. 2: NW¼SW¼, SW¼SW¼, SE¼SW¼;
Sec. 3: Lots 2, 3, and 4;
Sec. 11: NW¼NE¼, N½SW¼, SE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 12: SW¼NE¼, SE¼NW¼.
T. 14 S., R. 28 E.,
Sec. 7: SE¼NE¼, NE¼SE¼, E½SW¼SE¼, that portion SE¼SE¼ in Kings Canyon National Park.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-11777; Filed, Nov. 28, 1962; 8:48 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

NOVEMBER 21, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 059464 for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for use by the Forest Service, United States Department of Agriculture, as experimental forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

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 involved in the application are:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST, PLACER COUNTY, CALIFORNIA

Onion Creek Experimental Forest

T. 16 N., R. 15 E.,
Sec. 5: Lots 3, 4, 5, 8, SW¼NW¼NE¼, NW¼SW¼NE¼, SE¼NW¼.
T. 16 N., R. 14 E.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 12: Lots 1, 2, 3, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.
T. 17 N., R. 14 E.,
Sec. 36: S½SE¼NE¼, W½NW¼, S½.

The afore-described areas aggregate approximately 1,508.79 acres.

The applicant agency has cancelled its application insofar as it involved the lands described hereinafter. Therefore, pursuant to the regulation contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on December 26, 1962, relieved of the segregative effect of the aforementioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Onion Creek Experimental Forest

T. 16 N., R. 14 E.,
Sec. 1;
Sec. 2: SE¼SE¼.
T. 17 N., R. 14 E.,
Sec. 36: NE¼NE¼, W½NE¼, N½SE¼NE¼, E½NW¼.

Of the afore-described lands eliminated from the Proposed Withdrawal Application Sacramento 059464 filed August 4, 1959, the following listed lands are included in the prior pending United States Department of Agriculture Proposed Withdrawal Application Sacramento 050595 dated May 31, 1955, which requests withdrawal of the lands from location and entry under the mining laws, subject to existing valid claims: SE¼SE¼ Sec. 2, T. 16 N., R. 14 E.; and W½NE¼, E½NW¼ Sec. 36, T. 17 N., R. 14 E., M.D.M.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-11778; Filed, Nov. 28, 1962; 8:48 a.m.]

[Colorado 096911]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 21, 1962.

The Department of the Army, Corps of Engineers, has filed an application, Serial Number Colorado 096911, for the withdrawal from location and entry from the mineral leasing and General Mining Laws, subject to existing valid claims, certain acquired lands in the sections and townships described below.

These lands were acquired under the Bankhead-Jones Farm Tenant Act and surface jurisdiction transferred to the Department of Agriculture in accordance with section 2 of Executive Order No. 10046 of March 24, 1949.

The applicant desires the land for use in conjunction with the Warren Minuteman Missile Program.

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 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

T. 8 N., R. 56 W.,
In Secs. 20, 29, 30.
T. 10 N., R. 56 W.,
In Secs. 7, 31.
T. 11 N., R. 56 W.,
In Sec. 25.
T. 10 N., R. 57 W.,
In Sec. 12.
T. 8 N., R. 58 W.,
In Sec. 3.
T. 11 N., R. 58 W.,
In Secs. 28, 29.
T. 8 N., R. 59 W.,
In Sec. 4.
T. 9 N., R. 59 W.,
In Secs. 4, 18, 19.
T. 10 N., R. 59 W.,
In Sec. 34.
T. 12 N., R. 59 W.
In Sec. 33.
T. 8 N., R. 60 W.,
In Sec. 11.
T. 10 N., R. 60 W.,
In Sec. 24.

Lands proposed to be withdrawn in the above described area aggregate approximately 1036 acres.

IOLA M. CLARK,
Acting Manager, Land Office, Denver.

[F.R. Doc. 62-11779; Filed, Nov. 28, 1962; 8:48 a.m.]

MICHIGAN, MISSISSIPPI, ARKANSAS, LOUISIANA, AND INDIANA

Notice of Proposed Withdrawal and Reservation of Land; Correction

NOVEMBER 23, 1962.

In F.R. Doc. 62-8596, appearing at page 8599 of the issue for Tuesday, August 28, 1962, the following correction is made in the Section 7 land description under T. 19 N., R. 13 W., in the Manistee National Forest, Michigan: The description now reading "SE¼NE¼SW¼NE¼NE¼," should read "SE¼NE¼SW¼, NE¼NE¼,".

DORIS A. KOIVULA,
Manager.

[F.R. Doc. 62-11784; Filed, Nov. 28, 1962; 8:49 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 21, 1962.

Notice of an application, Anchorage Serial No. 053509, for withdrawal and reservation of lands was published as F.R. Doc. 61-5769, on page 5583 of the issue for June 22, 1961. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be, at 10:00 a.m. on December 20, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

Original Townsite of Anchorage

Block 59: Lot 8.
Block 61: Lots 4, 5, and 6.

Containing 0.40 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-11789; Filed, Nov. 28, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Dockets M-85, M-86, M-87, M-88]

DANT & RUSSELL, INC., ET AL.

Notice of Applications

Notice is hereby given that the following applications have been received all of

which request that a determination be made pursuant to section 4 of Public Law 87–877 that there is no domestic vessel reasonably available to provide service from U.S. Pacific ports to San Juan, Mayaguez, and Ponce, Puerto Rico, for the transportation of lumber.

[Docket M–85]

Dant & Russell, Inc., requests that the provisions of section 27 of the Merchant Marine Act, 1920, be suspended as contemplated by section 4 of Public Law 87–877 for the period of time permitted by this Law, with respect to the transportation of lumber to the ports of San Juan, Mayaguez, and Ponce, Puerto Rico, from the following ports in the United States: All ports in the Puget Sound, Grays Harbor, Willipa Bay, and the Columbia River in the State of Washington; all ports on the Columbia River, Willamette River, and Coos Bay, in the State of Oregon; and the Port of Eureka in the State of California.

[Docket M–86]

Oregon Lumber Export Company requests that a finding be made as contemplated by Public Law 87–877 that no domestic vessels are reasonably available with respect to the carriage of lumber from Puget Sound, Grays Harbor, Columbia River, and Coos Bay ports to San Juan, Mayaguez, and Ponce, Puerto Rico. This applicant advises that it would be interested in space for the carriage of creosoted lumber for shipment during January/February 1963, and would be interested in moving green lumber in monthly shipments of up to 500,000′ BM per month during each month of 1963.

[Docket M–87]

Seaboard Lumber Co. requests permission to use foreign-flag vessels for the carriage of lumber from any West Coast United States port to any receiving port in Puerto Rico.

[Docket M–88]

Simpson Timber Company requests authority to use foreign-flag vessels for the carriage of lumber from all U.S. ports from and including the San Francisco Bay area north to the Canadian border to San Juan, Mayaguez, and Ponce, Puerto Rico.

Any person, firm or corporation having any interest in such applications and desiring a hearing as provided by said Public Law 87–877 should by the close of business on December 7, 1962, notify the Secretary, Maritime Administration, in writing, in triplicate, and file a petition for leave to intervene in accordance with Rules of Practice and Procedure of the Maritime Administration. Such petition should be accompanied by written testimony setting forth in detail the support for the position asserted and by a statement of the legal grounds supporting the requested leave to intervene, and shall be served upon the applicants: Dant & Russell, Inc., at its legal address, 1320 Southwest Broadway, Portland, Oregon; Oregon Lumber Export Company at its legal address in the Board of Trade Building, Portland 4, Oregon; Seaboard Lumber Co., 4540 West Marginal Way SW., Seattle 11, Washington; Simpson Timber Company at its legal address 2000 Washington Building., Seattle, Washington; and upon the Hearing Counsel Branch, Division of Operating Subsidy Contracts, Office of the General Counsel, Maritime Administration/Maritime Subsidy Board, Room 4063 of G.A.O. Building, Washington 25, D.C.

In the event that a hearing is ordered to be held on the applications such will be held on December 13, 1962, at a place to be announced before a Hearing Examiner of the Maritime Administration/Maritime Subsidy Board.

The purpose of the hearing will be to receive evidence on the question of whether there are no domestic vessels reasonably available for use in the carriage of lumber as indicated above. Time being of the essence in order to meet the statutory time period for determining this matter, all parties are advised that any hearing ordered will be completed in the shortest practicable time and no extensions of time will be granted to any party.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Administrator will take such action as may be deemed appropriate.

Public Law 87–877 provides that a determination shall be made by the Secretary of Commerce within 45 days after application for suspension of the provisions of section 27 of the Merchant Marine Act, 1920.

Notwithstanding section 5(n) of the rules of practice and procedure petitions for leave to intervene received after 5 p.m. on December 7, 1962, will not be granted in this proceeding.

All of the above applications are on file in Room 3095, New G.A.O. Building, Washington, D.C.

Dated: November 27, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–11848; Filed, Nov. 28, 1962; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–200]

BABCOCK AND WILCOX CO.

Order Postponing Hearing

A Notice of Hearing on the application for a Construction Permit in the above captioned matter setting the hearing for December 3, 1962, at Lynchburg, Virginia, was published on November 13, 1962, at 27 F.R. 11294.

Upon consultation among the members of the Safety and Licensing Board, and upon informal communication with the parties, it is found that a postponement of the Hearing until December 10, 1962, will be conducive to the orderly dispatch of this Hearing; that the issues specified in the Notice of Hearing referred to above are unchanged; that the time for filing petitions for leave to intervene be extended; and that this order should be promptly published in the FEDERAL REGISTER. Accordingly:

It is ordered on this 26th day of November 1962, pursuant to § 2.718 of the Commission's rules that the Hearing upon the pending application for a construction permit shall be convened at 10 a.m. eastern standard time on Monday, December 10, 1962, in Room 200 of the U.S. Post Office and Courthouse Building, 900 Block, George Street, Lynchburg, Virginia, upon the issues specified in the Notice of Hearing as published at 27 F.R. 10306 of the FEDERAL REGISTER, dated October 20, 1962;

And it is further ordered, That petitions for leave to intervene pursuant to § 2.714 of the Commission's Rules may be filed not later than December 5, 1962;

And it is further ordered, That this order shall be published in the FEDERAL REGISTER.

Dated: November 26, 1962.

U.S. ATOMIC ENERGY COMMISSION.
ARTHUR W. MURPHY,
Chairman,
Safety and Licensing Board.

[F.R. Doc. 62–11809; Filed, Nov. 28, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11076]

TRANSPORTES AEREOS NACIONALES, S.A. v. PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding, now assigned to be held on December 12, 1962, is hereby postponed to January 14, 1963, at 10:00 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., on November 23, 1962.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 62–11791; Filed, Nov. 28, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from July 16, 1962, to October 15, 1962, inclusive. These lists are supplementary to the lists of licensed

establishments and products in effect on April 15, 1962, published on June 8, 1962, in 27 F.R. 5440, as amended by the lists of license actions taken from April 16, 1962, through July 15, 1962, published on August 3, 1962, in 27 F.R. 7691.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Banco de Sangre Metropolitano Santurce, Puerto Rico	347	July 19, 1962

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Anti-K Serum (Anti-Kell)	Spectra Biologicals, Inc.	344	July 19, 1962
Citrated Whole Blood (Human)	Banco de Sangre Metropolitano	347	Do.
Heparinized Whole Blood (Human)	Community Blood Bank of the Kansas City Area, Inc.	302	July 25, 1962
Anti-K Serum (Anti-Kell)	Specific Serums, Inc.	343	Aug. 2, 1962
Anti-A Blood Grouping Serum	do.	343	Aug. 22, 1962
Anti-s Serum	Spectra Biologicals, Inc.	344	Do.
Anti-A,B Blood Grouping Serum	J. K. & Susie L. Wadley Research Institute & Blood Bank.	167	Aug. 29, 1962
Anti-Fy^a Serum (Anti-Duffy)	Philadelphia Serum Exchange	139	Sept. 6, 1962
Reagent Red Blood Cells (Human)	Spectra Biologicals, Inc.	344	Sept. 11, 1962
Anti-U Serum (Anti-Ss)	Knickerbocker Biologicals, Inc.	164	Sept. 13, 1962
Heparinized Whole Blood (Human)	Irwin Memorial Blood Bank of the San Francisco Medical Society.	182	Sept. 20, 1962
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (for adult use).	Chas. Pfizer & Co., Inc.	297	Sept. 21, 1962
Packed Red Blood Cells (Human)	Community Blood and Plasma Service, Inc.	224	Sept. 28, 1962
Single Donor Plasma (Human)	Blood Bank Foundation	165	Oct. 10, 1962

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Blood and Plasma Bank, New York University-Bellevue Medical Center, New York, N.Y.	162	Sept. 21, 1962

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Citrated Whole Blood (Human)	Blood and Plasma Bank, New York University-Bellevue Medical Center.	162	Sept. 21, 1962
Normal Human Plasma	do.	162	Do.

Approved: October 22, 1962.

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved: November 2, 1962.

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education and Welfare.

[F.R. Doc. 62–11785; Filed, Nov. 28, 1962; 8:49 a.m.]

Social Security Administration

JAMAICA

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Jamaica, from which evidence it appears that its system is not of general application, and under such system, a citizen of the United States cannot qualify for or receive benefits while outside that country.

Accordingly, it is hereby determined and found that Jamaica does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

Dated: November 16, 1962.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved November 23, 1962.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62–11786; Filed, Nov. 28, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14700, 14701; FCC 62M–1561]

CABRILLO BROADCASTING CO. AND HELIX BROADCASTING CO.

Order Continuing Hearing

In re applications of Riley Jackson and Allen Richardson Hubbard, d/b as Cabrillo Broadcasting Co., San Diego, California, Docket No. 14700, File No. BP–13423; Cliff Gill, Ira Laufer, Daniel Russell, David S. Drubeck, Dennis Fagerhult, Jack Bell, Martha Aspegren, Louis B. Minter, Robert S. Feder and Alan C. Lisser, d/b as Helix Broadcasting Co., La Mesa, California, Docket No. 14701, File No. BP–14406; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed on November 21, 1962, by Cabrillo Broadcasting Company requesting a continuance of the date for commencement of hearing;

It appearing that a number of interlocutory pleadings which may have extensive effect on the proceeding are now pending before the Review Board so that a continuance is desirable; and

It further appearing that consent to the request has been informally expressed by Helix Broadcasting Co. and the Broadcast Bureau:

It is ordered, This 23d day of November 1962, that the motion for continuance is granted and the date for commencement of hearing is continued from December 14, 1962, to January 7, 1963.

Released: November 26, 1962.

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

[F.R. Doc. 62–11795; Filed, Nov. 28, 1962; 8:50 a.m.]

[Docket No. 13338; FCC 62–1196]

DIXIE RADIO, INC.

Memorandum Opinion and Order Remanding

In re application of Dixie Radio, Inc., Brunswick, Georgia, Docket No. 13338, File No. BP–13854; for construction permit.

1. The Commission has before it the Initial Decision herein of Hearing Examiner Isadore A. Honig, released October 4, 1961 (FCC 61D–148); the exceptions and accompanying brief of Dixie Radio, Inc., filed November 2, 1961; the transcript of the oral argument held November 5, 1962; and all other matters of record herein.

2. Dixie seeks a construction permit for a new standard broadcast station at Brunswick, Georgia, the station to operate daytime only on the frequency 790 kc with 500 watts of power and a directional antenna. The applicant's engineering testimony is based on the 1950 Census and on ground conductivity

values taken from Figure M–3 of the Commission's rules. According to such testimony, Dixie would suffer co-channel interference in the amount of 19.3 percent of area and 11.7 percent of population, and the proposal is in violation of § 3.28(d) (3) of the rules, the ten percent rule. Dixie would cause interference to Station WLBE [1] in the amount of 0.88 percent of area and 0.83 percent of population, thereby raising that station's total interference to 3.3 percent of area and 2.3 percent of population.

3. Subsequent to the completion of the hearing (March 17, 1961), Dixie made a number of attempts to have the record reopened for purposes of admitting new engineering testimony based, in part, on the 1960 Census and field intensity measurements made on WLBE. It appears that measurements were recommended to and authorized by the applicant nearly one month prior to the close of the hearing, but that terrain conditions and a necessity for taking additional measurements precluded completion of the new engineering study until after such closing.

4. By Memorandum Opinion and Order released September 8, 1961 (FCC 61M–1465), the Hearing Examiner denied Dixie's petition to reopen of August 16, 1961. Basing the denial on want of due diligence by Dixie, the Hearing Examiner stressed that Dixie did not apprise the other parties of its decision to take measurements and seek appropriate adjournment of the hearing, but "permitted the hearing to go forward to a conclusion while it was on the verge of gathering measurements that it might later attempt to rely upon." The Commission sustained the Hearing Examiner's position by Memorandum Opinion and Order released June 22, 1962 (FCC 62–653).

5. Dixie's new engineering material shows that received interference would be reduced to 8.1 percent of area and 5.3 percent of population. Although WLBE has not expressed itself on this point, the Commission's Broadcast Bureau, in its response of August 25, 1961 to Dixie's petition of August 16, 1961, agrees that the measurements comply with the Commission's rules and support the above interference figures.

6. There is no question but what Dixie should have promptly notified the Hearing Examiner and the other parties of its decision to take measurements and sought adjournment of the hearing. However, our further study of the case convinces us that a record consistent with the facts as they currently exist is essential to reach a proper public interest determination as to the application before us. On the present record, the Commission would be called upon to decide whether waiver as to 11.7 percent interference is justified on a showing of negligible interference to an existing station, and local service to a city of 18,000 persons now receiving primary service from two other stations, both local. That the decision would be a difficult one is apparent from the fact of the relatively small deviation from the rule and from the further fact that, although the community might be said to be underserved from the standpoint of reception service, there is a question as to whether it should be so regarded from the aspect of transmission service. As above suggested, the proposed interference to WLBE (0.83 percent of population) would not appear to be a significant factor.

7. In connection with the question of waiver, it appears that other facts not presently of record could be of material aid to the Commission in its ultimate determination. To illustrate, reference to the 1960 Census reveals that Brunswick has increased in population to nearly 22,000 persons. This is an increase of some 4,000 persons, and if the whole of the applicant's proposed normally protected 0.5 mv/m contour has not grown at a similar rate, the 11.7 percent figure would obviously be subject to reduction. On the other hand, where Dixie's engineering exhibit of record shows the WLBE 0.5 mv/m contour extending approximately 42 miles on a bearing of 0° true, its new material reveals that the contour may extend as far as 62 miles on such radial. Accordingly, the interference to WLBE would apparently be greater than the 0.83 percent previously contended for by Dixie, and the increase could be of critical importance in so close a § 3.28(d) (3) case.

8. Thus, even were the Commission to stand on the previous rulings that Dixie's lack of diligence precludes its resort to the 5.3 percent figure, it would still be extremely difficult for the Commission to arrive at any type of realistic determination in this proceeding. In view of all the circumstances present here, the Commission views as the best procedure a remand of the case to the Hearing Examiner for a Supplemental Initial Decision based on current and realistic showings on the points discussed above. Although such procedure makes for further delay in an already drawn out proceeding, it is hoped that stipulations among the parties will hold the delay to a minimum.

Accordingly, it is ordered, This 21st day of November 1962, that this proceeding is remanded to the Hearing Examiner for further hearing consistent with this opinion.

Released: November 26, 1962.

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

[F.R. Doc. 62–11796; Filed, Nov. 28, 1962; 8:50 a.m.]

[1] Station WLBE is located at Leesburg-Eustis, Florida, and is licensed to WLBE, Inc., a party respondent herein.

[Docket No. 14733; FCC 62M–1562]

HUDSON VALLEY BROADCASTING CORP. (WEOK)

Order Regarding Procedural Dates

In re application of Hudson Valley Broadcasting Corporation (WEOK), Poughkeepsie, New York, Docket No. 14733, File No. BP–14590; for construction permit.

The Hearing Examiner having under consideration a letter received November 21, 1962, from counsel for respondent Dutchess County Broadcasting Corporation,[1] requesting extension of certain procedural dates and continuance of the date for commencement of hearing;

It appearing that the request is made because of a conflict in counsel's schedule involving a six-party comparative television hearing; and

It further appearing that counsel for all parties have consented to a grant of the subject request, that the public interest requires immediate consideration thereof and that a grant is appropriate;

It is ordered, This 23d day of November 1962, that the subject request is granted and that certain procedural dates are extended as follows: (1) Final exchange of applicant's engineering exhibits with notification by applicant of witnesses it intends to produce to supplement its written case from November 23 to December 5, 1962; and (2) notification by other parties of witnesses, if any, desired for cross-examination from prior to November 28 to December 7, 1962; and

It is further ordered, That the hearing, now scheduled to commence on November 28, 1962, is continued to 10:00 a.m., December 12, 1962.

Released: November 26, 1962.

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

[F.R. Doc. 62–11800; Filed, Nov. 28, 1962; 8:51 a.m.]

[1] See Review Board's Memorandum Opinion and Order released September 28, 1962 (FCC 62R–56) designating Dutchess County Broadcasting Corporation a party respondent herein.

[Docket No. 14852; FCC 62–1189]

MISSISSIPPI VALLEY MICROWAVE CO., INC.

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re applications of Mississippi Valley Microwave Co., Inc., Docket No. 14852, File Nos. 2930–C1–P–62, 2931–C1–P–62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Rochester and Winona, Minnesota.

1. The Commission has under consideration (a) the above captioned applications for construction permits for microwave relay facilities; (b) petition to deny said applications filed on March 26, 1962, by Southern Minnesota Broadcasting Co. (Southern), the licensee of television station KROC, Rochester, Minnesota; (c) opposition to said petition filed by Mississippi Valley Microwave Co., Inc. (Valley) on April 9, 1962; (d) motion to strike said petition filed by Valley on April 9, 1962; (e) petition to deny the applications filed on April 16, 1962, by WKBH Television, Inc. (WKBH), the licensee of television station WKBT, LaCrosse, Wisconsin; and

(f) opposition to said petition filed by Valley on April 30, 1962.

2. The Valley applications filed on February 23, 1962, request authorization to construct a two-hop two channel point-to-point common carrier microwave relay system. Valley proposes to establish a transmitter site near Rochester, Minnesota, which will be utilized to relay the signals of television stations KTCA and WTCN, Minneapolis, Minnesota, to prospective customers at Winona, Minnesota, and LaCrosse, Wisconsin. In addition, the applicant also proposes to provide audio radio transmission service to a prospective customer in Winona, Minnesota. The proposed customers for the video service comprise both CATV systems and public school systems. Valley proposes to charge lower rates to the school systems.

3. In its petition to deny, WKBH alleges that it presently suffers economic injury as the result of the competition from CATV systems operating in LaCrosse, Wisconsin, and Winona, Minnesota. Petitioner further alleges that a grant herein of additional microwave facilities to the aforesaid CATV systems would result in irreparable economic injury to station WKBT which could possibly deprive viewers in and around the LaCrosse area of their only television broadcast station.

4. In light of the aforesaid showing, we find that WKBH has established its standing as a party in interest. In addition, in accordance with our action in Carter Mountain Transmission Corporation, 25 F.R. 4606, May 25, 1960, an issue to determine economic impact will be included in the hearing hereinafter ordered.

5. In its petition to deny, Southern also alleges that CATV systems in Winona and LaCrosse compete with its operation and that a grant of the captioned applications would permit these CATV systems to further dilute its audience. Unlike WKBH, Southern does not allege that a grant herein would result in a destruction or diminution of its service to the public.

6. In light of the aforesaid showing, we find that Southern has also established its standing as a party in interest. We further find that since the facts alleged by petitioner are based on matters as to which "official notice may be taken", the supporting affidavit called for in section 309(d)(1) is not required. See the Commission's decision in In re Applications of Atlantic Coast Broadcasting Corp. of Charleston, 22 RR 1045. Notwithstanding Southern's failure to allege that its viewing public would be adversely affected, the Commission finds that an adducement of evidence with respect to economic injury, if any, suffered by Southern is required in order for the Commission to make its public interest determinations. Such an inquiry is warranted in light of our findings with respect to the matters raised in WKBH's petition which also involves the operation of the CATV systems complained of herein.

In view of the foregoing: *It is ordered,* That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the subscribers who may be expected to receive service from the proposed facilities of Valley and the public need therefor, i.e., demand for service from subscribers not directly controlling or controlled by, or under direct or indirect common control with the applicant;

(b) To determine whether the rates proposed by Valley subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons or locality or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

(c) To determine what impact a grant of the applications will have upon the operation of station KROC, Rochester, Minnesota, and the resulting injury, if any, to the public now served thereby;

(d) To determine what impact a grant of the applications will have upon the operation of station WKBT, LaCrosse, Wisconsin, and the resulting injury, if any, to the public now served thereby;

(e) To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the captioned applications would serve the public interest, convenience or necessity.

7. *It is further ordered,* That Southern Minnesota Broadcasting Co., WKBH Television, Inc., the Chief, Broadcast Bureau and the Chief, Common Carrier Bureau are made parties to the proceeding herein.

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to issues (a), (b) and (e) shall be placed on the applicant; the burden of proceeding with the introduction of evidence and the burden of proof with respect to issue (c) shall be placed on Southern Minnesota Broadcasting Co.; and the burden of proceeding with the introduction of evidence and the burden of proof with respect to issue (d) shall be placed on WKBH Television, Inc.

9. *It is further ordered,* That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Adopted: November 21, 1962.

Released: November 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-11797; Filed, Nov. 28, 1962; 8:50 a.m.]

[1] Dissenting statement of Commissioner Bartley filed as part of the original document.

[Docket No. 14839; FCC 62M-1538]

SOUTHWESTERN BROADCASTING COMPANY OF MISSISSIPPI (WAPF)

Order Continuing Prehearing Conference

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-4576; for construction permit.

The Hearing Examiner having under consideration the oral request of applicant for continuance of prehearing conference and agreement of Bureau counsel thereto:

It is ordered, This 19th day of November 1962, that the prehearing conference presently scheduled for December 18, 1962, is continued to January 4, 1963, at 9:00 a.m.

Released: November 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-11798; Filed, Nov. 28, 1962; 8:50 a.m.]

[Docket Nos. 12488, 12489; FCC 62M-1563]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Order Continuing Hearing

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration petition for resetting of hearing date filed by the Chief of the Commission's Broadcast Bureau on November 23, 1962;

It appearing that the petition states good cause, and that all other parties to the proceeding consent to immediate consideration and grant of the said petition:

It is ordered, This 23d day of November 1962, that the above petition is granted; and the hearing now scheduled for December 27, 1962, is continued to January 8, 1963, at 10:00 a.m.

Released: November 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-11799; Filed, Nov. 28, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 26, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38048: *Alcohols from South Bay City, Tex., to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B–8303), for interested rail carriers. Rates on alcohols and related articles, in tank-car loads, as described in the application, from South Bay City, Tex., to Chicago, Ill. (applicable only for deliveries on railroad tracks serving the General American Tank Storage Terminals at Argo, Ill., or the Lake River Terminals at Crawford, Ill., or De Mert and Dougherty, Inc., at Corwith, Ill.).

Grounds for relief: Market competition.

Tariff: Supplement 255 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 38049: *Gravel from Dickason Pit, Ind., to Altamont and St. Elmo, Ill.* Filed by Illinois Freight Association, Agent (No. 187), for the Chicago & Eastern Illinois Railroad Company. Rates on gravel, road surfacing, in carloads, from Dickason Pit, Ind., to Altamont and St. Elmo, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 25 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 330.

FSA No. 38050: *Wheat and flour from Texas points to Gulf ports for export.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 454), for interested rail carriers. Rates on wheat and flour manufactured directly from wheat, in carloads, from specified points in Texas, on the lines of the CRI&P, L&A, P&SF and RS&P railroads, to Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange, Port Arthur and Texas City, Tex., for export.

Grounds for relief: Unregulated motor and cross-country carrier competition.

Tariff: Supplement 133 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–11788; Filed, Nov. 28, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–16330 etc.]

F. A. CALLERY, INC., ET AL.

Order Approving Rate Settlement Proposal, Severing Proceedings and Terminating Proceedings

NOVEMBER 21, 1962.

F. A. Callery, Inc., et al., Docket Nos. G–16330, G–17604, G–19578, and RI60–136; F. A. Callery, Inc., Docket No. G–12202; F. A. Callery, Inc. (Agent), Docket No. G–12203; Francis A. Callery, et al., Docket No. G–17681; Francis A. Callery (Operator), et al., Docket Nos. G–17416, G–17822, RI61–302; Francis A. Callery, Docket Nos. RI60–251, RI61–225; Callery Properties, Inc., et al., Docket Nos. G–15377, CI60–726, CI61–921, CI61–1444, CI62–1400, and RI62–470.

There is presently before us for consideration a motion by Callery [1] for approval of its Second Revised Offer of Settlement filed on November 1, 1962, in accordance with § 1.12 of the Commission's rules of practice and procedure. Callery had previously filed an offer of settlement on August 10, 1962, and a revised offer of settlement on September 17, 1962. Comments and objections having been filed to these offers, further conferences were held by the parties resulting in the Second Revised Offer of Settlement to which no objections have been filed. It appears that the proposed settlement is in the public interest, that Callery's motion should be granted and the settlement should be approved.

Briefly, the settlement proposal provides for:

(1) Settlement of 18 of Callery's 22 currently effective rate schedules at or below the applicable area ceilings.[2]

(2) A general filing moratorium on rate increases [3] until March 1, 1965, however, in the instances of its Rate Schedule No. 4, covering a sale to Transcontinental Gas Pipe Line Corp. (Transco) from the Rousseau Field in La Fourche Parish, Louisiana, and its Rate Schedule No. 8, a sale in the Bastian Bay, Plaquemines Parish, Louisiana, made to Tennessee Gas Transmission Co. (Tennessee), Callery Properties, Inc. has proposed a filing moratorium until March 1, 1967. The settlement contemplates the severance from the consolidated proceedings in Docket No. RI62–467, et al. of Callery Properties, Inc. increased rate filing under its Rate Schedule No. 4 in Docket No. RI62–470 and a disallowance thereof.

(3) Callery waives the right to file for any increase in rate resulting from the operation of any "favored-nation" provision in the rate schedules involved in the settlement.

(4) Callery will waive the right to file for any increase in rate which it may have resulting from the operation of the price-redetermination provision in the F. A. Callery, Inc., et al. Rate Schedule No. 1 covering the sale of gas to Texas Gas Pipe Line Corporation in the West Big Hill Field, Texas.

(5) Callery will waive the right to file for any increase in rate which it may have resulting from the operation of the price-redetermination and periodic-escalation provisions in the F. A. Callery, Inc. Rate Schedule No. 5, covering the sale of gas to Tennessee from the North Delhi Field, Texas.

(6) Callery will extend from two years to four years the make-up period for gas paid for, but not taken by Transco under Callery Properties, Inc. (Operator) Rate Schedule No. 4, covering the sale of gas to Transco from the Rousseau Field, La Fourche Parish, Louisiana.

(7) Callery reserves the right to file at any time for contractually authorized increased rates up to the applicable area-rate levels determined through area hearings or by amendment of the Commission's Statement of General Policy No. 61–1.

(8) Recommendation that the six pending certificate applications be noticed for abridged hearing.

It is noted that no refunds will be made under Callery's settlement proposal. However, cost studies of both Callery and the staff made available to all the parties, indicate an over-all revenue deficiency during the refund period. In these circumstances, approval of a settlement, without refunds is in the public interest.

The instant revised settlement proposal meets the criteria we have established in our previous settlement orders [4] and accordingly is in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed as constituting approval of any future rate increase that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area-rate pro-

[1] For the sake of brevity, all of the Callery interests in the above-docketed proceedings will hereinafter be identified as "Callery."

[2] Of the four rate schedules excluded from the settlement offer, as revised, one is for a sale in the Permian Basin and is consolidated with AR61–1; two are for sales in Louisiana, involved in proceedings now pending before one of the Commission's Examiners; and the fourth is for a sale which was remanded to the Commission for rehearing and reconsideration.

[3] Except for Callery Properties' Rate Schedules 4 and 8, Callery may file for contractually allowed tax reimbursement resulting from increased production taxes.

[4] The Ohio Oil Co., et al., Docket Nos. RI60–92, et al., order issued June 28, 1962 — FPC —; Tidewater Oil Co., et al., Docket Nos. G–13310, et al., order issued June 15, 1962; Shell Oil Company, et al., Docket Nos. G–9446, et al., order issued August 1, 1962.

ceedings, involving Callery's rates and rate schedules.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal is approved and made effective subject to the following terms and conditions.

(B) The settlement rates set out in Appendix A hereto are approved and shall be effective as of November 1, 1962.

(C) The certificate proceedings indicated in Appendix A hereto shall not be terminated on the basis of the settlement but shall be determined after hearing; however, the settlement rates shall be effective as of November 1, 1962 and the temporary authorizations heretofore granted shall be so amended.

(D) Within 30 days from the date of this order Callery shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(E) Upon full compliance by Callery with all the terms and provisions of this order, the 4(e) proceedings listed in Appendix A hereof shall terminate. Docket Nos. G–12202, G–12203, G–16330, G–17604, G–17822, RI60–251, RI61–225, and RI61–302 are hereby severed from the consolidated proceedings in Docket No. AR61–2, et al., and Docket No. RI62–470 is hereby severed from the consolidated proceeding in Docket No. RI62–467, et al.

(F) This order is without prejudice to any findings or orders which have been, or may be, made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Callery, the Commission staff, or any affected party herein, in any proceedings now pending, or hereafter instituted by or against Callery, or any other companies, person, or parties affected by this order.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

JOINT SETTLEMENT PROPOSAL, F. A. CALLERY, INC., F. A. CALLERY AND CALLERY PROPERTIES, INC.

Seller	Rate schedule No.	Area and field	Purchaser	Docket No.		Rate in effect Sept. 1, 1962 (cents per Mcf)[1]	Settlement rate (cents per Mcf)[1]
				Certificate (Perm. or Temp.)	Suspension		
F. A. Callery, Inc.		Texas—Dist. No. 3:					
	1	West Big Hill	Texas Gas Pipe Line Corp.	G–2795 Perm	G–19578	16.5	14.6
	5	North Delhi	Tennessee Gas Transmission Co.	G–4060 Perm	RI60–136	16.1695	15.0
		South Louisiana:					
	3	Lewisburg	United Gas Pipe Line Co.	G–3656 Perm		12.1466	12.1466
	4	do	Texas Gas Transmission Corp.	G–3655 Perm	G–12202	18.75	15.75
	6	Bayou Mallet	do	G–4604 Perm	G–12203	18.75	15.75
	7	Napoleonville	United Gas Pipe Line Co.	G–3893 Perm	G–16330	20.25	15.75
	10	Scott	do	G–8821 Perm		10.5	10.5
	11	Barataria West	Southern Natural Gas Co.	G–10035 Perm		14.0	14.0
	14	Fort Jackson	do	G–11254 Perm	G–17604	23.675	19.0
F. A. Callery		South Louisiana:					
	15	Bay Coquille	do	G–15404 Perm	G–17681	20.75	19.75
	16	East Gibson	United Gas Pipe Line Co.	G–17416 Perm	G–17822, RI61–302	22.25	15.75
	18	Cole's Gulley	United Fuel Gas Co.	CI60–316 Perm	RI60–251, RI61–225	19.5	18.3
Callery Properties, Inc.	5	Texas—Dist. No. 3: Trull	Tennessee Gas Transmission Co.	CI61–921 Temp		16.1695	16.0
		South Louisiana:					
	3	South Pecan Lake	United Fuel Gas Co.	CI60–400 Perm		19.5	19.5
	4	Rousseau	Transcontinental Gas Pipe Line Co.	CI60–726 Temp	RI62–470	23.55	20.625
	6	East Gibson	United Gas Pipe Line Co.	CI61–1444 Temp		20.25	20.25
	7	Northwest Branch	do	G–15377 Temp		20.25	20.25
	8	Bastian Bay	Tennessee Gas Transmission Co.	CI62–1400 Temp		21.25	20.625

[1] All South Louisiana sales at 15.025 p.s.i.a. All Texas sales at 14.65 p.s.i.a.

[F.R. Doc. 62–11770; Filed, Nov. 28, 1962; 8:46 a.m.]

[Docket No. CP63–93]

VALLEY GAS TRANSMISSION, INC.

Notice of Application and Date of Hearing

NOVEMBER 21, 1962.

Take notice that on October 11, 1962, Valley Gas Transmission, Inc. (Applicant), 1410 Americana Building, Houston 2, Texas, filed in Docket No. CP63–93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during a 12-month period and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the proposed facilities will not exceed a maximum of $500,000, and no single project will exceed a cost of $50,000. The application states that the proposed facilities will be financed from cash on hand, cash generated from normal operations, and financing already arranged.

Applicant requests that the Commission waive § 2.58(a) of its General Policy and Interpretations in order that Applicant may be afforded greater flexibility necessary to attach reserves without the delays resulting from the processing of individual certificate applications.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1963, 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 application: *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 Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washintgon 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 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,
Acting Secretary.

[F.R. Doc. 62–11772; Filed, Nov. 28, 1962; 8:46 a.m.]

[Docket Nos. RI63–194—RI63–203]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 21, 1962.

Humble Oil & Refining Company (Operator), et al., Docket No. RI63–194; Humble Oil & Refining Company, Docket No. RI63–195; James W. Witherspoon,

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No. RI63–196; Nafco Oil and Gas Inc., Docket No. RI63–197; Southwest Gas Producing Company, Inc. et al., Docket No. RI63–198; Texaco Inc., Docket No. RI63–199; Kirby Production Company, et al., Docket No. RI63–200; Cabot Corporation (SW), Docket No. RI63–201; Sunray DX Oil Company, Docket No. RI63–202; Tenneco Corporation (Operator), et al., Docket No. RI63–203.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63–194	Humble Oil & Refining Co. (Operator), et al., P.O. Box 2180, Houston 1, Tex.	198	3	Panhandle Eastern Pipe Line Co. (Greenough Field, Beaver County, Okla.) (Panhandle Area).	$185	10–22–62	12–1–62 [1]	5–1–63	16.0	[2 3] 17.0	RI62–223
	Humble Oil & Refining Co. (Operator), et al.	199	3	do	237	10–22–62	12–1–62 [1]	5–1–63	16.0	[2 3] 17.0	RI62–223
	do	126	3	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis County, Miss.).	82,282	10–25–62	12–1–62 [1]	5–1–63	20.0	[2 4] 21.0	G–14107
RI63–195	Humble Oil & Refining Co.	205	3	Panhandle Eastern Pipe Line Co. (Greenough-Light Field, Beaver County, Okla.) (Panhandle Area).	66	10–22–62	12–1–62 [1]	5–1–63	16.0	[2 3] 17.0	RI62–224
	do	206	5	Panhandle Eastern Pipe Line Co. (Light Field, Seward County, Kans.).	212	10–22–62	12–1–62 [1]	5–1–63	16.0	[2 3] 17.0	RI62–224
RI63–196	James W. Witherspoon, Box 473, Hereford, Tex.	1	1	El Paso Natural Gas Co. (West Panhandle Field, Donley County, Tex.) (R.R. District No. 10).	129	10–22–62	1–1–63 [1]	6–1–63	12.0	[2 3] 13.0	----------
RI63–197	Nafco Oil and Gas Inc., Fourth Floor, C & I Life Building, Houston 2, Tex.	12	2	Northern Natural Gas Co. (Farnsworth Field, Ochiltree County, Tex.).	363	10–22–62	11–22–62 [1]	4–22–63	[5] 15.5	[2 3 6] 16.5	----------
RI63–198	Southwest Gas Producing Co., Inc., et al., P.O. Box 2927, Monroe, La.	7	5	Tennessee Gas Transmission Co. (Ball City Field, Calcasieu Parish, La.).	2,672	10–31–62	12–1–62 [6]	5–1–63	22.8333	[4 7] 23.675	G–16714
RI63–199	Texaco Inc., P.O. Box 2332, Houston, Tex.	158	2	Northern Natural Gas Co. (Barlow Field, Ochiltree County, Tex.) (R.R. District No. 10).	2,923	11–2–62	12–3–62 [6]	5–3–63	[5 9] 16.5	[2 3 5 9] 17.5	RI62–252
RI63–200	Kirby Production Co., et al., P.O. Box 1745, Houston, Tex.	1	2	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Oklahoma Panhandle Area).	$60	10–24–62	11–24–62 [7]	4–24–63	[10 11] 15.0	[2 3 10] 16.0	----------
RI63–201	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	36	3	Northern Natural Gas Co. (Ochiltree County, Tex.) (R.R. District No. 10).	72	10–29–62	12–1–62 [2]	5–1–63	[5 12] 16.5	[2 3 5 12] 17.5	RI61–531
RI63–202	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	180	2	Kansas-Colorado Utilities, Inc. (Hugoton Field, Kearny County, Kans.).	4,812	10–29–62	1–1–63 [2]	6–1–63	[8] 12.5	[2 3 8] 13.5	G–18891
	Sunray DX Oil Co	174	2	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	786	10–29–62	1–1–63 [2]	6–1–63	[13] 12.5	[2 3 13] 13.5	G–18173
RI63–203	Tenneco Corp., (Operator), et al., P.O. Box 2511, Houston 1, Tex.	47	1	Cities Service Gas Co. (Eureka Field, Grant County, Okla.) (Other Oklahoma Area).	237	10–23–62	11–23–62 [7]	4–23–63	[5] 12.0	[2 3 8] 13.0	----------

[1] The stated effective date is the effective date proposed by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Pressure base is 15.025 p.s.i.a.
[5] Subject to a downward Btu adjustment for gas containing less than 1,000 Btu's per cu. ft.
[6] The stated effective date is the first day after expiration of the required statutory notice.
[7] Redetermined rate increase.
[8] Subject to a downward Btu adjustment for gas containing less than 900 Btu's per cu. ft.
[9] Includes 1.0 cent per Mcf paid to seller for relinquishing right to process gas.
[10] Subject to an upward and downward Btu adjustment for gas containing more or less than 1,000 Btu's per cu. ft.
[11] Actual rate is 11.73 cents per Mcf with Btu adjustment.
[12] Includes 1.0 cent per Mcf for sale of liquids.
[13] Subject to a downward Btu adjustment for gas containing less than 950 Btu per cu. ft.

Tenneco Corporation (Operator), et al., (Tenneco) proposes that the Commission permit an effective date of January 1, 1960, for its proposed periodic rate increase, designated as Supplement No. 1 to Tenneco's FPC Gas Rate Schedule No. 47. Good cause has not been shown for granting Tenneco's aforementioned request for a retroactive effective date for its rate filing, and such request should be denied as hereinafter ordered.

The proposed increased rates and charges exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Tenneco's aforementioned request for a retroactive effective date for Supplement No. 1 to its FPC Gas Rate Schedule No. 47 is hereby denied.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 7, 1963.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–11771; Filed, Nov. 28, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4087]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Filing Regarding Issuance and Sale of Additional Promissory Notes by Certain Subsidiary Companies to Banks and to Parent Company

NOVEMBER 23, 1962.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), 441 Stuart Street, Boston 16, Massachusetts, a registered holding company, and its public-utility subsidiary companies ("the borrowing companies"), namely, Granite State Electric Company ("Granite"), Lynn Gas Company ("Lynn Gas"), and Mystic Valley Gas Company ("Mystic Valley"). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 42(b)(2), 43(a), 45(b)(1), 50(a)(2), and 50(a)(3) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies have authority to issue, from time to time through December 31, 1962, unsecured promissory notes to banks and/or NEES in the maximum aggregate amount of $8,550,000 to be outstanding at any one time (Holding Company Act Release No. 14597). The borrowing companies seek authority to increase such aggregate amount to $9,000,000. The proceeds of the proposed additional borrowings are to be used to meet the borrowing companies' cash construction requirements through December 31, 1962. Each proposed note will bear interest at not in excess of the prime rate in effect at the time of issuance (presently 4½ percent per annum), will mature on or prior to March 29, 1963, and will be prepayable at any time, in whole or in part, without premium.

The borrowing companies may prepay their notes to banks, in whole or in part, with borrowings from NEES, or vice versa. Any notes issued to NEES for such payment of notes to banks will bear interest at the prime rate, but not in excess of the interest rate on the notes being prepaid, to the date of their maturity. In the case of notes issued to banks for such prepayment of notes to NEES, if the interest rate exceeds that of the notes to be prepaid, NEES will credit the borrowing company with the difference between the interest rate on the new note to be issued to the bank and the interest rate on the note to be prepaid for the period from the date of the issuance of such new note to the normal maturity date of the note payable to NEES which is to be prepaid.

The following table shows for each borrowing company the estimated maximum amount of notes to be outstanding with banks and/or with NEES at any one time.

Borrowing company	Estimated maximum amount of notes to be outstanding (in thousands)	
	Banks	Banks or NEES
Granite	$500	$1,950
Lynn Gas	1,300	
Mystic Valley	5,250	
Totals	7,050	1,950

The total borrowings from NEES at any one time through December 31, 1962, as authorized by the Commission by order dated March 9, 1962, will remain unchanged and the aggregate maximum amounts of bank borrowings to be made from the banks named in said order will likewise remain unchanged.

Incidental services in connection with the proposed increase in borrowing authority will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated at not exceeding $300 for each applicant-declarant.

Appropriate action has been taken by the Public Utilities Commission of New Hampshire with respect to the additional notes proposed to be issued by Granite. No further action by any regulatory commission, other than this Commission, is necessary to carry out the proposed transactions. The borrowing companies and NEES within ten days after December 31, 1962, will file one Certificate of Notification covering all transactions effected pursuant to any order authorizing the request made in the filing.

Notice is further given that any interested person may, not later than December 10, 1962, request in writing that a hearing be held on such matter, 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 the applicants-declarants, 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 and 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. 62–11782; Filed, Nov. 28, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Marine Midland Corporation, Buffalo, New York, for prior approval of the acquisition of 100 percent of the voting shares of the Security National Bank of Long Island, Huntington, New York.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Marine Midland Corporation, Buffalo, New York, for the Board's prior approval of the acquisition of 100 percent of the voting shares of the Security National Bank of Long Island, Huntington, New York.

As required by section 3(b) of the said Act, the Board gave notice of receipt of the application to the Comptroller of the Currency, soliciting his views and recommendation. Although not received within the statutory period of thirty days specified in the Act for purposes of determining whether a hearing must be held, the Comptroller submitted a recommendation, dated June 5, 1962, that the application be denied.

A notice of Receipt of Application was also published in the FEDERAL REGISTER on May 10, 1962 (27 F.R. 4496), which provided an opportunity for submission of comments and views regarding the proposed acquisition. Following receipt of comments and views, the Board ordered a public oral presentation of views, notice of which was published in the FEDERAL REGISTER on August 1, 1962 (27 F.R. 7582). The said oral presentation was conducted before the Board on September 17, 1962, and all persons who requested an opportunity to appear within the period of time specified in the published notice were heard and were given opportunity to submit further written expressions of views.

Having considered all matters properly before the Board in this proceeding, including the above-mentioned comments and views:

It is ordered, For the reasons set forth in the Board's Statement[1] of this date,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governor Mitchell also filed as part of the original document and available upon request.

that said application be and hereby is denied.

Dated at Washington, D.C., this 21st day of November 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-11773; Filed, Nov. 28, 1962; 8:47 a.m.]

WALKER BANK & TRUST CO. AND FIRST NATIONAL BANK OF PRICE

Order Approving Merger of Banks

In the matter of the application of Walker Bank & Trust Company for approval of merger with First National Bank of Price.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Walker Bank & Trust Company, Salt Lake City, Utah, for the Board's prior approval of the merger of that bank and First National Bank of Price, Price, Utah, under the charter and title of the former. As an incident to the merger, the main and only office of the latter bank would be operated as a branch of the former bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[3] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 21st day of November 1962.

By order of the Board of Governors.[4]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-11774; Filed, Nov. 28, 1962; 8:47 a.m.]

[2] Voting for this action: Chairman Martin, and Governors Balderston, Robertson, Shepardson, and King. Voting against this action: Governor Mitchell. Abstaining: Governor Mills.

[3] Filed as part of the original document Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco. Dissenting views of Governor Robertson also filed as part of the original document and available upon request.

[4] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and Mitchell. Voting against this action: Governor Robertson. Absent and not voting: Governor King.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Advances for Public Works Planning (Third Advance Planning Program)

The Regional Director of Community Facilities, Region IV (Chicago), is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority, effective as of the 24th day of October 1962, with respect to the program of advances for public works planning authorized under subsections 702 (a), (c), and (g) of the Housing Act of 1954, as amended (40 U.S.C. 462 (a), (c), and (g)), except the authority to approve applications, authorize advances, and amend or modify contracts resulting from the acceptance of offers.

This redelegation supersedes the redelegation effective July 1, 1960 (25 F.R. 6607, July 13, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective October 24, 1962, 27 F.R. 10598, October 31, 1962)

Effective as of the 29th day of November 1962.

[SEAL] JOHN P. MCCOLLUM, *Regional Administrator, Region IV (Chicago).*

[F.R. Doc. 62-11792; Filed, Nov. 28, 1962; 8:49 a.m.]

Public Housing Administration

OFFICIALS AUTHORIZED TO SERVE AS ACTING REGIONAL DIRECTOR; PUERTO RICO REGIONAL OFFICE

Amendment of List

In Section I, Description of Agency and Programs, paragraph F is hereby amended as follows:

By changing the list of officials authorized to serve as Acting Regional Director in the Puerto Rico Regional Office to read as follows:

1. Alberto Hernandez, Assistant Director for Development.

2. Kenneth R. Moul, Assistant Director for Management.

Approved: November 21, 1962.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 62-11776; Filed, Nov. 28, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to §§ 519.6(c) and 519.6(g) of 29 CFR providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region IV

Huntley Bros., Food Center, Highway 17, Orange Park, Fla.; effective 10-30-62 to 10-29-63 (food store; 15 employees).

Huntley Bros., Super Market, 1211 Madison Street, Palatka, Fla.; effective 10-30-62 to 10-29-63 (food store; 19 employees).

Zale's Jewelers, 132 Broad Street, Selma, Ala.; effective 10-25-62 to 10-24-63 (jewelry store; eight employees).

Region VII

Buchler Market, 2313 N Street, Omaha, Nebr.; effective 10-19-62 to 10-18-63 (food store; 11 employees).

Region X

W. S. Peebles & Co., Inc., New Hicks and Sharp Streets, Lawrenceville, Va.; effective 10-25-62 to 10-24-63 (food store; 10 employees).

W. S. Peebles & Co., Inc., Main and Hicks Streets, Lawrenceville, Va.; effective 10-25-62 to 10-24-63 (food store; 64 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes

of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Britts Findlay Corp., Fort Findlay Village, Findlay, Ohio; effective 10–30–62 to 9–24–63; sales clerk, stock clerk; between 2.1 percent and 10 percent (variety store; 75 employees).

Colonial Stores, Inc., Route 29 and Smith Street, Fairburn, Ga.; effective 11–6–62 to 11–5–63; bag boy, carry-out boy, checker, clerk; between 0.9 percent and 6.2 percent (food store; 28 employees).

Neisner Bros., Inc., No 187, 314 S Highway 19, New Port Richey, Fla.; effective 11–1–62 to 10–31–63; selling, stock, clerical; between 9.8 percent and 10 percent (variety store; 34 employees).

F. W. Woolworth Co., No. 2618, 311 East Broad, Texarkana, Ark.; effective 11–7–62 to 11–6–63; saleslady; between 4.3 percent and 10 percent (variety store; 48 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 21st day of November 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–11781; Filed, Nov. 28, 1962; 8:49 a.m.]

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