Pages 12665–12695

FEDERAL REGISTER

VOLUME 27 NUMBER 247

Washington, Friday, December 21, 1962

Contents

(*Continued on next page*)

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.

6 CFR

472 12667

7 CFR

29 12667
47 12671
775 12671

PROPOSED RULES:
907 12680

12 CFR

222 12671

17 CFR

1 12672

19 CFR

4 12673
14 12673

21 CFR

121 12674

29 CFR

612 12673

36 CFR

326 12674

47 CFR

1 (2 documents) 12675, 12676
12 12679
25 12676

PROPOSED RULES:
3 (3 documents) 12680, 12681
11 12682
31 12683
33 12683

49 CFR

PROPOSED RULES:
120 12686

50 CFR

290 12679

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 472—WOOL

Appeals

This document amends several programs and thus constitutes Amendment 5 to the 1955 Incentive Payment Program for Shorn Wool, 20 F.R. 2011, 5383; 21 F.R. 1043, 2741, 7841; Amendment 5 to the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), 20 F.R. 5741, 7321; 21 F.R. 1045, 2743, 7843; Amendment 4 to the 1956 Incentive Payment Program for Shorn Wool and the 1956 Payment Program for Unshorn Lambs (Pulled Wool), 21 F.R. 1877, 5311, 8650; 22 F.R. 4493; Amendment 2 to the 1957 Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 22 F.R. 593; 23 F.R. 4611; and Amendment 2 to the 1958 Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 22 F.R. 10719; 23 F.R. 140; 24 F.R. 5215.

The regulations issued by Commodity Credit Corporation containing the requirements for the payment programs on shorn wool and unshorn lambs (pulled wool) for the marketing years 1955 through 1958, as amended, are further amended as follows:

1. In each of §§ 472.612(b), 20 F.R. 2013, and 472.665(b), 20 F.R. 5747, the second and third sentences are amended to read: "Within 15 days from the date of mailing of such notice, the applicant may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence."

2. At the end of §§ 472.612 (20 F.R. 2013, 5384; 21 F.R. 1045), and 472.665 (20 F.R. 5747; 21 F.R. 1046), a new paragraph (d) is added and at the end of §§ 472.716 (21 F.R. 1882), 472.763 (21 F.R. 1885), 472.823 (22 F.R. 598), and 472.947 (22 F.R. 10726), a new paragraph (e) is added, the added paragraph to read as follows:

(e) *Hearing.* In the case of each appeal, the applicant shall be given an opportunity to appear personally or through a representative at a hearing and offer such evidence as he deems advisable. If the applicant does not ask for a hearing, the appeal will be decided on the basis of the facts set forth in the record and any other pertinent information available to the committee or official considering the matter.

3. In each of §§ 472.716 (21 F.R. 1882), 472.763 (21 F.R. 1885), 472.823 (22 F.R. 598), and 472.947 (22 F.R. 10726), paragraph (c) is amended to read as follows:

(c) *To Washington Office.* If the applicant is dissatisfied with the decision of the ASC State Committee, the applicant may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. within 15 days after the date of mailing of the notice by the ASC State Committee. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Effective date: Date of publication.

Signed at Washington, D.C., on December 17, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-12605; Filed, Dec. 20, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

A notice of proposed rule making covering the issuance of Official Standard Grades for Wisconsin Cigar-binder Tobacco, U.S. Types 54 and 55, was published in the FEDERAL REGISTER of September 26, 1962 (27 F.R. 9517). Interested persons were given 30 days following publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or arguments with respect to the proposed standards. No written data, views, or arguments were received on the proposed standards.

After consideration of all revelant matters concerning the proposal, the proposed official standard grades, as so published, are hereby adopted without change as the Official Standard Grades for Wisconsin Cigar-binder Tobacco, U.S. Types 54 and 55.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), these standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The standards are set forth below.

Done at Washington, D.C., this 17th day of December 1962.

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

1. Insert in Subpart C of Part 29 immediately after § 29.5656 the following:

OFFICIAL STANDARD GRADES FOR WISCONSIN CIGAR-BINDER TOBACCO (U.S. TYPES 54 AND 55) [1]

DEFINITIONS

Sec.
29.6001 Definitions.
29.6002 Air-cured.
29.6003 Body.
29.6004 Burn.
29.6005 Case (order).
29.6006 Class.
29.6007 Clean.
29.6008 Condition.
29.6009 Crude.
20.6010 Cured.
29.6011 Damage.
29.6012 Dirty.
29.6013 Elasticity.
29.6014 Elements of Quality.
29.6015 Foreign matter.
29.6016 Form.
29.6017 General quality.
29.6018 Grade.
29.6019 Grademark.
29.6020 Group.
29.6021 Injury.
29.6022 Leaf scrap.
29.6023 Leaf structure.
29.6024 Length.
29.6025 Lot.
29.6026 Maturity.
29.6027 Nested.
29.6028 No Grade.
29.6029 Offtype.
29.6030 Package.
29.6031 Packing.
29.6032 Quality.
29.6033 Raw.
29.6034 Semicured.
29.6035 Side.
29.6036 Sound.
29.6037 Stem.
29.6038 Stemmed.
20.6039 Stem rot.
29.6040 Strength (tensile).
29.6041 Strips.
29.6042 Sweated.
29.6043 Tobacco.
29.6044 Tobacco products.
29.6045 Type.
29.6046 Type 53.
29.6047 Type 54.
29.6048 Type 55.
29.6049 Undried.
29.6050 Uniformity.
29.6051 Unstemmed.

[1] These standards also apply to Type 53 Havana Seed tobacco.

AUTHORITY: §§ 29.6001 to 29.6161 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 511m.

DEFINITIONS

§ 29.6001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6002 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.6003 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.6004 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See rule 18.)

§ 29.6005 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.6006 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6007 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.6008 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6009 Crude.

A subdegree of maturity. (See rule 15.)

§ 29.6010 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6011 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 17.)

§ 29.6012 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 17.)

§ 29.6013 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

§ 29.6014 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.6081.

§ 29.6015 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See rule 17.)

§ 29.6016 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6017 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.6018 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6019 Grademark.

In these types a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, fair quality.

§ 29.6020 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in these types are: Binder (B), Stripper (C), Straight Stripped (X), Farm Filler (Y), Nondescript (N), and Scrap (S).

§ 29.6021 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 13.)

§ 29.6022 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6023 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.6024 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.6025 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6026 Maturity.

The degree of ripeness. (See chart.)

§ 29.6027 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 17.)

§ 29.6028 No Grade.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See rules 5 and 17.)

§ 29.6029 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 53, 54, or 55. (See rule 17.)

§ 29.6030 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6031 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It

is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6032 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.6033 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.6034 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No Grade and rule 17.)

§ 29.6035 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.6036 Sound.

Free of damage. (See rule 4.)

§ 29.6037 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6038 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6039 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in these types. (See rule 14.)

§ 29.6040 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.6041 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6042 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.6043 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.6044 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.6045 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6046 Type 53.

That type of cigar-leaf tobacco commonly known as York State or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats and Onondaga sections of New York and extending into Pennsylvania.

§ 29.6047 Type 54.

That type of cigar-leaf tobacco commonly known as Southern Wisconsin Cigar-leaf or Southern Wisconsin Binder-type, produced principally south and east of the Wisconsin River.

§ 29.6048 Type 55.

That type of cigar-leaf tobacco commonly known as Northern Wisconsin Cigar-leaf or Northern Wisconsin Binder-type, produced principally north and west of the Wisconsin River and extending into Minnesota.

§ 29.6049 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6050 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See rule 12.)

§ 29.6051 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6052 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.6053 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 17.)

§ 29.6054 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.6081 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group.

Elements	Degrees		
Body	Heavy	Medium	Thin.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Elasticity	Inelastic	Semielastic	Elastic.
Strength (tensile).	Weak	Normal	Strong.
Width	Narrow	do	Spready.
Length	(1)	(1)	(1)
Uniformity	(2)	(2)	(2)
Injury tolerance.	(2)	(2)	(2)

[1] Expressed in inches.
[2] Expressed in percentages.

RULES

§ 29.6086 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6087 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6088 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.6089 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.6090 Rule 4.

Standard grades shall be assigned to clean and sound tobacco only.

§ 29.6091 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

§ 29.6092 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6093 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.6094 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.6095 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6096 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.6097 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6098 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6099 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

§ 29.6100 Rule 14.

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

§ 29.6101 Rule 15.

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

§ 29.6102 Rule 16.

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

§ 29.6103 Rule 17.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

§ 29.6104 Rule 18.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the bindercutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

§ 29.6126 Binder (B Group).

Tobacco of this group is of natural cigar-binder quality from which trash and trashy Farm Fillers have been removed.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
B1	Fine Quality Binder. Thin, ripe, open, elastic, strong, spready, and 19 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2	Fair Quality Binder. Medium body, ripe, open, semielastic, strong, normal width, and 19 inches or over in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3	Low Quality Binder. Heavy, ripe, firm, semielastic, normal strength and width, and 19 inches or over in length. Uniformity, 70 percent; injury tolerance, 30 percent.

§ 29.6127 Stripper (C Group).

This group consists of tobacco from which the trash and trashy Farm Fillers have been removed but does not meet the specifications of the Binder group.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
C1	Fine Quality Stripper. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
C2	Fair Quality Stripper. Heavy, mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 80 percent. Tolerances: 5 percent crude, 5 percent frozen, and 20 percent injury.
C3	Low Quality Stripper. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 70 percent. Tolerances: 10 percent crude, 10 percent frozen, and 30 percent injury.

§ 29.6128 Straight Stripped (X Group).

This group consists of unsorted tobacco from which the trash has been removed.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
X1	Fine Quality Straight Stripped. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
X2	Fair Quality Straight Stripped. Heavy mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
X3	Low Quality Straight Stripped. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

§ 29.6129 Farm Filler (Y Group).

This group consists of tobacco from the lower portion of the stalk and may include throw out leaves from the Binder and Stripper groups.

U.S. grades	*Grade Names, Minimum Specifications, and Tolerances*
Y1	Fine Quality Farm Filler. Thin, ripe, open, semielastic, normal strength and width, and 12 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
Y2	Fair Quality Farm Filler. Thin, ripe, firm, inelastic, normal strength, and narrow. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
Y3	Low Quality Farm Filler. Thin, mature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

§ 29.6130 Nondescript (N Group).

Tobacco which does not meet the minimum specifications or exceeds the tolerance of the lowest grade of any other group.

U.S. grades	*Grade Names and Tolerances*
N1	First Quality Nondescript. Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2	Second Quality Nondescript. Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

§ 29.6131 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grades	*Grade Name and Specifications*
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portion of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.6155 Summary of standard grades.

Three grades of binder	*Three grades of stripper*
B1	C1
B2	C2
B3	C3
Three grades of straight stripped	*Three grades of farm filler*
X1	Y1
X2	Y2
X3	Y3
Two grades of nondescript	*One grade of scrap*
N1	S
N2	

Tobacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.6161 Key to standard grademarks.

Groups	Qualities
B—Binder.	1—Fine.
C—Stripper.	2—Fair.
X—Straight Stripped.	3—Low.
Y—Farm Filler	
N—Nondescript.	
S—Scrap.	

[F.R. Doc. 62-12603; Filed, Dec. 20, 1962; 8:47 a.m.]

SUBCHAPTER B—MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Correction

On December 14, 1962, a notice of rule making was published in the FEDERAL REGISTER (27 F.R. 12398 and 12399) amending the rules of practice (7 CFR 47.1-47.46) effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U.S.C. 499a et seq.).

In the first undesignated paragraph following § 47.20(l), a date was inadvertently omitted. The undesignated paragraph should read as follows:

The rules of practice (§ 47.1-47.46), as hereby amended, shall be applicable to reparation proceedings in which the initial formal complaint is served on respondent on or after December 31, 1962. Proceedings in which the initial formal complaint was served on respondent prior to that date shall be governed by such rules as effective prior to these amendments.

Done at Washington, D.C., this 18th day of December 1962.

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

[F.R. Doc. 62-12597; Filed, Dec. 20, 1962; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Feed Grain Program, Supp. 1, Amdt. 4]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

Section 775.153 of the 1962 Feed Grain Program Regulations, Supplement 1 (27 F.R. 155, as amended) is further amended by correcting county average yields and payment rates for corn for Phillips County and Toole County, Montana.

1. Section 775.153 is amended by correcting county average yields, county minimum payment rates (50 percent payment rate per acre), and additional acre payment rates (60 percent payment rate per acre) for corn as follows:

MONTANA

District	County	1959-60 average yield (bushels)		50 percent payment rate per acre (dollars)		60 percent payment rate per acre (dollars)	
		From—	To—	From—	To—	From—	To—
2	Phillips	55.7	38.2	33.90	23.30	40.70	27.90
2	Toole	28.2	34.0	17.20	20.70	20.60	24.90

(Sec. 16(d), 49 Stat. 1151, as amended; 16 U.S.C. 590p)

Effective date: Date of publication.

Issued at Washington, D.C., this 17th day of December 1962.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

[F.R. Doc. 62-12599; Filed, Dec. 20, 1962; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Limit on Investment by Bank Holding Company System in Stock of Small Business Investment Companies

Section 222.111 is revised to read as follows:

§ 222.111 Limit on investment by bank holding company system in stock of small business investment companies.

(a) In an interpretation of the Bank Holding Company Act of 1956 published in 1959 at 25 F.R. 1584 (superseded by this interpretation) the Board of Governors expressed the view that a bank holding company could lawfully invest, in stock of small business investment companies, up to 1 percent of "the holding company's capital and surplus". That interpretation was based on two statutory provisions: (1) section 4(c)(4) of the Holding Company Act (12 U.S.C. 1843), which permits a holding company to acquire shares of nonbank corporations "which are of the kinds and amounts eligible for investment" by national banks, and (2) section 302(b) of the Small Business Investment Act (15 U.S.C. 682), which permitted a national bank to invest "1 percent of its capital and surplus" in SBIC stock. (In 1961, this provision of the SBI Act was amended to increase the permissible investment from 1 percent to 2 percent.)

(b) Further study of the effects of the 1959 interpretation, as it would apply to actual situations, has disclosed that it produces results inconsistent with basic Congressional purposes embodied in the Holding Company Act and the SBI Act and therefore requires modification and refinement.

(c) In adopting section 4(c)(4) of the Holding Company Act, Congress intended, broadly speaking, to permit a holding company to invest in corporate stock to the same extent as if it were a national bank and its subsidiaries were branches. Viewed from another angle, the Congressional intent was to allow a holding company system to invest in corporate stock (whether held by the holding company or by subsidiaries) to the extent that the banking interests represented by the holding company would permit such investment if those interests were embodied in a national bank rather than a bank holding company. With respect to the SBI Act, section 302(b) thereof clearly was intended to permit every national bank to invest up to a specified percentage, now 2 percent, of its capital and surplus in SBIC stock, regardless of whether or not the bank was a subsidiary in a holding company system.

(d) In some situations the 1959 interpretation would thwart these Congressional objectives. In the case of a holding company that owned most of the stock of its subsidiary banks and wrote up its asset accounts to reflect the full underlying book value of its bank stocks, the holding company could invest in SBIC stock a substantially larger amount than could its subsidiary banks in the aggregate.[1] This result would be even more noticeable in the case of a holding company with substantial nonbanking interests, permitted by the exceptions provided in section 4(c) of the Holding Company Act, since such interests would further increase the "capital and surplus" of the holding company. It is unreasonable to assume that Congress intended, by enacting section 4(c)(4), to increase the authority of holding companies to purchase corporate stock because of the magnitude of the holding company's nonbanking interests.

(e) In other situations, the Congressional purpose reflected by section 302(b) of the SBI Act would be defeated. Under section 4 of the Holding Company

[1] An example may clarify this statement. If the banks in a holding company system were national banks with aggregate capital of $10 million, surplus of $10 million, and undivided profits of $5 million, those banks could invest in SBIC stock no more than $400,000 (i.e., 2 percent of $20 million, the banks' capital and surplus). However, if the holding company owned all of the stock of those banks and showed it on its books at total underlying value—the capital, surplus, and undivided profits of the subsidiary banks—the holding company could invest $500,000 in SBIC stock (i.e., 2 percent of $25 million, the holding company's capital and surplus). The difference results, of course, from the fact that, in the case of banks, "capital and surplus" does not comprise the entire capital structure, whereas in the case of other corporations (such as holding companies) "capital and surplus" usually does include practically the entire capital structure.

Act, SBIC stock owned directly by subsidiary banks is owned indirectly by the holding company. In the case of a holding company that owns only a slight majority (or a minority) of its banks' stock, the capital and surplus of the holding company sometimes is markedly smaller than the aggregate capital and surplus of its subsidiary banks. In such a case, the Board's 1959 interpretation would prevent subsidiary banks from investing in SBIC stock to the extent permitted by section 302(b) of the SBI Act, despite the legislative intent, reflected by the 1960 amendment of that law, that even holding company banks should be able to invest in SBIC stock up to the limit there prescribed.[2]

(f) For these reasons, the 1959 interpretation is superseded. It is the position of the Board that, under the provisions of sections 4(a)(1) and 4(c)(4) of the Bank Holding Company Act, the total direct and indirect investments of a bank holding company in stock of small business investment companies may not exceed:

(1) With respect to such stock owned or controlled by a subsidiary bank, 2 percent of that bank's capital and surplus;

(2) With respect to such stock owned directly by a holding company that is a bank, 2 percent of that bank's capital and surplus; and

(3) With respect to such stock otherwise owned or controlled directly or indirectly by the holding company, 2 percent of its proportionate interest in the capital and surplus of each subsidiary bank (that is, the holding company's percentage of the bank's stock times the bank's capital and surplus) less that bank's investment in stock of small business investment companies.

(g) This interpretation avoids the shortcomings of the earlier interpretation. It permits every bank to invest up to the full amount permitted by section 302(b) of the SBI Act, despite the fact that a particular bank may be a subsidiary of a holding company; this accords with the intent of section 302(b). At the same time, in no case will it permit a holding company system to invest a greater amount in SBIC stock than could be invested, in the aggregate, by the banks in the holding company system if they were national banks; this is believed to accord with the general purpose (actual or reasonably presumed) of section 4(c)(4) of the Holding Company Act.

(12 U.S.C. 1844)

Dated at Washington, D.C., this 11th day of December 1962.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-12592; Filed, Dec. 20, 1962; 8:46 a.m.]

[2] In the example presented in footnote 1 if the holding company owned 60 percent of its banks' stock, those banks could invest in SBIC stock only $300,000, rather than the $400,000 permitted by section 302(b). The holding company's capital and surplus would be $15 million (i.e., 60 percent of $25 million, the aggregate capital, surplus, and undivided profits of the subsidiary banks), 2 percent of which would be $300,000. Accordingly, the subsidiary banks themselves could not invest more than this amount in SBIC stock, since stock owned by subsidiary banks is indirectly owned by the holding company and therefore the aggregate investment by the subsidiary banks may not exceed 2 percent of the holding company's capital and surplus.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Miscellaneous Amendments

On November 3, 1962, there was published in the FEDERAL REGISTER (27 F.R. 10760) a notice of rule-making concerning proposed amendments of §§ 1.33 and 1.34 of the general regulations (17 CFR 1.33, 1.34) under the Commodity Exchange Act and addition of a new § 1.33a to said regulations. After consideration of all relevant matters presented in connection with the notice and under the authority of section 8a of said act (7 U.S.C. 12a), §§ 1.33 and 1.34 of said regulations are hereby amended, and a new section to appear in 17 CFR 1.33a is hereby added to said regulations, to read as set forth below.

§ 1.33 Monthly statement for customer and record of customer's position in each future.

Each futures commission merchant shall promptly furnish in writing directly to each customer, as of the close of the last business day of each calendar month or as of any regular monthly date selected: (a) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; and (b) a statement which clearly shows any securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account. Copies of the statements prepared for customers shall be retained by the futures commission merchant in accordance with the requirements of § 1.31.

§ 1.33a Controlled accounts.

With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant shall:

(a) Promptly confirm in writing directly to the customer the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31; and,

(b) Clearly show on each monthly statement furnished as required by § 1.33, or on an accompanying supplemental statement, the net unrealized profit or loss in all open contracts figured to the market;

Provided, however, That the provisions of this section shall not apply to an account controlled by the spouse, parent or child of the customer in whose name the account is carried.

§ 1.34 Monthly record, "point balance".

Each futures commission merchant shall prepare, and keep in accordance with the requirements of § 1.31, a statement, commonly known as a "point balance", which accrues or brings to the official closing price, or settlement price fixed by the clearing organization, all open contracts of customers as of the last business day of each calendar month or of any regular monthly date selected: *Provided, however,* That a futures commission merchant who carries part or all of customers' open contracts with other futures commission merchants on an "instruct basis" will be deemed to have met the requirements of this section as to open contracts so carried if a monthly statement is prepared which shows that the prices and amounts of such contracts long and short in the customers' accounts are in balance with those in the carrying commission merchants' accounts, and such statements are retained in accordance with the requirements of § 1.31.

To make certain clarifying changes in the record retention requirements of the general regulations under the Commodity Exchange Act, sections 1.20, 1.26, 1.27, 1.32 and 1.39 of the general regulations (17 CFR 1.20, 1.26, 1.27, 1.32 and 1.39) are amended under the authority of section 8a of the act as follows:

In § 1.20 *Customers' funds to be segregated and separately accounted for,* the third sentence is amended to read: "An executed copy of such agreement shall be kept by the futures commission merchant in accordance with the requirements of § 1.31." As amended § 1.20 reads as follows:

§ 1.20 Customers' funds to be segregated and separately accounted for.

All money received by a futures commission merchant to margin, guarantee, or secure the trades or contracts of commodity customers and all money accruing to such customers as the result of such trades or contracts shall be separately accounted for and be segregated as belonging to such customers. Such funds, when deposited with any bank or trust company, shall be deposited under an account name which will clearly show that they are customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or obtain against such funds. An executed copy of such agreement shall be kept by the futures

commission merchant in accordance with the requirements of § 1.31. If such funds are deposited with a clearing organization of a contract market, they shall be deposited under an account name which will clearly show that they are customers' funds segregated as required by the Commodity Exchange Act. Under no circumstances shall any portion of commodity customers' funds be obligated to the clearing organization of a contract market, or to any member of a contract market, except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made in behalf of such commodity customers.

In § 1.26 *Deposit of investment securities, obligations and warehouse receipts,* the last sentence is amended to read as set forth below:

§ 1.26 Deposit of investment securities, obligations and warehouse receipts.

* * * * *

An executed copy of the agreement prescribed in this section shall be kept by the futures commission merchant in accordance with the requirements of § 1.31.

In § 1.27 the section heading is changed to read *"Record of investments and loans";* and, in the introductory portion of the section, the word "permanent" is deleted preceding the word "record", and the phrase "in accordance with the requirements of § 1.31" is inserted after the word "record" as set forth below:

§ 1.27 Record of investments and loans.

Each futures commission merchant who, in accordance with section 4d(2) of the act and with the rules and regulations in this chapter, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall keep a record in accordance with the requirements of § 1.31 showing the following:

In § 1.32 the section heading is changed to read: *"Segregated account; daily computation and record",* and the last sentence of the section is changed to read: "A record of such computation shall be made and kept, together with all supporting data, in accordance with the requirements of § 1.31." As amended § 1.32 reads as follows:

§ 1.32 Segregated account; daily computation and record.

The amount of money, securities, and property which must be in segregated account in order to comply with the requirements of section 4d(2) of the Commodity Exchange Act shall be computed by each futures commission merchant as of the close of the market each business day, based upon his accounting records. A record of such computation shall be made and kept, together with all supporting data, in accordance with the requirements of § 1.31.

In § 1.39 *Simultaneous buying and selling orders of different principals; execution of, for and between principals,* paragraph (a)(4) is amended to read as follows:

§ 1.39 Simultaneous buying and selling orders of different principals; execution of, for and between principals.

(a) * * *

(4) Such contract market keeps a record in permanent form of each such transaction showing the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time; and

(Sec. 8a, 42 Stat. 998, as added by Sec. 10, 49 Stat. 1500, 7 U.S.C. 12a)

The differences in §§ 1.33 and 1.33a of the regulations, as amended above, from the proposals contained in the notice of rulemaking are due to changes made pursuant to comments received with respect to the notice. The amendments to §§ 1.20, 1.26, 1.27, 1.32 and 1.39 of the regulations were not proposed in the notice of rulemaking and are merely to clarify the requirements for retention of records. It does not appear that further notice and other public rulemaking procedure would make more information available to the Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice and other good rulemaking procedure on the amendments are unnecessary.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of December 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-12606; Filed, Dec. 20, 1962; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55787]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Waiver of Coastwise Laws To Permit Use of Certain Foreign-Flag Vessels Chartered by Military Sea Transportation Service

DECEMBER 18, 1962.

Upon the written recommendation of the Commander, Military Sea Transportation Service, Department of the Navy, in the interest of national defense, and pursuant to the authority contained in the Act of December 27, 1950 (64 Stat. 1120), as delegated (T.D. 52672), I hereby waive compliance with sections 289 and 883, title 46, United States Code, to the extent necessary to permit the use of the Honduran M. V. CAL-AGRO for a period of 60 days commencing on November 10, 1962, and the Liberian "M. V. Inagua Foam," "M. V. Inagua Shipper," and "M. V. Inagua Crest" for a period of 90 days commencing on November 21, 27, and 28, 1962, respectively, while under charter to the Military Sea Transportation Service, in the transportation of military cargo and passengers.

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

[F.R. Doc. 62-12608; Filed, Dec. 20, 1962; 8:50 a.m.]

[T.D. 55786]

PART 14—APPRAISEMENT

Cuban Tobacco Examination

For the purpose of enforcement of the Foreign Assets Control regulations on Cuban imports, procedures have been set up at the port of Tampa for the identification of tobacco, cigars, and cigarillos, wholly or partly of Cuban origin. The examiner at the port of Tampa will supervise the examination of such articles. Accordingly, § 14.2(i) is amended to read as follows:

(i) The tobacco examiner at the port of Tampa shall have general supervision of the examination of all tobacco, cigars, or cigarillos which may be of Cuban origin, or which may be made or derived in whole or in part of Cuban articles.

(Secs. 488, 499, 46 Stat. 725, 728, as amended; 19 U.S.C. 1488, 1499)

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

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

Approved: December 14, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-12607; Filed, Dec. 20, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 568 (27 F.R. 9332), the Secretary of Labor appointed and convened Industry Committee No. 58-A. Administrative Order No. 568 referred to Industry Committee No. 58-A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the needlework and fabricated textile products industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 58–A are hereinafter published in this revision of 29 CFR Part 612.

Effective January 6, 1963, 29 CFR Part 612 is hereby revised to read as follows:

Sec.
612.1 Definition.
612.2 Wage rates.
612.3 Notices.

AUTHORITY: §§ 612.1 to 612.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 612.1 Definition.

The needlework and fabricated textile products industry in Puerto Rico is defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other process; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (Part 688 of this chapter), the button, jewelry, and lapidary work industry in Puerto Rico (Part 616 of this chapter), the corsets, brassieres, and allied garments industry in Puerto Rico (Part 614 of this chapter), the fabric and leather glove industry in Puerto Rico (Part 603 of this chapter), the hosiery industry in Puerto Rico (Part 687 of this chapter), the men's and boys' clothing and related products industry in Puerto Rico (Part 615 of this chapter), the shoe and related products industry in Puerto Rico (Part 601 of this chapter), the straw, hair, and related products industry in Puerto Rico (Part 613 of this chapter), the textile and textile products industry in Puerto Rico (Part 699 of this chapter), the handkerchief, scarf, and art linen industry in Puerto Rico (Part 608 of this chapter), the women's and children's underwear and women's blouse industry in Puerto Rico (Part 609 of this chapter), the sweater and knit swimwear industry in Puerto Rico (Part 611 of this chapter), and the children's dress and related products industry in Puerto Rico (Part 610 of this chapter), as defined in the wage orders for these industries.

§ 612.2 Wage rates.

The needlework and fabricated textile products industry in Puerto Rico is divided into six classifications. Wages at rates not less than those prescribed below shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce. Such classifications and minimum rates shall be:

(a) (1) Slacks and related products classification—$1.00 an hour.

(2) This classification is defined as the manufacture of slacks, pedal pushers, culottes, dungarees, shorts, and similar apparel for women, misses, and girls.

(b) (1) Knit gloves and crocheted slippers classification—95 cents an hour.

(2) This classification is defined as the manufacture of knit or crocheted gloves and mittens, and slippers, slipper socks, mukluks and similar types of footwear.

(c) (1) Hand-crocheting and hand-embroidery of crocheted hats classification—75 cents an hour.

(2) This classification is defined as the operations of hand-crocheting, hand-knitting, and hand-embroidery of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under.

(d) (1) Other operations on crocheted hats classification—98 cents an hour.

(2) This classification is defined as any operation on crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, other than the hand-crocheting and hand-embroidery operations, as defined above.

(e) (1) General classification—$1.035 an hour.

(2) This classification is defined as the manufacture from any material of all apparel and apparel furnishing and accessories, and all textile products and like articles in which a synthetic material in steet form is the basic component, which are not included in any other classification of the needlework and fabricated textile products industry in Puerto Rico nor in the new coverage classification; the outlining or embroidery of lace by machine and embroidery of any article or trimming on a bonnaz embroidery machine, or by a crochet beading process, or with bullion thread, and all operations immediately incidental thereto.

(f) (1) New coverage classification—$1.00 an hour.

(2) This classification is defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 who are not included in any other classification of this industry or any other industry in Puerto Rico.

§ 612.3 Notices.

Every employer subject to the provisions of § 612.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 612.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 17th day of December 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62–12610; Filed, Dec. 20, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 62–12422, appearing at page 12475 of the issue for Tuesday, December 18, 1962, in the "Product" column of the table on page 12478, the third line of the entry for "Petrolatum, N.F. and U.S.P." should read "liters per gram centimeter maximum at 290 mμ".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Miscellaneous Amendments

1. Change heading of Part 326 to read as indicated above.

2. Change § 326.0 by deleting the words "the Jim Woodruff Reservoir Area, Florida and Georgia" and inserting the words "certain navigable reservoir areas":

§ 326.0 Determination of the Secretary.

The Secretary of the Army having determined that the use of certain navigable reservoir areas by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for their primary purposes, hereby prescribes the following rules and regulations pursuant to the provision of section 4 of the Act of Congress approved December 22, 1944, as amended (16 U.S.C. 460d), for the public use of certain navigable reservoir areas.

3. Change § 326.1, paragraph (a), by deleting the words "the Jim Woodruff Reservoir Area" and inserting the words "certain navigable reservoir areas" and exclude the words "Apalachicola River, Florida and Georgia", and add new paragraph (c):

§ 326.1 Areas covered.

(a) The regulations contained in this part shall be applicable to lands of certain navigable reservoir areas, excluding the lock areas therein, under the jurisdiction of the Department of the Army and to access and use of the reservoir from such lands.

* * * * *

(c) The areas covered by this part are:

(1) Jim Woodruff Reservoir Area, Apalachicola River, Florida and Georgia;

(2) Walter F. George Reservoir Area, Chattahoochee River, Georgia and Alabama;

(3) Columbia Reservoir Area, Chattahoochee River, Georgia and Alabama.

4. Change § 326.4(a) by substituting the words "the reservoir" for the words "Jim Woodruff Reservoir, Apalachicola River, Florida and Georgia":

§ 326.4 Houseboats.

(a) A permit shall be obtained from the District Engineer for moorage of any houseboat on the water of the reservoir.

[Regs., November 26, 1962, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-12587; Filed, Dec. 20, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 14185 (RM-94); FCC 62-1330]

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Processing of FM and Noncommercial Educational FM Broadcast Applications

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185; petition of FM Unlimited, Inc. for changes in FM Station assignment rules, RM-94.

1. The Commission has before it for consideration: (1) the First Report and Order and Further Notice of Proposed Rule Making, adopted herein on July 25, 1962 (FCC 62-866 and FCC 62-867, respectively); (2) the Second Further Notice of Proposed Rule Making adopted herein today; and (3) numerous applications for new FM facilities, or changes in the channels of existing stations, which have been filed since our July actions.

2. The commercial channels: Since our July actions, a number of applications for new FM stations (or changes in channel) have been filed, requesting facilities different from those proposed in the tentative Table of Assignments which we contemplated in our Further Notice and have now issued with our Second Further Notice. For the most part, these applications are for facilities in areas where channels available for new assignments are relatively scarce, and they present substantial problems in connection with working out a Table of Assignments and providing for optimum use of the FM band. Grant thereof precludes use of the channel requested, and of adjacent channels, at other places in the same general area. At best, consideration of these applications requires the staff to divert its effort to re-shuffling channels to try to replace the assignments which would thus be lost. In a number of instances, grant of such applications represents other then optimum use of the only channel, or one of very few channels, available for new assignments in the general area.

3. We recognize that since our July actions adopting minimum separations and other rules, applicants may have been led to file with the expectation that applications meeting those rules would be considered in normal course. However, public interest considerations, which must be paramount, require that action be withheld at present on such applications. As long as we have under consideration the possible assignment of FM channels on the basis of a Table of Assignments, it is inappropriate to grant applications inconsistent with such a Table (which appear to represent other than optimum use of the channels requested), where such grant would have any possible impact on the making of the appropriate number of assignments in other communities. It is equally inappropriate to grant applications consistent with the Table in such circumstances, since in effect this would preclude modification of the Table where it may be desirable in light of the comments to be filed. Therefore—except in areas where the number of available frequencies in relation to possible needs is so large that no grant consistent with the table would affect the making of the desired number of assignments in other communities—grant of applications for new FM stations or changes in channel must be suspended until the basic assignment questions involved herein are resolved. Since continuing acceptance of applications would serve no useful purpose when they cannot be acted on, it is likewise appropriate to impose a "freeze" on acceptance of applications for new FM stations or changes in channel, except in the areas just referred to.

4. Accordingly, the Note to § 1.356 of our rules is amended, as set forth below, to provide in substance that, pending decision of the questions involved in this proceeding, no application will be granted, and no new applications will be accepted, for new FM stations or changes in the channel of existing stations, except in the Western area described below, where the exceptional circumstances mentioned above generally prevail. Applications now on file will be retained.

5. It is not anticipated that the "freeze" thus imposed on a large portion of the country will be of long duration. In the Second Further Notice adopted today, we have provided for three months for the filing of comments and reply comments, and it appears that the proceeding should be resolved at least within an additional three months, or a total of six months. Following that period, an appropriate time—e.g., 60 days—will be allowed for filing further applications before any grants are made.

6. In a large portion of the plains and mountain West, it appears that existing FM stations are so few, and possible needs of communities limited enough, that no grant made consistent with the Table would have any restricting effect on the making of any number of assignments in other communities which may reasonably be expected. This situation prevails in all of the states of Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming; in all of Arizona, Colorado, Nebraska and Utah except in and around the four large cities in those states; and in western Kansas. Therefore, we are exempting from the "freeze" applications for facilities provided for in the proposed Table adopted today, where both the community and the proposed transmitter location are:

(a) Anywhere in the states of Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, or Wyoming; or

(b) Anywhere in the states of Arizona, Colorado, Nebraska, and Utah except in or within 65 miles of Phoenix, Denver, Omaha or Salt Lake City; [1] or

(c) In Kansas west of the 98th meridian.

7. As to Alaska, Hawaii, Puerto Rico, and the territories, it may also be appropriate to adopt a Table, and a proposal as to at least some of these areas may be issued shortly. For Puerto Rico, where there are a number of existing stations and pending applications, and the Virgin Islands (where any assignment might involve restrictions on assignments in Puerto Rico), it is necessary to impose a "freeze", for the reasons mentioned above in paragraphs 2 and 3. Such a course is not necessary for Alaska, Hawaii, or Guam (where conditions are much the same as in the Western area mentioned above), but if a proposed Table is issued for these areas, there will be no further grant or acceptance of applications inconsistent therewith.

8. The educational channels: As to the 20 FM channels reserved for noncommercial educational use (Channels 201 to 220), we will continue to process applications in accordance with § 1.356. However, as to the top three of these frequencies (Channels 219, 219, and 220) these are adjacent to the lower three commercial channels, and therefore certain restrictions must be imposed on authorizations thereon, lest the making of assignments on the lower three commercial channels be adversely affected (it appears that there are no presently pending applications for these three educational channels). Therefore, we are amending § 1.356 to provide that, pending the resolution of this proceeding, no application for new facilities on, or

[1] The radius of 65 miles is used both because it encompasses the numerous smaller communities around these cities, and because it represents the distance within which, if a channel is used in the city itself, no assignment could be made on it, or, usually, on three channels on either side.

change to, Channel 218, 219, or 220 will be accepted or granted, where it is less than the minimum adjacent channel spacing with respect to an assignment on Channels 221, 222, or 223 proposed in the Table issued today. This of course does not provide complete protection to possible uses of these channels other than those proposed in the Table; but in view of the small number of educational applications which may be expected in the short time involved, this does not appear a significant consideration. However potential educational applicants are advised not to file for Channels 218, 219, or 220, if other educational channels can be found, in order to avoid any possible conflict, or, at least, to make sure that their applications for these channels do not conflict with possible uses of the three lower commercial channels.

9. The rules adopted herein are procedural, relating to the manner in which and time at which the Commission accepts and considers applications. Therefore, notice of proposed rule making is not required by the provisions of section 4 of the Administrative Procedure Act, and the rules may be made effective as quickly as possible. Moreover, the public interest clearly requires the restrictions adopted herein, and putting them into effect as quickly as possible, since otherwise we would be faced with the need for consideration of, and action on, numerous applications grant of which might conflict with our objectives. Delay in putting the new restrictions into effect would simply encourage the filing of applications which it may not be possible to grant. Accordingly, we herein adopt the amendments to the Note to § 1.356 of the rules set forth below, and make these amendments effective four days hence (to permit publication in the FEDERAL REGISTER).

10. In view of the foregoing: *It is ordered*, That, effective December 21, 1962, the Note to § 1.356 of the Commission's rules is amended as set forth below. Authority for adoption of these rules is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Adopted: December 17, 1962.

Released: December 21, 1962.

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

Effective December 21, 1962, paragraph (d) and (g) (1) (ii) of the Note following the text of § 1.356 are amended to read as follows:

§ 1.356 Processing of FM and noncommercial educational FM broadcast applications.

* * * * *

NOTE: * * *

(d) *Consideration pending decision as to an FM Table of Assignments and adoption thereof if decided on.* Pending decision as to adoption of a Table of Assignments for the 80 FM commercial channels, and final adoption of such Table if it is concluded to be in the public interest, the following procedures will apply to applications for new FM stations on these channels or changes in channel of existing FM stations on these channels:

(1) Except for applications for facilities described in subparagraphs (2) and (3) of this paragraph, no application will be granted, and, after December 21, 1962, no application will be accepted for filing.

(2) Applications specifying channel assignments contained in the proposed Table of Assignments adopted December 17, 1962 (FCC 62–1329, Appendix A) will be accepted and acted on (subject to other applicable rules, and referral to Canada where for facilities within 250 miles of the Canadian border) where both the community of assignment and the proposed transmitter site are located:

(i) At any point within the states of Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, or Wyoming; or

(ii) At any point within the state of Arizona which it not in or less than 65 miles from Phoenix, at any point within the state of Colorado which is not in or less than 65 miles from Denver, at any point within the state of Nebraska which is not in or less than 65 miles from Omaha, or at any point in the state of Utah which is not in or less than 65 miles from Salt Lake City; or

(iii) At any point within the state of Kansas west of the 98th meridian, west longitude.

(3) Applications for facilities in Alaska, Hawaii, and Guam will be accepted and acted upon if they meet the requirements of this section and of subpart B of Part 3 of this chapter.

* * * * *

(g) *Noncommercial educational stations.* * * *

(1) * * *

(ii) The requested facilities must be located, with respect to any assignment on FM channels 221, 222, and 223 specified in the proposed Table of Assignments adopted herein December 17, 1962 (FCC 62–1329, Appendix A) at no less than the minimum mileage separations specified for stations of their class in §§ 3.205 and 3.504 of this chapter.

[F.R. Doc. 62–12622; Filed, Dec. 20, 1962; 5:00 p.m.]

[Docket No. 14865; FCC 62–1303]

PART 1—PRACTICE AND PROCEDURE

PART 25—SATELLITE COMMUNICATIONS

In the matter of adoption of Part 25 (Satellite Communications) of the Commission's rules and regulations implementing the Communications Satellite Act of 1962 with respect to applications of communications common carriers for authorization to own stock in the corporation created pursuant to the Act; and amendment of Part 1 to provide for reference to Part 25, Docket No. 14865.

1. On November 28, 1962, the Commission adopted a notice of proposed rule making which would add Part 25 (Satellite Communications) to the rules and regulations of the Commission. This proposed Part would implement the provisions of the Communications Satellite Act of 1962, and in particular section 304 thereof, which prohibits communications common carriers, as defined in the Act, from owning shares of stock of the corporation created pursuant to Title III of the Act unless such carriers have been authorized by the Commission to own such stock. Part 25 is set forth below.

2. The notice of proposed rule making further would amend Part 1 of the rules to provide for reference in this Part to Part 25.

3. The Commission, being desirous of obtaining the views and comments from communications common carriers and other interested parties concerning the proposed rules, granted a period ending on December 14, 1962, within which such interested parties could file comments and views with the Commission.

4. In response to the notice of proposed rule making, favorable comments were received from:

(1) The Western Union Telegraph Company;

(2) California Water and Telephone Company;

(3) Hawaiian Telephone Company;

(4) The Southwestern States Telephone Company;

(5) United Utilities, Incorporated;

(6) West Coast Telephone Company

endorsing the adoption of Part 25 as proposed.

5. Comments were in addition received from The American Telephone and Telegraph Company (AT&T) and The United States Independent Telephone Association (USITA) which partially endorse the rules as proposed but which raise objections to specific sections. These objections have been noted and answered below.

6. The Commission has taken into consideration the comments of AT&T with regard to the possible effects of § 25.530 (a) of the proposed rules.[1] For the following reasons the Commission is of the opinion that no change need be made in this section at this time.

7. AT&T believes that with respect to the initial offering of stock, application of § 25.530(a) might cause confusion and be in conflict with the terms of the prospectus as to allocation of stock in the event of an oversubscription. Any allocation of stock, however, made in the event of such oversubscription must of necessity be so formulated as to conform with the policies and objectives of the Act. It is to be expected that the corporation will, in devising the terms of the initial offering, adopt a procedure of allocation which is consistent with these policies and objectives. The Commission will cooperate with the corporation in achieving such a formula. However, for reasons that may not then be anticipated or foreseen, this procedure may in practice prove ineffective in fully carrying out the stated objectives of the Act. In that event the Commission, pursuant to the terms of its authorization issued to the carriers, and in light of all relevant public interest considerations, will de-

[1] Section 25.530(a). In order to effectuate the purpose of the Communications Satellite Act of 1962 of promoting the widest possible distribution of stock among the authorized carriers, each authorization issued pursuant to this subpart by the Commission shall be so conditioned that in the event any voting stock authorized to be issued by the corporation, which is reserved and available for purchase by authorized carriers, is oversubscribed, the Commission may specify the dollar amount or percentage of such stock which may be purchased pursuant to such authorization.

termine the amount of stock which may be owned by any carrier and thus effectuate these policies and objectives.

8. With respect to subsequent stock offerings, AT&T cites circumstances in which application of the rule in a certain manner might result in inequities to existing stockholders and thereby be inconsistent with the public interest. Here again, we emphasize that it is our intention to exercise our discretion under the rule with due regard to all public interest considerations including, among others, the interests of existing stockholders, the terms and conditions of the particular offering, the terms and conditions that may be attached to the particular issue under the authorization therefor required to be obtained by the corporation from the Commission pursuant to section 201 (c) (8) of the Satellite Act, as well as the policies and objectives of that Act.

9. USITA, in its comments, endorses the proposed rules but urges the Commission: (1) To amend the rules so as to establish all independent telephone companies as members of a class authorized to purchase stock in the corporation or (2) to declare class authorization to exist as a matter of policy so that each independent telephone company would not be required to establish that authorization for it would be in the public interest. It contends that otherwise the burden placed on the applicant might be an effective bar to small independent telephone companies desirous of purchasing stock.

10. The Commission has considered the comments of USITA and has determined that the changes in the rules suggested by USITA would not be warranted. While section 304(b) of the Act permits the Commission to establish a class of carriers all members of which would be authorized to own shares of stock in the corporation, it is the view of the Commission that there is no rational basis for treating so diversified a group as the independent telephone companies as such a class. Moreover, in order to facilitate effectuation of the express intent of the Act of fostering the widest possible ownership of the stock of the corporation consistent with the public interest, the rules establish simplified procedures governing the filing of an application for authorization. It is the considered view of the Commission that these procedures will not be unduly burdensome even for the smallest independent telephone company desirous of securing authorization to purchase stock.

11. After consideration of the foregoing, the Commission is of the opinion that the proposed rules should be adopted with certain minor changes which have been made for uniformity and clarity, and that Part 25 be added to the Commission's rules and regulations to contain all rules implementing the Communications Satellite Act of 1962 as set forth below.

It appearing, that authorization for the adoption and amendment of the rules is contained in section 201(c) (11) of the Communications Satellite Act of 1962, and section 4(i) of the Communications Act of 1934, as amended;

It further appearing, that the rules adopted are procedural in nature or are interpretative of the authority granted to the Commission by the Communications Satellite Act of 1962, and hence that compliance with the effective date provision of section 4(c) of the Administrative Procedure Act is unnecessary.

It is therefore ordered, Effective December 31, 1962, that

(1) Part 1 be amended; and

(2) Part 25 be added to the rules of the Commission; as set forth below; and

It is further ordered, That the proceedings in Docket No. 14865, be terminated.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply Public Law 87-624, 76 Stat. 201)

Adopted: December 17, 1962.

Released: December 18, 1962.

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

1. Section 1.440 (Scope) of Part 1 of the Commission's rules and regulations is amended to read as follows:

§ 1.440 Scope.

The general rules relating to applications contained in §§ 1.441 through 1.447 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to Parts 7, 8, 9, 14, and 21 of this chapter, and those filed by common carriers pursuant to Part 25 of this chapter. Part 21 contains general rules applicable to applications filed pursuant thereto. For general rules applicable to applications filed pursuant to Parts 7, 8, 9, and 14, see such parts and Subpart F of this part. For rules applicable to applications filed pursuant to Part 25 see said part.

2. Part 25 is added to read as follows:

Subpart A—General

Sec.
25.101 Basis and scope.
25.102 [Reserved]
25.103 Definitions.

Subparts B Through G—[Reserved]

Subpart H—Authorization To Own Stock in the Communications Satellite Corporation

25.501 Scope of this subpart.
25.502 Definitions.
25.503–504 [Reserved]
25.505 Persons requiring authorization.
25.506–509 [Reserved]
25.510 Transfer of stock.
25.511–514 [Reserved]
25.515 Method of securing authorization.
25.516–519 [Reserved]
25.520 Contents of application.
25.521 Who may sign applications.
25.522 Full disclosures.
25.523 Form of application, number of copies, etc.
25.524 [Reserved]
25.525 Action upon applications.
25.526 Amendments.
25.527 Defective applications.
25.528–529 [Reserved]
25.530 Scope of authorization.
25.531 Revocation of authorization.

AUTHORITY: §§ 25.101 to 25.531 issued under Public Law 87-624, 76 Stat. 201.

Subpart A—General

§ 25.101 Basis and scope.

(a) The rules and regulations in this part are issued pursuant to the authority contained in section 201(c) (11) of the Communications Satellite Act of 1962.

(b) The rules and regulations in this part supplement, and are in addition to, the rules and regulations contained in, or to be added to, other parts of this chapter currently in force, or which may subsequently be promulgated, and which are applicable to matters relating to communications by satellites.

§ 25.102 [Reserved]

§ 25.103 Definitions.

(a) *Communications common carrier.* The term "communications common carrier" as used in this part means any person (individual, partnership, association, joint-stock company, trust, corporation, or other entity) engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, including such carriers as are described in subsection 2(b) (2) and (3) of the Communications Act of 1934, as amended, and, in addition, for purposes of subpart H of this part, includes any individual, partnership, association, joint-stock company, trust, corporation, or other entity which owns or controls, directly or indirectly, or is under direct or indirect common control with, any such carrier.

(b) *Authorized carrier.* (1) Except as provided in subparagraph (2) of this paragraph, the term "authorized carrier" means a communications common carrier which is authorized by the Federal Communications Commission under the Communications Act of 1934, as amended, to provide services by means of communications satellites.

(2) For the purposes of subpart H of this part, the term "authorized carrier" means a communications common carrier which is specifically authorized or which is a member of a class of carriers authorized by the Commission to own shares of stock in the corporation.

(c) *Communications satellite corporation.* (1) The terms "communications satellite corporation" or "corporation" as used in this part mean the corporation created pursuant to the provisions of Title III of the Communications Satellite Act of 1962.

(2) The corporation shall be deemed to be a common carrier within the meaning of section 3(h) of the Communications Act of 1934.

Subparts B–G—[Reserved]

Subpart H—Authorization To Own Stock in the Communications Satellite Corporation

§ 25.501 Scope of this subpart.

The provisions of this subpart govern the administration of section 304 of the Communications Satellite Act of 1962. These rules provide the procedure by which Commission authorization may be obtained for the purchase of stock in the corporation, the form and content of

the application, and the scope of the authorization which may be granted.

§ 25.502 Definitions.

(a) *Communications common carrier.* See § 25.103(a).

(b) *Authorized carrier.* For the purposes of this subpart, the term "authorized carrier" means a communications common carrier which is specifically authorized or which is a member of a class of carriers authorized by the Commission to own shares of stock in the corporation.

§§ 25.503–25.504 [Reserved]

§ 25.505 Persons requiring authorization.

(a) No communications common carrier, as defined in § 25.103(a), shall purchase, obtain, own, or otherwise hold, at any time, either directly or indirectly, through a subsidiary or affiliated company, nominee, person or other entity subject to its control or direction, shares of stock in the corporation created pursuant to the Communications Satellite Act of 1962 unless authorized to do so by the Commission.

(b) No individual, partnership, association, joint-stock company, trust, corporation, or other entity which owns or controls, directly or indirectly, or is under direct or indirect common control with, any such carrier, shall purchase, obtain, own, or otherwise hold, at any time, shares of stock in the corporation in its own name or right unless authorization previously shall have been obtained from the Commission by such entity or on behalf of such entity.

§§ 25.506–25.509 [Reserved]

§ 25.510 Transfer of stock.

No authorized carrier shall sell, or otherwise transfer, shares of stock of the corporation to another communications common carrier unless such other communications common carrier is an authorized carrier.

§§ 25.511–25.514 [Reserved]

§ 25.515 Method of securing authorization.

Any person, corporation, or other entity, described in § 25.505, desiring authorization to purchase, obtain, own, or otherwise hold shares of stock in the corporation, shall file an application therefor with the Commission in accordance with §§ 25.520–25.525.

§§ 25.516–25.519 [Reserved]

§ 25.520 Contents of application.

Every request for authorization submitted under this subpart shall contain or incorporate the following information:

(a) If applicant is a corporation:

1. The name and address of the applicant.
2. Place of incorporation.
3. Names and addresses of directors of applicant.
4. Names and addresses of applicant's ten principal stockholders and percentages of stock of applicant owned by each.
5. Names and addresses of principal officers of applicant and percentage of stock of applicant owned by each.
6. A copy of applicant's annual report to stockholders for the last full year of its operations covered by such report.
7. A copy of applicant's corporate charter. (If such charter is already on file with the Commission, applicant may so state.)
8. Names and addresses of all companies in which applicant has financial interests, the nature and extent of such interests, and a description of the principal business and activities of such companies.
9. Description of the intrastate, interstate and foreign communication services rendered by applicant itself or jointly with other carriers, and the state or states or other political subdivisions in which applicant's operations are conducted.
10. Statement of why applicant believes a grant of its application will be consistent with the public interest, convenience, and necessity.

(b) If applicant is an individual or business organization other than a corporation:

1. Name and address of the applicant.
2. Name and address of each person having a financial interest in the entity and a description of the nature and extent of such interest.
3. Principal place of business of applicant.
4. Copy of applicant's balance sheet and income statement for the last full year of applicant's operations.
5. Description of the intrastate, interstate, and foreign communications services rendered by applicant itself or jointly with other carriers and the state or states or other political subdivisions in which applicant's operations are conducted.
6. Statement of why applicant believes a grant of its application will be consistent with the public interest, convenience, and necessity.

(c) If application is made on behalf of any entity other than the applicant itself, the application shall so state and shall include or incorporate the information for said entity specified in paragraph (a) or (b) of this section as appropriate.

§ 25.521 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, every application or amendment thereto shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association.

(b) Applications and amendments thereto may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 states of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications and amendments thereto need be signed; copies may be conformed.

(d) Applications and amendments thereto need not be signed under oath; however, wilful false statements made therein, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including refusal or revocation of authorization to purchase, obtain, own, or otherwise hold shares of stock in the corporation.

§ 25.522 Full disclosures.

Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed in the application.

§ 25.523 Form of application, number of copies, etc.

(a) The original application and five copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself.

(b) All applications shall be on paper 8 by 10½ with left hand margin not less than 1½ inches wide. The impression shall be on one side of the paper only and shall be double spaced. All applications and accompanying papers, except charts, shall be typewritten or prepared by mechanical processing methods. All copies must be clearly legible.

§ 25.524 [Reserved]

§ 25.525 Action upon applications.

No application filed under this subpart will be granted by the Commission earlier than 20 days following issuance of public notice by the Commission of the acceptance for filing of such application or any substantial amendment thereto. Any interested party may file comments with respect to the application (or amendment thereto) within this 20-day period. Such comments must also be served on the applicant who shall be afforded 10 days in which to file reply comments. If upon examination of any such application (or amendment thereto) together with any comments filed with respect thereto the Commission is unable to make a finding that a grant of authorization will be consistent with the public interest, convenience, and necessity, it will deny the application or institute such further proceedings as in its discretion appear appropriate.

§ 25.526 Amendments.

The Commission may at any time order or require the applicant to amend his application so as to make it more definite and certain or to submit such additional documents, or statements, as in the judgment of the Commission may be necessary.

§ 25.527 Defective applications.

(a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§§ 25.528–25.529 [Reserved]

§ 25.530 Scope of authorization.

(a) In order to effectuate the purpose of the Communications Satellite Act of 1962 of promoting the widest possible distribution of stock among the authorized carriers, each authorization issued pursuant to this subpart by the Commission shall be so conditioned that in the event any voting stock authorized to be issued by the corporation, which is reserved and available for purchase by authorized carriers, is oversubscribed, the Commission may specify the dollar amount or percentage of such stock which may be purchased pursuant to such authorization.

(b) All authorizations shall be issued to, or on behalf of the named applicant and shall not be transferable.

(c) The Commission may attach such other conditions to the authorization as it determines to be consistent with the public interest, convenience, and necessity.

§ 25.531 Revocation of authorization.

Where any person to whom an authorization has been issued pursuant to this subpart has willfully failed to make a complete disclosure with regard to the real party or parties in interest or as to all matters and things required to be disclosed in the application, the Commission at any time may order such person to show cause why such authorization should not be revoked. Such person will be given reasonable opportunity to respond in writing to the order to show cause. Upon consideration of the response, the Commission will determine whether an order of revocation should issue or whether further proceedings, as may be appropriate, should be instituted. If an order of revocation is issued, immediate disposition shall be made of the shares of stock purchased or otherwise obtained pursuant to said authorization.

[F.R. Doc. 62–12624; Filed, Dec. 20, 1962; 8:50 a.m.]

[Docket No. 14349; FCC 62–1308]

PART 12—AMATEUR RADIO SERVICE

Availability of Certain Frequencies in Alaska and Hawaii

In the matter of amendment of § 12.231(a)(2) of the Commission's rules governing the amateur radio service to make available the frequency bands 7245–7255 and 14,220–14,230 kc/s in Alaska and Hawaii.

1. On October 27, 1961, the Commission released a notice of proposed rule making to amend § 12.231(a)(2) of its rules to make available the frequency bands 7245–7255 and 14,220–14,230 kc/s for operation in the Radio Amateur Civil Emergency Service (RACES) by stations in Alaska and Hawaii. This notice was duly published in the FEDERAL REGISTER, November 1, 1961 (26 F.R. 10240), and all comments filed in response thereto have been considered by the Commission.

2. Comments were received from The American Radio Relay League, Inc. (ARRL) and from the Director of Telecommunications, Department of Defense, supporting the proposed rule amendment; no opposing comments were submitted.

3. While supporting the proposal, the Department of Defense recommends further amendment to include the use of these frequencies for RACES operation in Puerto Rico and the Virgin Islands. Adoption of this recommendation is warranted since, due to their distance from the continental United States and their lack of any 20 or 40 meter frequencies for RACES operation, Puerto Rico and the Virgin Islands have the same need for operation on these frequencies as do Alaska and Hawaii. In addition, the Commission has coordinated with those governmental agencies having primary responsibility for national defense functions and no objection has been posed to modifying the proposed rule amendment to include these islands.

4. As noted, there is no objection to the proposed rule amendment and apparently no basis for objection to the modification thereof. Therefore, for the reasons set forth herein and in the notice of proposed rule making, the Commission concludes that the proposed rule making, modified to include Puerto Rico and the Virgin Islands, should be adopted.

5. Authority for the amendment set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, This 17th day of December 1962, that § 12.231(a)(2) of the Commission's rules is amended as set forth below, effective February 1, 1963.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 18, 1962.

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

Section 12.231(a) is amended by revising the introductory text of subparagraph (2) to read as follows:

§ 12.231 Frequencies available.

(a) * * *

(2) For use by all authorized stations only in the continental United States, except that, the bands 7245–7255 and 14,220–14,230 kc/s are also available in Alaska, Hawaii, Puerto Rico, and the Virgin Islands:

[F.R. Doc. 62–12625; Filed, Dec. 20, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER I—FISHERY MARKETING COOPERATIVES

PART 290—ISSUANCE OF CEASE AND DESIST ORDERS BY THE GOVERNMENT

Correction

In F.R. Doc. 62–12495 appearing at page 12580 of the issue for Wednesday, December 19, 1962, the words reading "842 through 843" in the first paragraph, line one, should read "8742 and 8743".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Year

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 907, as amended (7 CFR Part 907, 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) that expenses not to exceed $190,000 will be necessarily incurred during the fiscal year November 1, 1962, through October 31, 1963, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that there be fixed, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of one cent ($0.01) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

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

Dated: December 17, 1962.

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

[F.R. Doc. 62–12598; Filed, Dec. 20, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14902; FCC 62–1332]

TELEVISION BROADCAST STATIONS, OGDEN, UTAH

Proposed Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed August 31, 1962, by the Board of Education of Ogden City, Utah, requesting the reservation of VHF Channel 9 in Ogden City for educational use in lieu of Channel *24 which the Commission on May 17, 1961 reserved on request of the Board of Education.

3. Petitioner noted that Channels 9, *18 and *24 are now assigned to Ogden City, that KVOG–TV on Channel 9 was formerly licensed to United Telecasting Radio Company, and that KWCS–TV on Channel *18 is licensed to the Weber County Board of Education. On January 15, 1962, United Telecasting and Radio Company discontinued commercial operation for lack of operating capital, and on that date received Commission approval to permit the petitioner to program KVOG–TV until an application for the relicensing of KVOG–TV to the city schools could be submitted for action by the Commission. An application for consent to the assignment of license to the Board of Education was filed on July 9, 1962 and was granted by the Commission on October 3 (File No. BAPCT–320).

4. Petitioner states that it has had under consideration for some time the use of television for education, and that a committee of 50 educators and laymen has studied the curriculum of the Ogden City schools for this purpose. Petitioner further states that although it has utilized programs presented by KUED, Channel *7 at the University of Utah, and KWCS–TV, Channel *18 of the Weber School District, these channels alone cannot serve the in-school television needs of the Ogden schools and that a second station in the Ogden area is required.

5. With the purchase of KVOG–TV effected, the Board of Education now asks that the channel reservation be shifted from Channel *24 to Channel 9. Neither additional support for nor opposition to the proposal has to this point been submitted to the Commission.

6. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data. It is proposed to amend § 3.606 of the rules to read as follows:

Channel No.	
Present	*Proposed*
9, *18, *24	*9, *18, 24

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.312 of the Commission rules, interested parties may file comments on or before February 8, 1963, and reply comments on or before March 1, 1963. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

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

Adopted: December 17, 1962.

Released: December 18, 1962.

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

[F.R. Doc. 62–12618; Filed, Dec. 20, 1962; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 14903 (RM–367); FCC 62–1333]

TELEVISION BROADCAST STATIONS, ROSWELL-PORTALES, NEW MEXICO

Proposed Table of Assignments

1. Notice is hereby given for proposed rule making.

2. The Commission has before it for consideration a petition filed on September 26, 1962, by the Board of Regents, Eastern New Mexico University, Portales, New Mexico, in cooperation with the State Department of Education, requesting rule making to amend Section 3.606 of the Rules and Regulations for the purpose of deleting the educational reserved Channel 3+ at Roswell, New Mexico, and reassignment to Portales. The following indicates the effect on the Table:

City	Channel No.	
	Present	Proposed
Roswell, N. Mex.	*3+, 8, 10–, 22+	8, 10–, *3+, 22+
Portales, N. Mex.		

3. In support of the petition, it is stated that the proposed reallocation would implement part of the comprehensive state-

wide program for educational purposes developed for serving all levels of education throughout New Mexico. It is urged that, if the reassignment were made, the University would apply for it immediately and service would be provided to the University students (3,000 in number), New Mexico Military Institute at Roswell, and elementary schools in the service area. A programming format similar to Station KNME, Channel *5 at Albuquerque, is contemplated, i.e., cooperation with the State Department of Education, and consultation with the New Mexico Committee on State-Wide Television for Educational Purposes.

4. From a transmitter site about 35 miles southwest of Portales, petitioner states that it can provide a principal community signal to Portales and Grade A service to Roswell and Clovis respectively 87 miles southwest and 17 miles northeast of Portales.

5. Authority for the adoption of the amendments under consideration is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the rules, interested persons may file comments on or before February 8, 1963, and reply comments on or before March 1, 1963. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

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

Adopted: December 17, 1962.

Released: December 18, 1962.

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

[F.R. Doc. 62-12619; Filed, Dec. 20, 1962; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 14904; FCC 62-1335]

COMMERCIAL ANNOUNCEMENTS AND COMMERCIAL CONTINUITY OVER STANDARD, FM AND TELEVISION BROADCAST STATIONS

Objectionable Loudness; Notice of Inquiry

1. The meaning of "Loudness" in this document: The term "loudness" herein refers to a subjective or psychological quality of sound experienced directly by the listener. It may be distinguished from physical aspects of sound, and modulation level which may be measured by instruments.

2. History of the problem: At various times in the past it has been brought to the attention of the Commission that the loudness of commercial announcements and commercial continuity appeared to exceed that of other program material transmitted by broadcast stations and that listeners found this objectionable. The Commission's rules do not deal directly with varying degrees of loudness as between commercial and noncommercial matter. However, Commission rules do place an upper limit on modulation levels and contain language designed to maintain the average level of modulation at appropriate levels.[1] Inasmuch as loudness is roughly (but not precisely) proportional to modulation level, it appeared worthwhile to learn whether broadcast stations were overmodulating during the transmission of commercial material with resultant increase in loudness. It was reasoned that if such was the case, the matter of loud commercials might be controlled by enforcement of the modulation rules.

3. Thus, upon receipt of complaints of excessive loudness of commercial material, the Commission, through its Field Enginering and Monitoring Bureau, has on more than one occasion conducted thoroughgoing checks and inspections to determine whether overmodulation occurred. Thousands of standard, FM and television broadcast stations have been so observed, and these observations have covered stations in all parts of the country.

4. Although some cases of overmodulation of commercials were found which appeared to be intentional, or caused by carelessness or by lack of attention of the control operator, the Commission studies have failed to reveal any trend toward overmodulation to achieve extra loudness for commercial material broadcast. The following statements submitted to the Commission by its staff typify the results of such observations:

(a) The Atlanta District Office checked 27 AM stations and cited 10 of them for overmodulation. However, there was no extra emphasis on commercials—both voice and music overmodulated in practically all cases.

(b) A survey * * * covering the entire country included observation of 816 stations, AM, FM and TV. There was only one case of commercial announcements being overmodulated while the program was at a normal level.

(c) * * * modulation measurements of the aural transmissions were made by the New York District Office on all seven TV stations in New York City. None of these stations was found to be modulating excessively. There was no indication of deliberate attempts to overmodulate during commercials; moreover, in some instances deviation (modulation) was at a lower level than normal during commercials.

5. The present situation: In recent months, the Commission has been receiving an increasing number of complaints from the general public and from members of the Congress speaking on behalf of their constituents concerning annoyingly loud commercials. We are of the opinion that such operation is not in the public interest, and therefore consider it our duty to look further into this matter to determine to what extent and why such annoying loudness exists, and how it may most effectively be controlled.

6. To what extent does objectionable loudness exist? The aforementioned stream of complaints would indicate, at a minimum, that a very real problem exists and that at least sometimes commercials are in fact objectionably louder than other program material. The Commission proposes to conduct studies through its staff to throw more light on this matter. In addition, as indicated in paragraphs 15(a), 15(b) and 16 below, we invite comments on the problem from members of the industry and from the listening public.

7. What is the cause of objectionable loudness? We have already observed that although loudness is roughly proportional to modulation levels, excessive modulation (overmodulation) is rarely a cause of excessive loudness. We wish, therefore, to explore other approaches to the problem.

8. Several suggestions present themselves. Since loudness varies roughly with modulation level, it is clear that even without violation of the Commission rules concerning modulation it is possible to present commercials at a higher level of modulation than that of other program material and thereby increase their relative loudness. (This may be accomplished either without the use of special techniques or through the use of compressing or limiting devices as mentioned in paragraph 11 below.)

9. In this connection it may be noted that the loudness of a sound is related to the loudness of preceeding and subsequent sounds, and contrasts with such sounds. Thus the cough of a person in church may seem quite loud, but a similar cough at a busy street intersection may seem much less so. Hence the greater loudness of commercial material relative to other program material might be brought about not only by their presentation at different levels of modulation, but it might be enhanced by a pause before and after the commercial so that the loudness of the commercial is contrasted with silence.

10. Further, words spoken at a rapid rate in commercials in order to crowd a large number of words into a short time period and to give a rapid fire type of presentation can result in a higher average level of modulation and, consequently, a higher loudness for commercials than for other program material.[2] It has also been remarked that "hard sell" or "fast pitch" commercials in which the announcer reads rapidly in a strained tone of voice can, although modulation levels may be no higher than

[1] The present § 3.687(b)(7) of the rules pertaining to television broadcast stations exemplifies the typical wording of such rules. This section reads: "The percentage of modulation of the aural transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration." Sections 3.55 and 3.263 contain similar rules for standard and FM broadcast stations respectively. These rules are designed primarily to control spurious emissions.

[2] Music, for example, might contain pianissimo and fortissimo passages so that even though the peak modulation levels for commercials and for music were equal, the average modulation level for music might be lower.

normal, sound louder and objectionable to the listener.

11. Still another source of greater loudness in commercials lies in speech processing and volume compression and limiting. In a recorded commercial announcement, for example, these techniques can raise the average power of the modulating signal, and, when run at the same peak or quasi-peak level as unprocessed material, the processed commercial has greater loudness. Such techniques have come into widespread use. However, abuses may have occurred.

12. The foregoing enumeration of possible causes of loud commercials no doubt is not exhaustive, but it serves to give broad outlines of the problem which we face, and suggests some directions that might be followed in the regulation of loudness of commercials.

13. How may objectionable loudness be regulated? Industry self-regulation requiring that program loudness remain constant is one approach to the problem. Commission enactment of rules to achieve such constancy is another. In either case, it seems that some sort of device capable of accurately measuring loudness would be a tremendous aid, for with such an instrument programs could be continuously monitored for loudness and the standards of either the industry or the Commission could thereby be enforced in a comparatively easy manner.

14. Unfortunately, at the present time no such instrument exists. The commonly used VU meter is not a precise indicator of loudness. Nor are the quasi-peak and the peak indicating devices of the Commission-approved modulation monitors. All of these instruments are used for the purpose of controlling modulation factors only, and we have already seen that loudness is only roughly proportional to modulation level and that it may vary with such other factors as the loudness of preceding or succeeding sounds, rate of speech, or strained tone of voice. In other words, loudness, a subjective quality, varies in some yet unknown way with numerous transmission parameters. Its subjective quality makes its measurement elusive. It is hoped, however, that a concerted industry and Commission effort might lead to the development of a suitable instrument or procedure.

15. Notice of inquiry: For the purpose of obtaining information that may aid in solving the aforementioned problems, an inquiry is hereby instituted. Views and data are invited from the industry and general public. Comments directed at the following questions would be of value to the Commission in this inquiry. The listing of these questions should not be construed, however, as limiting in any way the area of comment.

(a) To what extent is there objectionable loudness in commercial announcements and commercial continuity as compared to other program material?

(b) To what extent is there objecttionable loudness in other types of material, such as, for example, public service announcements?

(c) What are the causes of objectionable loudness in commercials? Detailed information will be especially welcome.

(d) To what extent are speech processing, compression and limiting employed in pre-recorded material and to what degree do they contribute to objectionable loudness of commercial material broadcast? If these techniques increase loudness, to what extent are they used intentionally to do so?

(e) To what extent are compression and limiting employed at the transmitter and to what degree do they contribute to objectionable loudness of commercial material broadcast? If these techniques increase loudness, to what extent are they intentionally used to do so?

(f) Would a Commission rule which lowered the permitted maximum percentage of modulation on peaks of frequent recurrence during the transmission of commercial messages be a satisfactory method for controlling loudness of such messages?

(g) How can loudness of commercials best be controlled by Commission regulations? How, specifically, might regulation be accomplished?

(h) Do feasible methods exist for automatically limiting the maximum modulation of transmitters which do not increase the average sound power or loudness transmitted.

(i) Is it feasible to institute a research and development program within the industry to develop equipment and techniques by which program loudness can be satisfactorily measured? What are the chances of success of such a program? Please state any suggestions for carrying out such a program.

16. Members of the general public may be especially helpful in furnishing information with regard to items (a) and (b) of the previous paragraph.

17. During the course of this inquiry, it is expected that the Laboratory Division of the Office of the Chief Engineer will conduct investigations of various loudness measurement techniques and instrumentation for possible application to this problem. The Broadcast Bureau with the cooperation of the Office of the Chief Engineer will study the development of specifications applicable to the problem and the effects of current broadcast practices which may be relevant. In this connection, coordinated observations by monitoring stations of the Field Engineering and Monitoring Bureau may be useful, after suitable techniques have been established for such observations.

18. The Commission is of the opinion that it is not only contrary to the public interest that commercial material be objectionably loud, but that it is contrary to the self-interest of broadcasters and advertisers that it be so. Therefore, we have adopted a Public Notice for release concurrent with this Notice strongly urging broadcasters to review their practices (use of rapid-fire delivery, compression, and other practices) which may result in objectionable loudness of commercial material and to discontinue practices found to result in complaints of such loudness.

19. Authority for the institution of this proceeding is found in sections 4 (i), 303 and 403 of the Communications Act of 1934, as amended.

20. Written comments in this inquiry may be filed on or before January 28, 1963. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited in this notice.

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

Adopted: December 17, 1962.

Released: December 18, 1962.

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

[F.R. Doc. 62-12623; Filed, Dec. 20, 1962; 8:50 a.m.]

[47 CFR Part 11]

[Docket No. 14899 (RM-237); FCC 62-1307]

INDUSTRIAL RADIO SERVICES

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. This proceeding is being instituted in response to a "Petition of the Special Industrial Radio Service Association, Inc., to amend the Special Industrial Radio Service eligibility and permissible communications Rules." The subject petition was filed on February 21st, 1961. For brevity's sake we will refer to the Petitioner as SIRSA.

3. SIRSA's petition seeks amendment of §§ 11.501(a) and 11.502(b) of our Special Industrial Radio Service Rules. The proposed amendment to § 11.501(a) concerns an extension or broadening of basic eligibility provisions to include bona fide agricultural cooperative organizations. By letter of its General Counsel, dated August 18th, 1961, SIRSA has specifically requested that so much of its Petition "* * * as deal(s) with the cooperative question be considered withdrawn without prejudice to the filing of a separate Petition in this regard at some later date." The Commission grants SIRSA's August 18th request, and confines its consideration in this proceeding to an amendment of Section 11.502(b).

4. The requested amendment of § 11.502(b) is twofold. First, it has been requested that persons whose prime eligibility has been founded under § 11.501 (a), as operators of farms for the quantity production of crops or plants, be allowed to communicate with vehicles engaged in gathering and processing agricultural products grown for them by others; and second, that those persons whose eligibility has been established pursuant to § 11.501(d)(7), as deliverers of ice and fuel to consumers in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipelines or railroads, be allowed to use their radio facilities in connection with the servicing of customers equipment that uses the products delivered.

5. In support of its petition, SIRSA points out that no broadening of basic eligibility provisions is contemplated; and that the permissible use sought to be allowed of licensed facilities is integrally and reasonably related to the prime activities of the licensee, under which eligibility within the Service was established in the first instance. Moreover, with respect to the second of SIRSA's requests, it has been pointed out that equipment servicing activities are often emergency in nature and that expeditious dispatching of repair crews is essential.

6. The incidental use to which the subject categories of Special Industrial Radio Service licensees would place their facilities does not appear to have any substantial counter effect on the best interests of any other classes of licensees; nor does it appear to be a perversion of the regulatory scheme that the Commission has established to govern this service. Accordingly, we are proposing that § 11.502 be amended to allow licensees to use their radio facilities for the purposes noted above.

7. The proposed amendment, which is set forth below, is issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before February 5, 1963, and reply comments on or before February 18, 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.

9. In accordance with the provisions set forth in § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 17, 1962.

Released: December 18, 1962.

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

In Part 11, Industrial Radio Services, § 11.502 of the Special Industrial Radio Services rules is amended to read as follows:

§ 11.502 Availability and use of service.

(a) The initial application from a person claiming eligibility in this service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Authorizations to operate stations in this service are available only to the extent and for the purposes set forth in this subpart, and the operation of all stations licensed hereunder shall be strictly confined to those activities upon which eligibility was established, except for transmissions relating to an immediate emergency involving the safety of life or property: *Provided, however,* That those persons otherwise eligible under § 11.501(a) may use their radio facilities in connection with the gathering or processing of products grown or raised for them by others; and that those persons otherwise eligible under § 11.501(d)(7) may use their radio facilities in connection with the servicing of the equipment that uses the products delivered.

(c) Communications relating to any of the following shall not be transmitted by any station licensed in the Special Industrial Radio Service:

(1) Sales reports or the dispatching of salesmen;

(2) Payrolls, accounts, or inventory control;

(3) Any message relating to the retail delivery of any item or product, except where such retail delivery is specifically included in the eligibility provisions of this subpart; or

(4) Any message where the time element is not of immediate importance.

(d) Persons engaging in activities some of which are eligible under this subpart and some of which are not, and desiring to use radio in connection with both types should apply for authorization in the Business Radio Service.

[F.R. Doc. 62-12620; Filed, Dec. 20, 1962; 8:49 a.m.]

[47 CFR Parts 31, 33]

[Docket No. 14898 (RM-354); FCC 62-1302]

TELEPHONE COMPANY TOLL SERVICE REVENUES

Notice of Proposed Rule Making

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) and Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations to remove revenues from private line toll terminals, local loops and related equipment from local service revenues and include them in toll service revenues, Docket No. 14898 (RM-254).

1. The American Telephone and Telegraph Company (AT&T), by letter dated July 20, 1962, has requested, on behalf of itself and its associated operating telephone companies, that the Commission amend Part 31 of its Rules and Regulations to include all revenues from private line services furnished between points in different local service areas in account 512, Toll Private Line Services, rather than to include the portion of these revenues represented by toll terminals, local loops and related equipment in account 504, Local Private Line Services, as presently provided. The foregoing is based upon the introduction to the AT&T letter. Close reading of the letter, however, supplemented by informal discussions with AT&T representatives, reveals that it is also desired that all revenues from audio and video program transmission, provided the programs are intended for broadcasting, and revenues from certain channels for remote control of radio stations be transferred from account 504 to account 512.

2. It was pointed out by AT&T that, at the time the provisions of account 504 were adopted, long distance message telephone rates were being fixed in most jurisdictions on the board-to-board basis. Thus, the exchange portion of long distance message revenues was a part of the regular exchange service charges and was included in local service revenues. At that time, it was natural and consistent that the revenues from local loops used for intercity private line service should also be credited to local service revenues. Today, however, long distance message telephone rates are all fixed on the station-to-station basis. It follows that the exchange (local service) portion of long distance message revenues is now being credited to toll revenues while the local service portion of intercity private line revenues continues to be credited to local service revenues. Since 1933, when the present texts of accounts 504 and 512 were written, the rate structure for private line services has changed. Under the rate structure of the 1933 tariffs, AT&T asserts, local loop and instrument charges covered the equipment on the subscriber's side of the board and interexchange channel charges covered the equipment on the network side of the board. Today's tariffs provide for a channel terminal charge which covers not only the local loop and instruments on the subscriber's side but certain components of the interexchange channel equipment on the network side. AT&T states that there is no practical way of splitting the channel terminal charge between accounts 504 and 512, and as a consequence, the companies include the entire charge in the account of predominant applicability, i.e., account 504. The result is that today accounts 504 and 512 do not precisely reflect revenues on either a board-to-board or station-to-station basis.

3. While the amounts involved in revenues from toll private line service local loops and related facilities are only a small portion of private line revenues, we agree with AT&T that the inconsistency in revenue classification between message toll and private line should be removed from the system of accounts. AT&T proposes that this objective should be accomplished by the deletion of the last sentence of account 504 and Note A to account 512, and the insertion of the words "points in" in the first sentence of account 512 immediately following the words "and facilities furnished between." (AT&T's proposed text for account 512 did not include either present Note A or present Note B. However, Note B is not related to any portion of AT&T's proposed amendment and it is believed that it should be retained since it serves a useful purpose. There should also be added to Note B a sentence about revenues from local loops for a reason which will be obvious from what follows.) The proposal to insert the words "points in" is consistent with the proposal to transfer revenues from local loops furnished in connection with toll private line service from account 504 to account 512 since, if that proposal is adopted, account 512 will include revenues from service between customer locations in different local serv-

ice areas as distinguished from service between points of connection with local loops in different local service areas as is currently the situation. We agree with these proposals. However, the Commission does not believe that the addition of the words "points in" to account 512, the deletion of Note A to account 512, and the deletion of the last sentence of account 504 are sufficient to clearly indicate that revenues from local loops will be includible in accounts 510, Message Tolls, and 511, Wide Area Toll Services, as well as in account 512. This is particularly true because of the long-standing practice of including such revenues in account 504. Therefore, it is proposed to amend each of accounts 510, 511, and 512 to specifically include revenues from local loops in these three accounts, under factual situations as indicated. It is proposed to amend account 510 by adding in paragraph (b) the words "from toll terminals, local loops, and related facilities and equipment furnished in connection with message toll services" following the words "from guarantees at toll stations." It is proposed to amend account 511 by inserting after the word "including" the words "revenues from toll terminals, local loops, and related facilities and equipment furnished in connection with wide area toll services. It shall include." This latter clause will be followed by the present language commencing "(a) revenues * * *" as a part of the same sentence. It is proposed to amend account 512 by inserting in the first sentence immediately following the words "services and facilities" the parenthetical expression "(including toll terminals, local loops, and related facilities and equipment furnished in connection with toll private line services)."

4. As noted in paragraph 1, AT&T, in addition to requesting a change in the prescribed account classification for revenues from local loops used to complete toll private line networks, requests that revenues from strictly local audio and video program transmission intended for broadcasting, and also revenues from local area remote control channels (provided the remote control is of radio stations situated across a state line from the source of the remote control or the channels are used for the operation of radio stations intended to communicate across state lines) be transferred from account 504 to account 512. It is to be noted that AT&T did not seek to transfer from account 504 to account 512 the revenues from private line facilities connecting points in the same local service area used for such things as (1) closed-circuit program transmission, (2) channels for remote control of radio stations which channels neither cross a state line nor are used for the operation of radio stations intended to communicate across state lines, and (3) the remote control by means of local channels of anything other than radio stations whether or not the channels cross state lines.

5. A principal reason given for changing the revenue account classification for revenue from strictly local program transmission intended for broadcasting and from certain local channels used for remote control of radio stations is that this will get all private line revenues subject to Bell division of interstate revenues treatment into account 512, with the result that it would no longer be necessary to analyze account 504 for division of revenue purposes. We do not agree with this portion of the AT&T request. In our view of the matter, these are not toll revenues. "Telephone toll service" is defined in section 3(s) of the Communications Act as service between stations in different exchange areas. It is questionable whether the destinations in the homes of broadcast program viewers and listeners constitute telephone stations as contemplated in that definition. The same reasoning applies to the remote control channels.

6. The fact that given revenues are not from toll service as defined in the Communications Act or in general usage of the term is no absolute bar, in itself, to providing for the inclusion of these revenues in account 512. We do not believe, however, that this should be done herein. While we are sympathetic with AT&T's desire to lessen the work involved in division of interstate revenues among the Bell companies, it seems clear that this should not, in this relatively minor case, be permitted to outweigh the desirability of keeping a strict differentiation in the revenue accounts between local and toll revenues. Furthermore, we should not require non-Bell telephone companies to make the artificial splits of local private line revenues desired by Bell, considering that the non-Bell companies are not involved in division of revenue procedures and so have no reason at all to be willing to "contaminate" the toll purity of account 512 and include less than all the local service private line revenues in account 504.

7. While, pursuant to section 202(b) of the Communications Act, the Commission has exclusive regulatory jurisdiction over common carrier lines of communication, whether derived from wire or radio facilities, furnished by a telephone carrier to a radio station (In the Matter of Capital City Telephone Company, 3 F.C.C. 189), this fact of jurisdiction does not necessarily determine whether the subject of the jurisdiction is local or toll service. It might be noted also that we pointed out in the Capital City Telephone Company report that the principle was well established that all radio communication is essentially interstate communication. Thus, it would seem that if revenues from local service channels used for remote control of radio stations "intended to communicate across state lines" were to be transferred from account 504 to account 512 it would be superfluous to use such words of limitation in describing that which is to be transferred for they would be without anything to apply to.

8. As a part of its proposal to exclude revenues from local broadcast program transmission from account 504, AT&T proposes to delete from the second sentence of account 504 the words "radio program transmission" and substitute therefor the words "closed circuit audio and video program transmission." The Commission does not agree with this proposal for the reasons given in paragraphs 5–7, above. However, it is proposed by the Commission to delete the word "radio" from the present language of account 504 in order to make it more clear that the reference includes all types of program transmission. While "radio communication", as defined in the Communications Act, is broad enough to include television program broadcasting, the term, as normally used, refers to audio only as distinguished from video communication. Furthermore, radio program transmission does not include closed-circuit program transmission. With respect to account 512, AT&T proposes that the words "radio program transmission" be deleted from the second sentence and the words "audio and video program transmission" be substituted therefor without, of course, the limiting words "closed circuit" as was proposed for account 504. Again the Commission proposes that the only change in this example should be that the word "radio" be deleted from the present language to leave the reference to all "program transmission." It is believed that AT&T's proposed inclusion of the words "audio and video" might, at first glance, suggest that closed-circuit program transmission is not included therein. For consistency, we believe that the same language should be used in accounts 504 and 512.

9. AT&T would eliminate the terms "local service" and "toll service" modifying the word "revenues" in the first sentence of accounts 504 and 512, respectively. This was presumably proposed because, under AT&T's proposal, account 512 would include some local service revenue and account 504 would not be credited with all such revenue to the same extent. We do not propose to adopt these suggestions since, under our proposal, account 512 would not include any local service revenue and the proposed change would make accounts 504 and 512 read differently from accounts 500, 501, 503, 506, 510, 511 and 516.

10. AT&T would strike from the first sentence of the text of account 504 the words "(i.e., service not requiring central office switching operations)." It is our surmise that its objection to the definition must be to its application to private line service in general since it is not appropriate for toll private line service (and this fact is recognized by the absence of the clause in the text of account 512) as that service sometimes involves central office switching, e.g., in the case of foreign exchange lines. It appears that retention of the words proposed for deletion would serve a desirable purpose in helping to define local private line service (which is not otherwise defined) if they were specifically limited to local service. They are particularly helpful in distinguishing between local private line revenues includible in account 504 and local revenues from facilities such as excess length of off-premise PBX extensions that are includible in account 500. In the first sentence of account 504, the Commission proposes that the word "local" be inserted to precede "private line services" and that the parenthetical expression be moved from the end of the sentence to follow the words

"local private line services" which it would then partially define. For consistency with changes made in account 504, it is proposed to add the word "toll" preceding the words "private line services" in the first sentence of account 512. AT&T also proposes to delete the words "under contracts providing exclusive service" from the first sentence of both accounts 504 and 512. We agree that this type of service is not normally a contract service any more than other telephone services which also involve contracts between the company and the customer and therefore propose to delete the reference to contracts. However, we do believe that the service is an exclusive one and that the word "exclusive" serves a useful purpose and it is proposed to be retained.

11. AT&T would add to the first sentence of account 504 clauses stating that the account shall include (a) revenues from services using only the company's own lines or facilities and (b) amounts representing divisions of revenues with other companies when the service uses the lines or facilities of other companies. This type language has long been in the toll service revenue accounts 510 and 512 and was included in account 511 when that account was prescribed. It has never been in the local service revenue accounts. Presumably the reason AT&T now proposes to include this language in a local service revenue account is because of the growth of extended area service which sometimes leads to two companies serving a single local service area. We do not believe this language should be added to account 504 unless it is also at the same time added to the texts of the other local service revenue accounts. On the latter point we have decided that extended areas served by two companies are exceptions to the normal situation that do not call for specific recognition in the language of the local service revenue accounts.

12. AT&T proposes to substitute the words "services and facilities" for the word "lines" in the second sentence of both accounts 504 and 512. We agree with these proposals since the word "lines" does not adequately describe what is furnished for the customers' use. AT&T also proposes to substitute in the first sentence of account 512 the words "using only the company's own lines or facilities" for the words "involving only the use of the company's own lines" and also to substitute the words "uses the lines or facilities of other companies" for the words "involves the use of lines of other companies." While we do not believe that the inclusion of such words would be improper, we believe them to be unnecessary since the word "facilities" is already included near the beginning of the same sentence. Furthermore, since accounts 510 and 511 contain similar provisions, we believe that, if this proposal were adopted, the words " or facilities" should also be included in those accounts. This we do not propose to do.

13. AT&T also proposes deletion of the words "telegraph" and "public address" listed as examples in the second sentence of the texts of accounts 504 and 512. We agree. Today there is practically no telegraph service other than that which is embraced in teletypewriter which is listed separately. Likewise, it is our understanding that there is now very little public address service rendered by telephone companies. AT&T would add "telephotograph" and "data transmission" to both of these sentences. We believe these additions to be appropriate. These are relatively new services not known in 1937 when the F.C.C. system of accounts was prescribed.

14. In view of the foregoing, AT&T's proposed wording for accounts 504 and 512 is not being submitted for comment. In lieu thereof, the Commission submits for comment the following proposed wording for accounts 504, 510, 511, and 512:

§ 31.504 Local private line services.

This account shall include local service revenues from local private line services (i.e., those not requiring central office switching operations) and facilities furnished on an exclusive basis, either continuously or during stated periods, between points in the same local service area. It shall include local private line service revenues from services and facilities furnished for such purposes as telephone, teletypewriter, program transmission, telephotograph, data transmission, and remote control.

§ 31.510 Message tolls.

* * * * *

(b) This account shall also include revenues from guarantees at toll stations; from toll terminals, local loops, and related facilities and equipment furnished in connection with message toll services; from messenger service in notifying persons of toll calls; and from fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis.

§ 31.511 Wide area toll services.

This account shall include toll service revenues from the transmission of communications over the general toll switching network charged for on either a flat or measured rate basis without regard to the number of communications, including revenues from toll terminals, local loops, and related facilities and equipment furnished in connection with wide area toll services. It shall include (a) revenues from services involving only the use of the company's own lines, and (b) amounts representing divisions of wide area toll service revenues when such service involves the use of lines of other companies.

§ 31.512 Toll private line services.

This account shall include toll service revenues from toll private line services and facilities (including toll terminals, local loops, and related facilities and equipment furnished in connection with toll private line services) furnished on an exclusive basis, either continuously or during stated periods, between points in different local service areas, including (a) revenues, from services involving only the use of the company's own lines, and (b) amounts representing divisions of toll private line service revenues when such service involves the use of lines of other companies. It shall include toll private line service revenues from services and facilities furnished for such purposes as telephone, teletypewriter, program transmission, telephotograph, data transmission, and remote control.

NOTE: Toll service revenues from the transmission of messages charged for on a per-message basis shall be included in account 510. Certain other toll service revenues from the transmission of communications shall be included in account 511. Certain revenues from local loops shall be included in accounts 510 and 511.

15. It is also proposed to make an unrelated amendment to § 31.5–53, Operating Revenue Accounts to be Maintained. This proposal would add the item "511 Wide area toll services" immediately following the item "510 Message tolls" in that section. This amendment was inadvertently omitted from the Order in Docket No. 14310 which amended Part 31 by adding new account 511.

16. Part 33 of the Commission's rules contains accounting which is similar to that in Part 31 regarding toll terminals, local loops and related equipment. § 33.-3010 *Local service revenues,* includes an item reading as follows:

10. Charges for toll terminals and local loops (including those furnished for use in connection with lines of other companies) and charges for instruments and equipment when furnished in connection with such lines and loops.

It is proposed to delete item 10 from § 33.3010 and redesignate present item 11 as item 10; to amend paragraph (b) of § 33.3030, Toll Service Revenues, to read exactly the same as the proposed text for § 31.512 except that it is proposed to omit the parenthetical expression reading "(including toll terminals, local loops, and related facilities and equipment furnished in connection with tol private line services)"; and to amend item 6 of § 33.3030 to read as follows:

6 Other revenues from toll line operations, including toll terminals, local loops, and related facilities and equipment furnished in connection with toll services.

The variation from the proposed text of account 512 is believed appropriate because paragraph (b) of § 33.3030 applies only to private line service revenue and the reference to local loops is appropriate for both private line and message services. Therefore, it is proposed to insert the provision regarding toll terminals, local loops, and related facilities and equipment in item 6 of § 33.3030 so that it will apply to both paragraphs (a) and (b). Furthermore, since the provision is presently handled as an item in § 33.3010, it seems appropriate that it should be included as an item under § 33.3030.

17. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective January 1, 1964, with the option that those tele-

phone companies which desire to do so may place any such amendments into effect at any earlier date but in no event earlier than as of January 1, 1963.

18. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before February 12, 1963, and reply comments on or before February 27, 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. If any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

20. 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 filed shall be furnished to the Commission.

Adopted: December 17, 1962.

Released: December 18, 1962.

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

[F.R. Doc. 62-12621; Filed, Dec. 20, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 120]

[Docket No. 34191]

CARRIERS BY WATER

Quarterly Freight and Passenger Statistics

DECEMBER 6, 1962.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to amend § 120.52 *Carriers by water; quarterly freight and passenger statistics* to provide that, effective with reports for the 3 months period ended March 31, 1963, each and every carrier by water, excluding Class C carriers (those having annual operating revenues of $100,000 or less), subject to the provisions of the Interstate Commerce Act, be required to file quarterly reports showing its total freight revenue, tons of revenue freight, revenue tons carried one mile, total passenger revenue, and number of revenue passengers, in accordance with quarterly report forms to be designated as Form QWS–Quarterly Report of Revenue Traffic of Carriers by Water.

The effect of the proposed change will be to require on a quarterly and cumulative basis the reporting of revenue tons carried one mile (i.e. revenue ton-miles), in addition to data now required by forms bearing the same designation under the present terms of 49 CFR 120.52. No change is contemplated in other matters to be reported, the number of copies to be filed, the place of filing, or the number of days following the close of the period covered in which the report form must be filed.

Any party desiring to make representations in regard to the proposed change may do so through submission of written data, views or arguments. The original and 6 copies of such representations must be filed with the Interstate Commerce Commission, Washington 25, D.C., within 30 days of the publication hereof in the FEDERAL REGISTER.

A copy of this notice shall be served upon all carriers by water, excepting Class C carriers, subject to the provisions of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such carrier by water, and notice shall be given to the general public by depositing a copy of this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, and sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 313, 54 Stat. 944, as amended, 49 U.S.C. 913)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-12601; Filed, Dec. 20, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 690, Amdt. No. 1]

MONTANA STATE DIRECTOR ET AL.

Delegation of Authority Relative to Issuance of Patents

DECEMBER 17, 1962.

Effective January 2, 1963, the following persons are also authorized to issue patents or their equivalent in the name of the United States for grants of land under the authority of the Government, except patents and other conveyances which require the approval or signature of the President of the United States.

Montana State Director.
Montana Land Office Manager.
New Mexico State Director.
New Mexico Land Office Manager.
Utah State Director.
Utah Land Office Manager.

KARL S. LANDSTROM,
Director.

[F.R. Doc. 62–12593; Filed, Dec. 20, 1962; 8:46 a.m.]

[Oregon 012321]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

DECEMBER 14, 1962.

The Bureau of Land Management has filed an application, serial number Oregon 012321, for the withdrawal of the lands described below, subject to valid existing rights, from all appropriations under the public land laws, including the general mining laws and mineral leasing laws, but not including disposal of materials or forest products under the act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185), as amended.

The applicant desires the land withdrawn to preserve the historic area of the Columbia River Gorge for its scenic and recreational values.

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.

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:

T. 1 N., R. 5 E., W.M., Oregon,
Sec. 13: SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
The total area aggregates 160 acres.

The Bureau of Land Management has cancelled 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 January 13, 1963, relieved of the segregative effect of the above-mentioned application:

T. 1 N., R. 4 E., W.M., Oregon,
Sec. 29: Part of: Lot 2, S½NW¼, NW¼SE¼;
Sec. 30: Part of: Lots 3, 4, 5, 6, F. G. Hicklin DLE No. 37.
T. 1 N., R. 5 E., W.M., Oregon,
Sec. 13: Part NW¼NE¼, Part E½NE¼NW¼, S½SW¼NW¼, W½SW¼;
Sec. 14: Part of Lot 1, SE¼NE¼, SE¼;
Sec. 21: Part of: NE¼SE¼, S½SE¼;
Sec. 22: SW¼SW¼;
Sec. 27: Part E½NW¼, N½NW¼NW¼, Part SW¼NW¼, Part NW¼SW¼;
Sec. 28: N½NE¼NE¼, Part NW¼NE¼;
Sec. 29: S½NE¼SE¼, S½N½NE¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼;
Sec. 32: S½NE¼NW¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼.

The area eliminated aggregates 787.61 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 62–12594; Filed, Dec. 20, 1962; 8:46 a.m.]

[Oregon 012712]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 14, 1962.

The Department of Agriculture has filed an application, serial number Oregon 012712, for the withdrawal of the lands described below from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the lands withdrawn for the Forest Service, to be utilized as recreation areas. The 23 areas described are within the Fremont, Wallowa, and Whitman National 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, 710 NE. Holladay Portland 12, Oregon.

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:

FREMONT NATIONAL FOREST

T. 38 S., R. 18 E., W.M., Oregon,
Sec. 7: SE¼ Lot 3, Lot 4, S½SE¼NW¼, NE¼SW¼, W½W½SE¼;
Sec. 18: NE¼ Lot 1, N½NE¼NW¼.
180.39 acres

WALLOWA NATIONAL FOREST

T. 2 N., R. 43 E., W.M., Oregon,
Sec. 5: SW¼ and W½SE¼ Lot 1, W½SE¼NE¼, W½E½SE¼NE¼, SE¼SW¼NE¼.
T. 1 S., R. 41 E., W.M., Oregon,
Sec. 15: W½SW¼NW¼;
Sec. 34: W½SW¼SW¼.
T. 1 S., R. 42 E., W.M., Oregon,
Sec. 15: E½SW¼SW¼, E½W½SW¼SW¼;
Sec. 22: N½NW¼NW¼.
T. 2 S., R. 41 E., W.M., Oregon,
Sec. 3: Those parts of SE¼ Lot 12 and NE¼ Lot 13 lying east of Minam River.
152.5 acres

WHITMAN NATIONAL FOREST

T. 1 S., R. 41 E., W.M., Oregon,
Sec. 33: E½SE¼SE¼.
T. 2 S., R. 41 E., W.M., Oregon,
Sec. 3: Those parts of SE¼ Lot 12 and NE¼ Lot 13 west of Minam River.
T. 5 S., R. 46 E., W.M., Oregon,
Sec. 35: SE¼SW¼SW¼, NE¼SE¼SW¼, S½SE¼SW¼, SW¼SW¼SE¼.
T. 5 S., R. 47 E., W.M., Oregon,
Sec. 29: W½SW¼SW¼;
Sec. 30: NE¼SE¼SE¼, S½SE¼SE¼.
T. 6 S., R. 46 E., W.M., Oregon,
Sec. 16: SW¼NE¼NE¼, NW¼NE¼, SW¼NE¼, W½SE¼NE¼, NE¼NW¼, N½SE¼NW¼.
T. 6 S., R. 46 E., W.M., Oregon,
Sec. 2: NW¼ Lot 2, Lot 3, NE¼ Lot 4.
T. 7 S., R. 36 E., W.M., Oregon,
Sec. 1: E½W½SW¼SE¼, E½SW¼SE¼.
T. 7 S., R. 37 E., W.M., Oregon,
Sec. 7: S½;
Sec. 18: N½.
T. 7 S., R. 37 E., W.M., Oregon,
Sec. 9: S½SE¼;
Sec. 16: NE¼, N½SE¼.
T. 7 S., R. 45 E., W.M., Oregon,
Sec. 20: SE¼SE¼SE¼;
Sec. 28: NW¼NW¼;
Sec. 29: NE¼NE¼NE¼.
T. 7 S., R. 46 E., W.M., Oregon,
Sec. 7: SE¼NE¼SE¼, E½SE¼SE¼;
Sec. 8: S½SW¼NW¼, N½NW¼SW¼, SW¼NW¼SW¼, W½SW¼SW¼.
T. 8 S., R. 37 E., W.M., Oregon,
Sec. 24: N½ Lot 1 excepting patented MS–821A.
T. 8 S., R. 38 E., W.M., Oregon,
Sec. 32: NE¼SW¼, N½NW¼SW¼.
T. 8 S., R. 45 E., W.M., Oregon,
Sec. 6: SE¼ Lot 7, SW¼SE¼SW¼;
Sec. 7: NE¼ Lot 1, NW¼NE¼NW¼;
Sec. 12: E½SW¼SE¼.
T. 9 S., R. 35½ E., W.M., Oregon,
Sec. 26: NE¼NE¼.
T. 9 S., R. 36 E., W.M., Oregon,
Sec. 24: NE¼SW¼NW¼, W½SE¼NW¼, W½E½SE¼NW¼, W½NE¼NE¼SW¼, NW¼NE¼SW¼.
T. 9 S., R. 37 E., W.M., Oregon,
Sec. 25: NE¼NW¼.
T. 9 S., R. 38 E., W.M., Oregon,
Sec. 5: W½NW¼SE¼;
Sec. 12: S½SW¼NE¼, N½NE¼NW¼SE¼.
1,821.99 acres
Total area 2,154.88 acres

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 62–12595; Filed, Dec. 20, 1962; 8:46 a.m.]

[Washington 04091]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 14, 1962.

The Bureau of Land Management has filed an application for the withdrawal of about 18,000 acres of public land from all forms of appropriation under the public land laws, including the mining laws, except for disposition under the Recreation and Public Purposes Act, the laws pertaining to State indemnity selections and/or specific quantity State grants of lands, State exchanges, and rights-of-ways.

It is intended to transfer the lands to the State of Washington in lieu of deficiencies and prior appropriation of school sections pursuant to the Enabling Act of February 22, 1889, as amended by the Act of February 28, 1891, (26 Stat. 796; 43 U.S.C. 851, 852).

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 680 Bon Marche Building, Spokane 1, Washington.

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.

The lands affected are:

T. 6 N., R. 1 E.,
In section 24.
T. 7 N., R. 1 E.,
In sections 10 and 12.
T. 8 N., R. 1 E.,
In section 34.
T. 6 N., R. 2 E.,
In sections 10, 20, and 22.
T. 7 N., R. 2 E.,
In section 32.
T. 8 N., R. 2 E.,
In section 32.
T. 6 N., R. 3 E.,
In sections 12, 14, and 22.
T. 7 N., R. 3 E.,
In section 34.
T. 7 N., R. 4 E.,
In section 34.
T. 7 N., R. 5 E.,
In section 30.
T. 2 N., R. 6 E.,
In section 32.
T. 3 N., R. 6 E.,
In section 14.
T. 7 N., R. 6 E.,
In section 26.
T. 39 N., R. 6 E.,
In section 33.
T. 3 N., R. 7 E.,
In sections 14 and 28.
T. 3 N., R. 7½ E.,
In section 13.
T. 3 N., R. 8 E.,
In section 18.
T. 12 N., R. 8 E.,
In section 9.
T. 24 N., R. 8 E.,
In section 25.
T. 6 N., R. 10 E.,
In section 8.
T. 4 N., R. 14 E.,
In section 5.
T. 5 N., R. 14 E.,
In section 8.
T. 19 N., R. 15 E.,
In section 10.
T. 34 N., R. 21 E.,
In section 34.
T. 32 N., R. 22 E.,
In section 2.
T. 32 N., R. 24 E.,
In section 22.
T. 35 N., R. 24 E.,
In sections 13 and 24.
T. 36 N., R. 24 E.,
In section 34.
T. 25 N., R. 25 E.,
In section 12.
T. 33 N., R. 25 E.,
In sections 11, 14, and 22.
T. 34 N., R. 25 E.,
In sections 14 and 23.
T. 35 N., R. 25 E.,
In section 19.
T. 39 N., R. 25 E.,
In section 2.
T. 34 N., R. 26 E.,
In section 31.
T. 35 N., R. 26 E.,
In section 9.
T. 35 N., R. 27 E.,
In sections 9, 11, 14, and 25.
T. 40 N., R. 27 E.,
In section 25.
T. 36 N., R. 28 E.,
In section 28.
T. 39 N., R. 28 E.,
In section 12.
T. 36 N., R. 30 E.,
In section 26.
T. 36 N., R. 31 E.,
In section 1.
T. 38 N., R. 31 E.,
In sections 1 and 2.
T. 39 N., R. 31 E.,
In sections 21, 22, 27, and 34.
T. 36 N., R. 32 E.,
In sections 4 and 6.
T. 37 N., R. 32 E.,
In section 20.
T. 39 N., R. 32 E.,
In sections 3, 6 and 7.
T. 37 N., R. 33 E.,
In sections 13, 24, 26, 27, and 28.
T. 38 N., R. 33 E.,
In sections 8 and 9.
T. 37 N., R. 34 E.,
In section 5.
T. 39 N., R. 34 E.,
In section 23.
T. 28 N., R. 36 E.,
In section 15.
T. 39 N., R. 36 E.,
In sections 13, 24, and 25.
T. 40 N., R. 36 E.,
In sections 11, 25, and 26.
T. 29 N., R. 37 E.,
In section 10.
T. 30 N., R. 37 E.,
In sections 12 and 24.
T. 38 N., R. 37 E.,
In section 4.
T. 39 N., R. 37 E.,
In sections 13, 20, 24, 28, 33, and 34.
T. 29 N., R. 38 E.,
In sections 6 and 8.
T. 30 N., R. 38 E.,
In sections 10, 18, 28, 33, and 34.
T. 31 N., R. 38 E.,
In sections 6, 22, and 28.
T. 32 N., R. 38 E.,
In section 32.
T. 35 N., R. 38 E.,
In section 32.
T. 38 N., R. 38 E.,
In sections 18, 19, 24, and 25.
T. 39 N., R. 38 E.,
In sections 1, 14, 17, and 18.
T. 40 N., R. 38 E.,
In section 12.
T. 31 N., R. 39 E.,
In sections 6 and 22.
T. 32 N., R. 39 E.,
In section 18.
T. 33 N., R. 39 E.,
In sections 20, 28, 29, and 35.
T. 36 N., R. 39 E.,
In section 14.
T. 37 N., R. 39 E.,
In sections 1, 24, and 25.
T. 38 N., R. 39 E.,
In sections 4, 17, 21, 27, and 34.
T. 40 N., R. 39 E.,
In sections 1, 5, 6, and 19.
T. 29 N., R. 40 E.,
In section 24.
T. 38 N., R. 40 E.,
In sections 26 and 27.
T. 29 N., R. 41 E.,
In section 32.
T. 32 N., R. 41 E.,
In sections 20 and 32.
T. 39 N., R. 41 E.,
In sections 5, 7, 9, and 20.
T. 40 N., R. 41 E.,
In sections 15 and 21.

FREMONT W. MEREWETHER,
Acting Officer in Charge.

[F.R. Doc. 62-12596; Filed, Dec. 20, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-191]

BABCOCK & WILCOX CO.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. CX-19. The license authorizes The Babcock & Wilcox Company to operate the critical experiment facility ("the facility") designated by the licensee as the "Advanced Test Reactor Critical Experiment" and situated at the licensee's Critical Experiment Facility located near Lynchburg, Virginia. The amendment authorizes the licensee, as requested in its application dated October 4, 1962 and supplement thereto dated October 31, 1962, to conduct independent measurement of the temperature coefficients of reactivity for various regions of the core.

The Commission has found that:

(1) Operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment and supplement thereto comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated October 4, 1962 and supplement thereto dated October 31, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 11th day of December 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-19, Amdt. 2]

1. License No. CX-19 which authorizes The Babcock & Wilcox Company ("the licensee") to operate the Advanced Test Reactor Critical Experiment ("the facility") situated in the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia is hereby amended in the following respects:

A. In addition to the activities previously authorized by the Commission in License No. CX-19 the licensee is authorized, as requested by the licensee's application for license amendment dated October 4, 1962 and supplement thereto dated October 31, 1962 (together "the application"), to conduct independent measurements of the temperature coefficients of reactivity for various regions of the core.

B. The activities authorized by this amendment shall be conducted in accordance with the applicable provisions of License No. CX-19 and the application and subject to the additional condition that the recirculation loops be filled, recirculation be established, and a check be made of the recirculation loops to ensure that they are filled before moderator is added to the tank.

2. This amendment is effective as of the date of issuance.

Date of issuance: December 11, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-12586; Filed, Dec. 20, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14847; FCC 62-1280]

ANSWERITE PROFESSIONAL TELEPHONE SERVICE

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of the application of Edward C. Smith, trading as AnsweRite Professional Telephone Service, Docket No. 14847, File No. 3958-C2-P-62; for a construction permit to establish a new station for two-way general communications in the Domestic Public Land Mobile Radio Service at Orlando, Florida.

1. The Commission has before it (1) an application filed on May 7, 1962, by Edward C. Smith, tr/as AnsweRite Professional Telephone Service (hereinafter called AnsweRite or applicant) for a construction permit to establish a new station for two-way communications (to operate on a base station frequency of 152.21 Mc) in the Domestic Public Land Mobile Radio Service at Orlando, Florida; (2) a Petition to Deny Application filed by A. H. Geisler, tr/as Auto Phone Service (hereinafter called Auto Phone or petitioner), licensee of station KIB384, offering two-way communications service (operating on a base station frequency of 152.03 Mc) in the Domestic Public Land Mobile Radio Service at Orlando, Florida, which petition was timely filed on August 8, 1962; (3) an Opposition to Petition to Deny Application filed by the applicant, which opposition was timely filed on August 30, 1962; (4) a Reply to Opposition to Petition to Deny Application filed by the petitioner, which reply was timely filed on September 12, 1962; (5) a second Petition to Deny Application filed by Auto Phone on October 16, 1962; and (6) an Opposition to Second Petition to Deny Application filed by the applicant on October 29, 1962.

Preliminary statement. 2. AnsweRite applied for a construction permit to establish the two-way communications service hereinabove described and the said applicant proposes to offer one-way signaling service on the same facilities. The applicant recognizes the offering of a similar two-way service by Auto Phone but bases its showing of need for the services proposed on its own investigation and an alleged failure on the part of Auto Phone to promote its licensed service. The first Petition to Deny Application, filed by Auto Phone, places the allegations of need in issue and insists that a grant of the subject application would result in harmful or destructive competition since the petitioner presently offers similar services in the same general area. Auto Phone also challenges the financial qualifications of the applicant and raises a question of harmful electrical interference on one of the mobile frequencies requested by AnsweRite. In its Opposition to Petition to Deny Application, the applicant controverts the basic contentions of the petitioner and urges a claimed distinction between the offering by Auto Phone and the proposal by AnsweRite, to wit: the one-way signaling service proposed by the applicant. Auto Phone's Reply charges that the opposition pleading is—in part—technically defective; and the said reply is otherwise argumentative.

3. In a second Petition to Deny Application, filed by Auto Phone, the petitioner alleges an amendment (October 4, 1962) of its tariff to offer one-way paging service, arguing that such amended offering by its existing station cancels any alleged need for new facilities to serve the potential local demand for both one-way and two-way services. In its Opposition to Second Petition to Deny Application, AnsweRite challenges the sufficiency of the second petition as a pleading, and attacks the motivation of Auto Phone's amended tariff and its timeliness so far as same affects the petitioner's standing as a party in interest.

Auto Phone's petition to deny application. 4. Auto Phone alleges that it offers two-way communications service in the same general area the applicant desires to serve and that in spite of diligent efforts to promote the acceptance of its offering there remains a very substantial unused capacity in its licensed facilities. The petitioner asserts that the proposed facilities would result in destructive competition because of a lack of local need. In addition, the petitioner challenges the financial qualifications of the applicant and objects to the requested assignment of Auto Phone's regular mobile frequency to the mobile units of the applicant. By reason of the foregoing allegations, the petitioner declares that the subject application should be designated for hearing.

AnsweRite's opposition to petition to deny. 5. AnsweRite alleges that its own survey of potential subscribers in the vicinity of Orlando reveals a very substantial demand for the services proposed. Support for that position is based on a claim of commitments from potential subscribers and comparisons with other communities in Florida. AnsweRite states that "No radio paging is presently available in the Orlando area" and that such service is proposed by the applicant. Legal argument is presented in opposition to Auto Phone's position that competition would be inimical to the public interest.

Auto Phone's reply to opposition. 6. Auto Phone alleges that the Opposition field by AnsweRite is defective in part, claiming that certain allegations contained in the said opposition required verification since the affidavit submitted therewith was limited in scope. Additional arguments concerning the statements made by the applicant are presented but they do not affect the allegations of ultimate facts contained in prior pleadings.

Auto Phone's second petition to deny application. 7. Auto Phone alleges that its tariff was revised (after the filing of the first petition) to offer one-way paging service to potential subscribers. It is claimed that the current offering will

satisfy any local need for the one-way paging service proposed by the applicant. Again, the petitioner states that the subject application should be designated for hearing.

AnsweRite's opposition to second petition to deny application. 8. The applicant urges the dismissal of the second petition, contending that it is insufficient as a pleading and fails to establish the position of Auto Phone as a party in interest, so far as one-way paging is concerned. In particular, AnsweRite attacks the bona fides of the petitioner's amendment [1] of its tariff to offer one-way paging services.

Disposition of application and pleadings. 9. Whereas the public interest, convenience and necessity are basic requirements for granting the application by AnsweRite and the need for the proposed two-way communications facilities has been placed in issue by Auto Phone, and since the petitioner is authorized, under the terms of its current license for station KIB384, to offer similar services in the same general area, the Petition to Deny Application presents allegations which suffice, in a case involving communications common carriers, to afford Auto Phone standing to object to a possible grant of AnsweRite's application and forms a basis for a hearing under the provisions of section 309(e) of the Communications Act of 1934, as amended. Further, the competitive status of Auto Phone, authorized to offer services similar to those proposed by the applicant, requires the adduction of evidence on the nature and availability of services presently offered by the petitioner to potential subscribers (two-way and one-way) in the vicinity of Orlando, Florida. A full examination of the applicant's financial qualifications and proposals are in order in the proceedings hereinafter designated and a full hearing on the issues hereinafter stated will dispose of the contentions of the applicant and the petitioner in all their pleadings.

10. And it appears that § 21.504 of the rules and regulations of this Commission describes field strength contours of 37 and 43 decibels above one microvolt per meter as the respective limits of reliable service area for base stations engaged in two-way communications service and one-way signaling service, and that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities In The 152 to 158 Megacycle Band", and the procedures set forth therein are a proper basis for establishing the location of such contours of the stations involved in this proceeding.

11. Accordingly, in the light of our conclusions in paragraphs 9 and 10 above, and in order to carry out the intent of Congress with respect to section 309(e) of our Act: *It is ordered,* That this application is designated for hearing upon the following issues:

(a) To determine the financial qualifications of AnsweRite and its pecuniary ability to construct, maintain and operate the proposed facilities.

(b) To determine the nature and extent of services proposed by AnsweRite, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(c) To determine the nature and extent of services now rendered by Auto Phone, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(d) To determine the areas and populations to be covered by the services (one-way and two-way) proposed by AnsweRite, calculated in the manner and terms prescribed in the standards referred to in paragraph 10 above.

(e) To determine the areas and populations presently covered by the services (one-way and two-way) offered by Auto Phone, calculated in the manner and terms prescribed in the standards referred to in paragraph 10 above.

(f) To determine the nature and extent of harmful interference, if any, which could result from an authorization permitting the mobile units of AnsweRite to operate on a frequency of 158.49 Mc.

(g) To determine whether any disadvantages to the public would accrue from the establishment of AnsweRite's proposed service.

(h) To determine the need for the service proposed by AnsweRite, and the nature and extent of any benefits to the public which would accrue from the establishment of AnsweRite's proposed service.

(i) To determine in the light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, convenience or necessity would be served by a grant of the subject application.

12. *It is further ordered,* That the burden of proof on issues (a), (b), (d), (h) and (i) is placed on the applicant; the burden of proof on issues (c), (e), (f) and (g) is placed on the petitioner; and

13. *It is further ordered,* That A. H. Geisler, tr/as Auto Phone Service and the Chief, Common Carrier Bureau, are made parties to the proceedings herein; and

14. *It is further ordered,* That the hearing herein, upon the issues specified in paragraph 11 above shall be held at the Commission's offices in Washington, D.C. on a date and at a time to be announced later; and

15. *It is further ordered,* That the parties desiring to participate herein shall file their appearances in accordance with the provisions of § 1.140 of the Commission's rules.

Adopted: December 12, 1962.

Released: December 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-12611; Filed, Dec. 20, 1962; 8:48 a.m.]

[1] Amendment of Auto Phone tariff filed on September 4, 1962, after first Opposition by AnsweRite called attention to Auto Phone's failure to provide one-way service.

[2] Commissioner Barbley absent.

[Docket No. 12604 etc.; FCC 62M-1665]

BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

Order for Hearing Conference

In re applications of Blue Island Community Broadcasting Co. Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH-2458; Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois, Docket No. 13294, File No. BPH-2636; for construction permits. Evelyn R. Chauvin Schoonfield (WXFM), Elmwood Park, Illinois, Docket No. 13296, File No. BRH-179; for renewal of license.

Upon the Hearing Examiner's own motion: *It is ordered,* This 17th day of December 1962, that a further hearing conference will be held on January 3, 1963, at 9:00 a.m., in the offices of the Commission at Washington, D.C., to consider further proceedings in this matter in light of the Memorandum Opinion and Order of the Review Board (FCC 62R-134) released November 26, 1962.

Released: December 18, 1962.

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

[F.R. Doc. 62-12612; Filed, Dec. 20, 1962; 8:48 a.m.]

[Docket Nos. 14693, 14694; FCC 62M-1669]

JOHN A. EGLE AND KLFT RADIO, INC.

Order Continuing Hearing

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

The Hearing Examiner having under consideration the hearing in the above-entitled proceeding and, particularly, the letter request dated November 30, 1962, filed by counsel for KLFT Radio, Inc., requesting that the hearing date calendar heretofore agreed upon be suspended until further notice, in order to afford the Review Board opportunity to pass upon a pleading pending before it, entitled "Joint Request for Approval of Agreement between KLFT Radio, Inc. and John A. Egle; Dismissal of Application of KLFT Radio, Inc.; and Immediate Grant of Application of John A. Egle"; and

It appearing, that no objection to the requested continuance of the hearing and related procedural dates has been interposed;

It is, therefore, ordered, This 17th day of December 1962, that the hearing and the exchange of exhibits in the above-entitled proceeding be and the same are hereby continued until further order, pending action by the Review Board on the hereinabove-described pleadings pending before it.

Released: December 18, 1962.

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

[F.R. Doc. 62-12613; Filed, Dec. 20, 1962; 8:48 a.m.]

[Docket Nos. 14755–14757; FCC 62M–1672]

JUPITER ASSOCIATES, INC., ET AL.

Order Continuing Hearing

In re applications of Jupiter Associates, Inc., Matawan, New Jersey, Docket No. 14755, File No. BP–14178; William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company, Somerville, New Jersey, Docket No. 14756, File No. BP–14234; Radio Elizabeth, Inc., Elizabeth, New Jersey, Docket No. 14757, File No. BP–14812; for construction permits.

It is ordered, This 17th day of December 1962, that due to a conflict in the Hearing Examiner's schedule the hearing in the above-entitled proceeding, now scheduled for January 15, 1963, be and the same is hereby rescheduled for January 28, 1963, 2:00 p.m., in the Commission's Offices, Washington, D.C.

Released: December 18, 1962.

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

[F.R. Doc. 62–12614; Filed, Dec. 20, 1962; 8:49 a.m.]

[Docket No. 14841; FCC 62M–1673]

VERNE M. MILLER

Order Following Prehearing Conference

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP–14706; for construction permit.

At the prehearing conference held on December 14, 1962, the Examiner granted oral request made by the applicant for an indefinite postponement of the hearing heretofore scheduled to commence on January 9, 1963 in Washington, D.C. The postponement was sought in order to afford the applicant sufficient time to take certain measurements which are required to meet the issues herein. It appeared that prevailing winter weather conditions in the area concerned rendered the early completion of these measurements impracticable; therefore the Examiner directed counsel for the applicant to file and serve a progress report in letter form by May 1, 1963, with the expectation that a date for a further prehearing conference will be proposed in such communication if intervening developments shall have made such a conference then desirable. The parties agreed to the presentation of applicant's direct case relating to engineering matters in the form of written exhibits under oath, with the understanding that lay testimony may be presented in connection with matters going to the need for "waivers". Finally, issuance of an order to formalize and publicize the aforementioned rulings and agreement is deemed desirable at this time.

Accordingly, it is ordered, This 17th day of December 1962, as follows:

1. The hearing heretofore scheduled to commence on January 9, 1963 in Washington, D.C., is postponed pending the taking of measurements by the applicant.

2. The direct case of the applicant pertaining to engineering matters will be presented in the form of written exhibits under oath, with the understanding that oral testimony may be presented in connection with matters going to the need for waivers.

3. Counsel for the applicant is directed to file and serve by May 1, 1963, a progress report, in letter form, on the taking of the measurements, and to propose in his communication a date for a further hearing conference, if one is then desirable in light of the progress made.

Released: December 18, 1962.

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

[F.R. Doc. 62–12615; Filed, Dec. 20, 1962; 8:49 a.m.]

[Docket No. 14855; FCC 62M–1664]

NORTHERN INDIANA BROADCASTERS, INC.

Order Rescheduling Prehearing Conference

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Indiana, Docket No. 14855, File No. BP–14771; for construction permit.

At the oral request of counsel for the Broadcast Bureau and with the consent of all other parties: *It is ordered,* This 14th day of December 1962, that the prehearing conference now scheduled for January 4, 1963, is advanced to 9:00 a.m., January 2, 1963.

Released: December 17, 1962.

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

[F.R. Doc. 62–12616; Filed, Dec. 20, 1962; 8:49 a.m.]

[Docket No. 14728; FCC 62M–1660]

ROBERT W. SELTZER

Order Continuing Hearing

In the matter of the application of Robert W. Seltzer, Docket No. 14728, File No. 2913–C2–P–62; for a construction permit to establish a new station for one-way signaling communications in the Domestic Public Land Mobile Radio Service at Hartford, Connecticut.

It is ordered, This 13th day of December 1962, that the hearing in the above-entitled proceeding, presently scheduled to commence on December 17, 1962, is continued to a date to be specified by the Hearing Examiner designated to preside herein.

Released: December 14, 1962.

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

[F.R. Doc. 62–12617; Filed, Dec. 20, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of Filing of Agreement

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

Agreement 8080–5, between the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the approved agreement of that conference, which covers the trade from U.S. Atlantic and Gulf of Mexico ports to ports in Indonesia, Portuguese Timor and Netherlands New Guinea. This modification provides for the change in name of Netherlands New Guinea to West New Guinea, the present day designation of that country, in the description of the trading area of the conference agreement.

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

Dated: December 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–12609; Filed, Dec. 20, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61–119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

DECEMBER 14, 1962.

Take notice that on October 17, 1960, as supplemented on October 19, 1962, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1348, Kansas City 41, Missouri, filed in Docket No. CP61–119 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring and regulating station in Saginaw County, Michigan, to be used for the sale and delivery of natural gas to Michigan Gas Storage Company (Storage Company), an existing customer, for resale to Consumers Power Company (Consumers) for resale and distribution, all as more fully set forth in the application as supplemented, which is on file with the Commission and open to public inspection.

Consumers proposes to provide retail gas service in the communities of St.

Charles, Chesaning and Shields, Michigan, and to make industrial sales to Dow Chemical Corporation.

Storage Company has received a certificate of public convenience and necessity for its facilities in Docket No. CP61–98.

The estimated cost of the subject facilities is $20,000.

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 29, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–12588; Filed, Dec. 20, 1962; 8:45 a.m.]

[Docket No. CP63–82]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

DECEMBER 14, 1962.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on October 3, 1962, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and the rendition of service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a sales meter station and appurtenant equipment to be located in Fluvanna County, Virginia, at mile post 1495.93 on Transco's main 30'' transmission line. The application states that said meter station will be utilized as an additional point of delivery for natural gas service to Lynchburg Gas Company (Lynchburg Gas), an existing customer for resale.

Applicant states that Lynchburg Gas has requested the proposed new delivery point in order that natural gas service can be provided to the Town of Scottsville, Virginia (Scottsville) and an industrial plant of United States Rubber Company (U.S. Rubber) located nearby. Physical deliveries of the volumes purchased by Lynchburg Gas at the proposed point of delivery will be made into facilities of Lynchburg Pipe Line Company (Lynchburg Pipe), its wholly-owned subsidiary, which will purchase such volumes from Lynchburg Gas for resale to Scottsville and the U.S. Rubber plant. These volumes are estimated at a maximum of 350 Mcf per day, of which 100 Mcf will be on a firm basis, out of allocations previously authorized by the Commission.

Lynchburg Pipe, itself or through its parent, Lynchburg Gas, will construct and operate all facilities between the proposed sales meter station and Scottsville and the U.S. Rubber plant.

The proposed facilities are estimated to cost approximately $11,600.00 and will be initially financed by Applicant from its general funds. Lynchburg Gas has agreed to reimburse Applicant in full for the entire cost of the facilities.

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 29, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–12589; Filed, Dec. 20, 1962; 8:45 a.m.]

[Docket No. CP63–50]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

DECEMBER 14, 1962.

Take notice that on August 30, 1962, as supplemented on November 28, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP63–50 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1963 and the operation of unspecified natural gas facilities to enable Applicant to make new direct industrial sales of natural gas from its main pipeline system, 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 enable Applicant to act with reasonable dispatch in establishing new delivery points without the delay incident to filing and processing individual certificate applications for each new delivery point.

Applicant states that none of the facilities for which it seeks authorization herein will be used to deliver gas to any electric power company for use as boiler fuel in the generation of electricity. Applicant further states that the subject facilities will not increase the main line delivery capacity of its system.

The total cost of the proposed facilities will not exceed a maximum of $750,000, and no single project will exceed a cost of $200,000. The application states that the facilities will be financed from current working funds.

Annual deliveries to direct industrial customers through the subject facilities will not exceed a maximum of 10,000,000 Mcf.

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 22, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accord-

ance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12590; Filed, Dec. 20, 1962; 8:45 a.m.]

[Docket No. CP63-52]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

DECEMBER 14, 1962.

Take notice that on August 31, 1962, as supplemented on September 17, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP63-52 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the delivery of additional supplies of natural gas to existing customers, the City of Picayune, Mississippi, and United Gas Corporation, for resale and distribution in Picayune and Nicholson, Mississippi, respectively, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate approximately 0.04 miles of 4-inch tie-over pipeline beginning at a point on Applicant's 30-inch South Louisiana-to-Mobile Junction main line and extending to the existing 4-inch Picayune lateral presently connected to Applicant's 16-inch Lirette-to-Mobile Junction main line, all in Hancock County, Mississippi.

The subject facilities are estimated to cost $15,090, to be financed out of current working funds.

The additional volumes of gas to be delivered through the subject facilities will be sold in accordance with Applicant's filed FPC Gas Tariff.

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 29, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12591; Filed, Dec. 20, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 18, 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. 38081: *T.O.F.C. service from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8316), for interested rail carriers. Rates on lawn mowers and other machines, as described in the application, loaded in highway trailers and transported on railroad flat cars between points in southwestern territory, including Mississippi River crossings, Memphis, Tenn., and south thereof, also points in Kansas and northern Missouri.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 82 and 58 to Southwestern Freight Bureau tariffs I.C.C. 4353 and 4362, respectively.

FSA No. 38082: *Asphalt from Cody and Thermopolis, Wyo., to WTL territory.* Filed by Chicago, Burlington & Quincy Railroad Company (No. 66), for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Cody and Thermopolis, Wyo., to points in western trunk line territory.

Grounds for relief: Market competition and restoring origin rate relationships.

Tariff: Chicago, Burlington & Quincy Railroad Company's tariff I.C.C. 20555.

FSA No. 38083: *Wooden pallets from and to points in IFA territory.* Filed by Illinois Freight Association, Agent (No. 189), for interested rail carriers. Rates on wooden pallets, platforms or skids with empty returned malt beverage containers, not to exceed 20 percent of the total weight of the shipment or carload minimum weight, whichever is higher, between points in Illinois Freight Association territory, also between points in Illinois Freight Association territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Carrier competition.

Tariffs: Supplements 29 and 26 to Illinois Freight Association tariffs I.C.C. 986 and 988, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-12602; Filed, Dec. 20, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
- 3279 — 11985
- 3290 — 11985
- 3328 — 11985
- 3386 — 11985
- 3389 — 11985
- 3508 — 11913
- 3509 — 11985
- 3510 — 12115

EXECUTIVE ORDERS:
- Mar. 4, 1891 — 12370
- July 2, 1910 — 12220, 12371, 12651
- July 21, 1915 — 12059
- Aug. 27, 1915 — 12059
- Oct. 30, 1916 — 12220
- Nov. 22, 1924 — 12277, 12651
- 6616 — 12058
- 7211 — 12219
- 9708 — 12393
- 10532 — 12393
- 11017 — 11847
- 11069 — 11847
- 11070 — 12393

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum, Nov. 2, 1962 — 12277

4 CFR

- 30 — 12044
- 51 — 12044, 12395
- 52 — 12395

5 CFR

- 6 — 11989, 12313, 12395, 12427, 12611
- 204 — 12395

6 CFR

- 308 — 12611
- 373 — 12396
- 375 — 12396
- 464 — 11918
- 472 — 12667

7 CFR

- 29 — 12667
- 47 — 12398, 12671
- 354 — 12044
- 401 — 12044, 12117, 12252, 12253
- 404 — 12253
- 601 — 12209
- 719 — 11919
- 722 — 12045, 12054, 12427, 12428
- 724 — 11919
- 728 — 12332
- 729 — 11920
- 730 — 12611
- 775 — 12671
- 776 — 12430
- 811 — 12340, 12473
- 905 — 11870, 11871
- 907 — 11872, 12182, 12437, 12576
- 909 — 12437
- 912 — 12117
- 947 — 12183
- 949 — 11872
- 970 — 12183
- 971 — 11934
- 982 — 12344
- 990 — 12344, 12576
- 1040 — 12255
- 1042 — 12256
- 1125 — 11873

7 CFR—Continued

Page

- 1133 — 11874
- 1136 — 11874
- 1138 — 12346

PROPOSED RULES:
- 52 — 11954, 12190, 12222
- 319 — 12641
- 322 — 12643
- 728 — 11955
- 730 — 12270
- 811 — 11895
- 812 — 12375
- 907 — 12680
- 910 — 12449
- 959 — 11998, 12190
- 970 — 12583
- 982 — 12191, 12375
- 1001 — 12449
- 1003 — 12644
- 1004 — 11999
- 1006 — 12449
- 1007 — 12449
- 1010 — 11999
- 1014 — 12449
- 1015 — 12449
- 1016 — 12644
- 1032 — 12222
- 1048 — 11955
- 1050 — 12222
- 1063 — 12222
- 1108 — 12271
- 1130 — 11955, 12376

8 CFR

- 252 — 11875

9 CFR

- 76 — 11935
- 80 — 12183
- 101 — 11935
- 112 — 11935
- 117 — 11936
- 118 — 11936
- 119 — 11937
- 120 — 11937

PROPOSED RULES:
- 74 — 12062

10 CFR

- 2 — 12184
- 30 — 12257
- 50 — 12184
- 115 — 12184

12 CFR

- 1 — 12399
- 220 — 12346
- 222 — 12671

PROPOSED RULES:
- 209 — 12271
- 219 — 12001
- 334 — 12000

13 CFR

- 105 — 12612
- 121 — 12438

PROPOSED RULES:
- 121 — 11973

14 CFR

- 4b — 12399
- 6 — 12400
- 10 — 12399
- 40 — 12258, 12399
- 41 — 12258, 12399

14 CFR—Continued

Page

- 42 — 12258, 12399
- 43 — 12399
- 46 — 12258
- 60 — 12614
- 71 [New] — 11938, 11939, 11989, 12165, 12166, 12209, 12211, 12258, 12347, 12348, 12438, 12544, 12615.
- 73 [New] — 11941, 12438
- 75 [New] — 11939, 11989, 12438
- 151 [New] — 12349
- 153 [New] — 12360
- 155 [New] — 12361
- 157 [New] — 12363
- 161 [New] — 12363
- 163 [New] — 12364
- 208 — 12259
- 302 — 12545
- 507 — 11990, 11991, 12056, 12117, 12167, 12405, 12473, 12616.
- 514 — 12405
- 550 — 12366
- 555 — 12366
- 565 — 12366
- 574 — 12366
- 575 — 12366
- 576 — 12366
- 577 — 12366
- 601 — 12057, 12212
- 608 — 12057, 12212
- 609 — 12168, 12174, 12181, 12564, 12570
- 610 — 12406
- 625 — 12366

PROPOSED RULES:
- 1 — 12412
- 3 — 11999, 12412
- 4b — 11999, 12412
- 5 — 12412
- 6 — 12224, 12412
- 7 — 12412
- 10 — 12412
- 13—14 — 12412
- 18 — 12412
- 20—21 — 12412
- 24 — 12412
- 40 — 12191, 12412, 12649
- 41 — 12191, 12412, 12649
- 42 — 12191, 12412, 12649
- 43 — 12412
- 45 — 12376
- 46 — 12191, 12412
- 49 — 12412
- 52 — 12412
- 73 [New] — 12583
- 207 — 12649
- 221 — 11898
- 294 — 12223
- 507 — 12583
- 514 — 12141
- 515 — 12412
- 600 — 11898, 11970
- 601 — 11898, 11900, 11970, 12650
- 602 — 11898, 11900, 11901, 12450
- 1245 — 12486

15 CFR

- 6 — 11941

16 CFR

- 13 — 11875, 11876, 11991, 11992, 12057, 12441, 12442, 12474, 12576–12579.