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THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 28 NUMBER 8

Washington, Friday, January 11, 1963

Contents

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Codification Guide

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (f)(1) is added to § 6.304 as set out below.

§ 6.304 **Department of Defense.**

* * * * *

(f) *Office of the Assistant Secretary of Defense (Civil Defense).*

(1) The Director for Public Information.

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

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

[F.R. Doc. 63-315; Filed, Jan. 10, 1963; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Veterans Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (a) of § 6.122 is revoked.

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

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

[F.R. Doc. 63-316; Filed, Jan. 10, 1963; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—SPECIAL PROGRAMS

[1963 Wheat Stabilization Program, Supp. 1]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1963 Wheat Stabilization Program Regulations

Correction

In F.R. Doc. 62-12604, appearing at page 12877 of the issue for Saturday, December 29, 1962, the following changes are made in the table in § 776.152:

1. Under Arizona, District 2:

a. The yield and rate entries for Navajo County should read "18.5" and "13.41", respectively;

b. The yield and rate entries for Yavapai County should read "30.5" and "23.33", respectively.

2. Under Nebraska, District 7, Red Willow County, the rate entry should read "29.23" instead of "39.23".

3. Under Ohio, District 3, the sixth county listed should be spelled "Mahoning".

4. Under South Carolina, District 2, the rate entry for York County should read "20.88" instead of "28.88".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On October 23, 1962, there was published in the FEDERAL REGISTER (27 F.R. 10325), a notice with respect to a proposal to amend § 74.3 of Part 74, as amended, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 74.3 of Part 74, as amended, Title 9, Code of Federal Regulations, is hereby amended to read as follows, § 74.2 remaining unchanged as hereinafter set forth:

§ 74.2 **Designation of free and infected areas.**

(a) Notice is hereby given that sheep in the following States, Territory, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territory, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming;

(2) The following counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(3) In New Mexico: Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union Counties; all of Socorro County except that portion lying east of U.S. Highway 85; and all of Valencia County except that portion lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line;

(4) The following counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all counties in the State of Kansas lying west thereof;

(5) The following counties in Michigan: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford;

(6) The following counties in Hawaii: Honolulu and Kauai.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 **Designation of eradication areas.**

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

(1) Illinois, Kentucky, Maryland, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, and the Virgin Islands of the United States;

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

(3) In New Mexico: That portion of Socorro County lying east of U.S. Highway 85; that portion of Valencia County lying east of the Rio Puerco river from its intersection with the southwest corner of Bernalillo County to its intersection with the Socorro County line; and all other counties in New Mexico except Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Los Alamos, Luna, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Taos, and Union;

(4) All counties in Hawaii except Honolulu and Kauai;

(5) The following counties in Kansas: Washington, Clay, Dickinson, Marion, Butler, Cowley, and all counties in the State of Kansas lying east thereof.

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

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

The amendment adds the State of Maryland to the list of eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. This State is presently included in the infected areas as sheep scabies is known to exist therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such State.

Done at Washington, D.C., this 7th day of January 1963.

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

[F.R. Doc. 63–308; Filed, Jan. 10, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1141; Amdt. No. 13–5]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

30-Minute Power Rating for Helicopter Turbine Engines

A notice of proposed rule making was published in the FEDERAL REGISTER April 10, 1962 (27 F.R. 3405), and circulated to the industry as Draft Release 62–15 dated April 4, 1962. This draft release proposed to amend Part 13 of the Civil Air Regulations by establishing a new 30-minute power rating for helicopter engines and a new endurance test schedule to be required for substantiating the rating.

The rules being adopted establish a new 30-minute power rating for certain helicopter engines and a new endurance test schedule for substantiating the rating. These rules will provide for a higher power, to be used in complying with helicopter performance requirements. They will affect the manufacturer of the helicopter engine primarily since they involve changes to the type certification requirements for such engines.

The presently effective provisions of Part 7 of the Civil Air Regulations require that certain rotorcraft takeoff and en route climb performance determinations be made with one engine inoperative and remaining engines operating at maximum continuous power. Representations from the industry have been made that a higher power could be used in making these determinations without adversely affecting safety and that improved helicopter performance would result. It has been recommended that rated takeoff power, if used within practical limits, could be used in place of maximum continuous power.

In response to these representations, the Agency has recently authorized type certification of twin turbine-powered transport category helicopters using takeoff power, in lieu of maximum continuous power, in establishing climb performance. The use of such takeoff power is limited to periods not exceeding 30 minutes in duration.

At the same time the Agency indicated that this performance requirement as well as other more comprehensive requirements, presently under study, would be incorporated into existing Part 7 as soon as operating experience is obtained on the twin turbine-powered helicopters.

While the use of rated takeoff power by the helicopter manufacturers for the establishment of certain performance data for their twin turbine-powered helicopters results in the substantiation of such power for turbine engines installed in their helicopters, the Agency believes that in the future such substantiation should be accomplished prior to type certification and subsequent installation of the engine. While engine manufacturers may now substantiate their turbine engines for takeoff power for 30 minutes duration, the present rules do not specifically provide for a 30-minute power rating. Therefore, it is considered appropriate to amend the provisions of Part 13 to provide for the substantiation of turbine engines used in helicopters for this higher power during type certification of such engines where a rating at this higher power is desired. Accordingly, Part 13 is being amended by defining and adding a new rating of "30-minute power," which will be limited to periods of use not exceeding 30 minutes duration. To insure reliable operation at this power, a new test schedule is being added to § 13.254 for substantiating such power for turbine engines used in helicopters.

Comments on the draft release were received from interested persons and consideration has been given to all relevant matter presented. Several comments were received to the effect that the new rating should be optional and, in any case, applicable only to engines used in multiengine helicopters. The draft release provides that all helicopter turbine engines would be required to be type certificated in accordance with the new test schedule for the 30-minute power rating. The Agency concurs with these comments and the rating and test schedule are being made optional accordingly. Other comments calling attention to typographical or constructional errors in the draft release have also been accepted and appropriate changes have been made to the rules being amended.

A number of comments were made suggesting changes or additions which have not been incorporated in the rules being amended. One comment discussed the desirability of adopting, for commercial use, other special ratings used by the military services. Such ratings are not pertinent to the amendments as they were proposed and their inclusion is not warranted at this time. One comment requested deletion of the word "maximum" from the definition of 30-minute power. This deletion is not being made because it is intended that both takeoff power and 30-minute power would represent the maximum output at which the engine would be rated for type certification. There is presently in process a rule making action which would add the word "maximum" to takeoff power. This does not preclude the use of lower power in meeting helicopter performance certification requirements. In this connection, another comment considered the power level of the 30-minute rating indefinite, and that it could be declared higher than takeoff power by an engine manufacturer. It was also suggested that the rating be called a "contingency rating." The Agency considers that takeoff power and 30-minute power are properly defined for rating purposes. The question of whether the new rating should be termed "contingency power" was considered at length before publication of the draft release, and the Agency sees no purpose to be served by changing terminology at this time. Another comment considered the test schedule at 30-minute power to be inadequate, particularly in view of the relatively small amount of testing at maximum temperature. The comment recommended increasing the running time at takeoff power and at 30-minute power, and increasing the time at maximum temperature. The Agency believes that the periods of operation at various powers and temperatures represent reasonable minima for type certification and that consideration of increases in testing severity lie outside the scope of the problem at issue. Accordingly, no changes are being made to the test schedule as published in the draft release.

In consideration of the foregoing, Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) is hereby amended as follows, effective February 12, 1963:

1. By amending § 13.1(b) by redesignating subparagraphs (4) through (7) as (5) through (8) and by inserting a new subparagraph (4) to read as follows:

§ 13.1 Definitions.

* * * * *

(b) *General design.* * * *

(4) *30-minute power for helicopter turbine engines.* 30-minute power for helicopter turbine engines is the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet.

2. By amending § 13.254 by deleting from the first sentence the words "this section" and inserting in lieu thereof "either paragraph (a) or (b) of this section, whichever is applicable", by inserting after the introductory paragraph a new paragraph heading titled "(a) *All engines except helicopter engines for*

which a 30-minute rating is desired", by redesignating present paragraphs (a) through (g) as subparagraphs (1) through (7) of the redesignated paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 13.254 **Endurance test.**

* * * * *

(a) *All engines except helicopter engines for which a 30-minute rating is desired.* (1) * * *

* * * * *

(b) *Helicopter engines for which a 30-minute rating is desired*—(1) *Takeoff and idling.* One hour of alternate 5-minute periods shall be conducted at takeoff power and thrust and at idling power and thrust. The developed powers and thrusts at takeoff and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer.

It shall be permissible to control manually during any one period the rotor speed and power and thrust while taking data to check performance. For engines with augmented takeoff ratings which involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at rated takeoff power shall be at the augmented rating. In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *30-minute power.* Thirty minutes shall be conducted at 30-minute power and/or thrust.

(3) *Maximum continuous power and thrust.* Two hours shall be conducted at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours shall be conducted at the successive power lever positions corresponding with not less than 12 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, it shall be permissible to vary the thrust and power in lieu of speed. In the event significant peak vibrations exist anywhere between ground idle and maximum continuous conditions, the number of increments chosen shall be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not exceeding 50 percent of the total time spent in incremental running. (See also § 13.251.)

(5) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of 6 cycles from idling power and thrust to takeoff power and thrust and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with the provisions of this subparagraph, the power-control lever shall be moved from one extreme position to the other in not more than one second except that, where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(6) *Starts.* One hundred starts shall be made, of which 25 starts shall be preceded by at least a 2-hour engine shutdown. Ten starts shall be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts shall be normal restarts, each performed not more than 15 minutes after engine shutdown. It shall be acceptable to make the remaining starts after completion of the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and oil inlet temperatures shall be substantiated by operation at these limits during all the takeoff, 30-minute power, and maximum continuous running of the endurance test except where the test periods are not longer than 5 minutes and do not permit stabilization.

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

Issued in Washington, D.C., on January 7, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-294; Filed, Jan. 10, 1963; 8:45 a.m.]

[Reg. Docket No. 1234; Amdts. 48-1, 60-31]

PART 48—OPERATION RULES FOR MOORED BALLOONS, KITES AND UNMANNED ROCKETS

PART 60—AIR TRAFFIC RULES

Unmanned Rockets

On June 7, 1962, notice was given in Draft Release 62-26 (27 F.R. 5402) that the Federal Aviation Agency had under consideration a proposal to amend Part 48 of the Civil Air Regulations to include regulations governing the operation of rockets. The notice also proposed to amend the scope of Part 60 to exclude rockets from the air traffic rules contained therein.

Regulatory action, as proposed, is requried to provide the necessary compatibility between rocket operations and other airspace operations. It is also necessary to provide for the protection of persons and property on the ground that are not associated with such rocket activities.

The comments received in response to the draft release generally concurred with the concept and operating limitations. However, some of the comments contained suggestions to modify the proposal in a way which would result in stricter requirements for certain operations. On the other hand, others contended that the Agency was not lenient enough.

Apprehension was expressed in one comment because no limitation as to type was placed on the four ounces of propellant used in model rockets. It was contended that four ounces of nitroglycerine could be considered a likely propellant. Although the use of such a high explosive is highly improbable, the rule being adopted will limit the type of propellant to no more than four ounces of a "slow-burning" propellant.

The Air Line Pilots Association (ALPA) supported the operating limitation that would require the regulated rockets to be operated more than five miles from an airport boundary. However, in the opinion of ALPA, the Agency had created a variance by not imposing this same limitation on the exempted model rockets. The concern of ALPA is appreciated, however, these model rockets are not considered to be a hazard due to their limited size, weight, construction and operational capability. Therefore, no change is made in this portion of the final rule.

Two comments contended that the exemption granted to operations under a written agreement was unnecessary. They stated that § 48.2 of the existing regulation, concerning waivers to the part, adequately provides for written agreements. We have recognized this contention and deleted the redundant provision which exempts operations conducted under such a written agreement. In doing so, however, we wish to point out certain facts and make certain assurances. Both of the previous draft releases on rockets, Nos. 61-4 and 62-26, excluded rocket operations conducted under a written agreement reached between the operator and the Federal Aviation Agency. This exclusion was intended to encompass the more complicated and large-scale sophisticated programs, such as those of the Department of Defense and the National Aeronautics and Space Administration. In addition, Draft Release No. 62-26 excluded rocket operations in restricted areas—except for the requirement to stay at least 1,500 feet from persons not associated with the operation. As a matter of fact, all of these large-scale programs in the United States are conducted entirely within restricted areas under written agreements. Therefore, even though the proposed rules were directed to all rocket operations, their effect was to principally control amateur rocketry. Deletion of the written agreement provision will not alter this situation. Those agencies operating in restricted areas will still be exempt from the rules proposed herein, with the one exception previously noted regarding distance from persons, and their current Letters of Agreement will remain in effect as waivers to the part and as conditions attached to the waiver. Any later operations, whether amateur or governmental, requiring deviation from the regulations will be processed as a Certificate of Waiver.

One of the major points that was discussed in the preamble of the draft release was an explanation of the term "controlled airspace." This was considered necessary in order to apprise all rocket operators of the various segments and areas of controlled airspace from which the operational limitations required avoidance. In supporting this avoidance limitation, the Air Transport Association recommended that the rule clearly state that the Continental Control Area (airspace at and above 14,500 feet mean sea level over the 48 contiguous States and the District of Columbia)

is controlled airspace and therefore must be avoided. The merit of this recommendation is recognized. We intend to go further, however, and incorporate a complete explanation of the various types of controlled airspace in the newly adopted Agency Advisory Circular System. This system has been developed to provide the public with nonregulatory guidance and information material that is supplemental to the regulation. Complete knowledge of the types of controlled airspace should provide for a greater understanding and ease of application of the regulation.

Certain exceptions were taken to the provision requiring avoidance of controlled airspace. Several of the comments indicated that the limitation would be unnecessarily restrictive and would create a considerable requirement for the issuance of waivers. This possibility is recognized, especially for operations east of the Mississippi River where uncontrolled airspace is at a premium. However, we intend to closely monitor this program and if it appears that an unrealistic burden is being placed on such operations, modifications will be considered.

The majority of comments concurred with the principal objective of the proposal, that is, to direct rocket operations into areas of minimum aircraft operations. The limitation that would require rockets to be operated more than five miles from an airport boundary did, however, generate a degree of interest. One of the two comments that took exception to this limitation suggested that an airport closed to all but rocket operations conceivably could be the best possible location. The other comment contended the limitation appeared unwise since rocket activity under controlled conditions at a small airport probably would be more desirable because the activity would be under direct observation of local pilots. The merit of these arguments is appreciated; however, we believe the safety of unknowing transient pilots could be jeopardized. Since modification in the manner suggested, even at less active airports, would nullify one of the major safety objectives by allowing potentially hazardous objects in areas of more concentrated air traffic, no change is made in this operating limitation.

The weather requirements of the proposal were generally supported. However, the Department of the Army commented that the weather limits imposed would preclude rocket operations in other than perfect weather conditions. Experience has indicated that the majority of amateur rocketeers desire to operate a rocket only under ideal weather conditions in order to visually judge and observe its performance and impact, thereby facilitating recovery of the rocket for re-use or subsequent operation. Therefore, these limitations are not considered to impose an unreasonable burden. One comment recommended radar surveillance to allow operating in reduced weather conditions. This is a provision that would be considered in any request for a Certificate of Waiver. Other than a minor modification of wording regarding visibility at the altitude at which the rocket is operated, no change is made in the weather requirements.

In consideration of the foregoing, Civil Air Regulations Parts 48 and 60 are amended as follows:

1. By changing the title of Part 48 to read: Part 48—Operation Rules for Moored Balloons, Kites and Unmanned Rockets.

2. By amending § 48.1 to read:

§ 48.1 Applicability.

This part applies to the operation of moored balloons, kies and unmanned rockets in the United States.

NOTE. * * *

3. By amending § 48.3 to add in proper alphabetical order the following new definitions:

§ 48.3 Definitions.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its building and facilities, if any.

* * * * *

"Rocket" means an aircraft propelled by ejected expanded gases generated in the engine from self-contained propellants and is not dependent on the intake of outside substance. It includes any part which becomes separated during the operation.

4. By adding a new Subpart C to read:

Subpart C—Unmanned Rockets

Sec.
48.20 Applicability.
48.21 Exempt operations.
48.22 Operating limitations.
48.23 Notice requirements.

AUTHORITY: §§ 48.20 to 48.23 issued under sec. 307, 72 Stat. 749, 49 U.S.C. 1348.

§ 48.20 Applicability.

This subpart applies to the operation of unmanned rockets in the United States, except those exempted in § 48.21. Operations conducted within restricted areas must comply only with § 48.22(g) and with such additional limitations as may be imposed by the using agency or controlling agency.

§ 48.21 Exempt operations.

This subpart does not apply to the following:

(a) Aerial firework displays.

(b) Model rocket operations, if—

(1) No more than four ounces of propellant is used and it is of a slow-burning type;

(2) The model rocket is made of paper, wood or breakable plastic, contains no substantial metal parts, and weighs no more than 16 ounces, including the propellant; and

(3) The model rocket is operated in a manner that does not create a hazard to other aircraft, persons, or property.

§ 48.22 Operating limitations.

An unmanned rocket may not be operated:

(a) In a manner that creates a collision hazard with other aircraft;

(b) In controlled airspace;

(c) Within five miles of the boundary of any airport;

(d) At any altitude where clouds or obscuring phenomena of more than five tenths coverage prevail;

(e) Into any cloud;

(f) At any altitude where the horizontal visibility is less than five miles;

(g) Within 1,500 feet of any person or property not associated with the operation; or

(h) At night.

§ 48.23 Notice requirements.

An unmanned rocket may not be operated unless 24 hours to 48 hours prior notice is given to the nearest FAA air traffic facility (Air Route Traffic Control Center, Airport Traffic Control Tower, Flight Service Station). This notice shall include:

(a) The name and address of the operator;

(b) The number of rockets to be operated;

(c) The size and weight of each rocket;

(d) The maximum altitude to which each rocket will be operated;

(e) The geographical location of the operation;

(f) The date, time and duration of the operation; and

(g) Any other pertinent information requested by the air traffic facility.

5. By amending § 60.1 of Part 60 to include a new paragraph (c), to read:

§ 60.1 Scope.

* * * * *

(c) Unmanned rockets.

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

This regulation is effective on March 14, 1963.

Issued in Washington, D.C., on January 7, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-291; Filed, Jan. 10, 1963; 8:45 a.m.]

[Reg. Docket No. 168]

PART 60—AIR TRAFFIC RULES

Rescission of Special Civil Air Regulation No. SR-438

By Special Civil Air Regulation No. SR-438 (25 F.R. 1764), effective April 4, 1960, special airport traffic pattern rules were established for flight operations conducted within five miles of the Los Angeles International Airport at altitudes extending up to but not including, 2,000 feet above the surface. SR-438 also established certain traffic pattern rules for the Hughes, Santa Monica, and Hawthorne Airports. It was promulgated to enhance the safety of flight in the Los Angeles area and to provide a measure of relief from aircraft noise to persons on the ground, pending the adoption of a rule of national application for the same purposes.

On September 22, 1961, Amendment 60-24 (26 F.R. 9069), effective December 26, 1961, was adopted. By this action, § 60.18 (Part 60 of the Civil Air Regulations) was amended to establish certain air traffic rules which were designed to standardize flight procedures at controlled airports and, to the extent practicable, provide for a uniform application of traffic pattern rules. Much of the substance of SR-438 was incorpo-

rated in these rules. In addition, the amended § 60.18 authorizes the development of mandatory local preferential runway procedures, such as those presently specified in SR–438. Therefore, § 60.18 renders superfluous and unnecessary much of the regulatory content of SR–438.

Provisions of SR–438 not contained in § 60.18 pertain to the directions from which to enter the traffic patterns of those airports located within the Los Angeles airport traffic pattern area. Airport traffic pattern area was a term applied to the Los Angeles terminal area which delineated that airspace in which the special rules of SR–438 were applicable. Amendment 60–24 created the airport traffic area which includes airspace within five statute miles of every controlled airport, extending up to but not including 2,000 feet above the surface. The airport traffic area which now surrounds each of the airports regulated by SR–438 is a change in concept and has substantially altered the configuration of designated traffic areas in the greater Los Angeles terminal area, so that the traffic pattern entry procedures specified in the special rule are ambiguous. As a result, redefinition would be required if other means of providing pilots with this information were not available. However the communications provisions of § 60.18 require pilots to maintain two-way communications with the airport traffic control tower while operating in the respective airport traffic areas, and will provide adequate means of transmitting this information to any pilots unfamiliar with entry procedures. Accordingly, retention of the entry procedures specified in SR–438 is no longer necessary. Any traffic pattern altitudes not specified in § 60.18 can also be provided in a similar manner.

Since this action eliminates duplicative requirements and imposes no additional burden upon any person, compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Special Civil Air Regulation No. SR–438 is hereby rescinded. This rescission shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307 of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 7, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63–290; Filed, Jan. 10, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1543; Amdt. 528]

PART 507—AIRWORTHINESS DIRECTIVES

Martin Models 202, 202A and 404 Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Martin Models 202, 202A, and 404 aircraft in complying with AD 57–6–2, 22 F.R. 6049. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

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

Airworthiness Directive 57–6–2, 22 F.R. 6049, Martin Models 202, 202A, and 404 aircraft is amended by adding the following paragraph 3.

3. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective January 11, 1963.

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

Issued in Washington, D.C., on January 7, 1963.

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

[F.R. Doc. 63–292; Filed, Jan. 10, 1963; 8:45 a.m.]

[Reg. Docket No. 1481; Amdt. 527]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring the removal of streamline covers over the anticollision lights on all Boeing 707/720 Series aircraft was published in 27 F.R. 11354.

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

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

BOEING. Applies to all 707/720 Series aircraft.

Compliance required within the next 500 hours' time in service, unless already accomplished.

The upper and lower fairings installed over the anticollision lights have been found to disturb the light distribution in certain peripheral areas. To prevent a reduction in the effective light intensity:

(a) Remove the anticollision light upper fairing, (P/N's 69–10789, 9–66041–3000) and the lower fairing, (P/N's 69–10789–1, 9–66041 or 9–66041–3000); and

(b) Plug the mounting holes for the fairing assembly fasteners with Boeing material specification 5–13 Type A aerodynamic smoother or equivalent.

(Boeing Service Bulletin No. 1651 covers the same subject.)

This amendment shall become effective February 12, 1963.

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

Issued in Washington, D.C., on January 7, 1963.

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

[F.R. Doc. 63–293; Filed, Jan. 10, 1963; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1541; Amdt. 97]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.11 *Green Federal airway 1* is amended to read:

From U.S.-Canadian Border; to Millinocket, Maine, LF/RBN; MEA 6,000.
From Millinocket, Maine, LF/RBN; to Orient INT, Maine; MEA 2,100.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Dungeness, Wash., FM; to U.S.-Canadian Border, northbound only; MEA 2,500.
From Seattle, Wash., LFR; to Bainbridge INT, Wash.; MEA 3,000.
From Bainbridge INT, Wash.; to U.S.-Canadian Border; MEA 5,000.

Section 610.111 *Amber Federal airway 11* is amended to read in part:

From South Maui INT, T.H.; to *Maui, T.H., LFR; southbound, MEA 1,800; northbound, MEA 6,000. *8,000—MCA Maui LFR, northbound.

Section 610.220 *Red Federal airway 20* is amended to read:

From Lansing, Mich., LFR; to Flint, Mich., ILS/LOM; MEA 2,400.
From Flint, Mich., ILS/LOM; to Goodrich INT, Mich.; MEA 2,300.
From Goodrich INT, Mich.; to U.S.-Canadian Border; MEA 2,300.

Section 610.684 *Blue Federal airway 84* is deleted:

Section 610.1001 *Direct Routes—U.S.* is amended to delete:

From Ventura, Calif. VOR; to Saddle INT, Calif.; MEA 5,000.
From Saddle INT, Calif.; to Bay INT, Calif.; MEA 5,000.
From Bay INT, Calif.; to *Los Angeles, Calif., VOR; MEA 4,000. *2,400—MCA Los Angeles VOR, northwestbound.
From Tuscaloosa, Ala., VOR; to Millport INT, Ala.; MEA 2,000.
From Fisher INT, Fla.; to Pineapple INT, Fla.; MEA 3,000.
From Key West, Fla., LFR via Control 1434; to Tamiami, Fla., LF/RBN; MEA 1,300.
From Melbourne, Fla., LFR; to Int. 161 M brg Orlando VOR and southwest crs Melbourne LFR; MEA 1,500.

Section 610.1001 *Direct Routes—U.S.* is amended by adding:

From Barracuda INT, Fla.; to Gateway INT, Fla. via Control 1150; MEA *2,000. *1,000—MOCA.
From Gateway INT, Fla.; to Carolina Beach, N.C. LF/RBN via Control 1150; MEA *2,000. *1,100—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Lockhart INT, Tex.; to Bergstrom INT, Tex.; MEA *3,500. *1,800—MOCA.
From Bergstrom INT, Tex.; to Austin, Tex., VOR; southbound, MEA *3,500; northbound, MEA *2,500. *2,100—MOCA.
From Elroy INT, Tex.; to Bergstrom INT, Tex.; northeastbound, MEA *3,500; southwestbound, MEA *3,000. *1,800—MOCA.

Bahama Routes

54V:

From W. Palm Beach, Fla., VOR; to *Basket INT, Fla.; MEA **2,000. *2,500—MRA. **1,400—MOCA.
From Basket INT, Fla.; to Carey INT, Bahama; MEA *6,400. *1,000—MOCA.
From Melbourne, Fla., LFR; to Amberjack INT, Fla.; MEA 2,000.
From Amberjack INT, Fla.; to Barracuda INT, Fla.; MEA 2,000.
From Bayshore INT, Fla.; to Pineapple INT, Fla.; MEA 2,000.
From Nimrod INT, Fla.; to Halibut INT, Fla.; MEA 5,000.
From Pike INT, Fla.; to Guppy INT, Fla.; MEA 2,000.
From W. Palm Beach, Fla., VOR; to *Kingfish INT, Fla.; MEA 2,000. *2,500—MRA.
From Kingfish INT, Fla.; to Shark INT, Fla.; MEA 3,000.
From Shark INT, Fla.; to Porpoise INT, Fla.; MEA 7,000.
From Lakeland, Fla., VOR via LAL–092/MLB–250; to Melbourne, Fla., VOR; MEA 2,000.
From W. Palm Beach, Fla., VOR; to *Mackerel INT, Fla.; MEA 2,000. *5,000—MRA.
From Mackerel INT, Fla.; to Mullet INT, Fla.; MEA 3,500.
From Titusville INT, Fla.; to *Squid INT, Fla., via control 1386; MEA **15,000. *20,000—MRA. **1,000—MOCA.
From Squid INT, Fla.; to Barracuda INT, Fla., via control 1386; MEA *15,000. *1,000—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended by adding:

From Salem, Mich., VOR; to Belle INT, Mich.; MEA 2,700.
From Belle INT, Mich.; to U.S.-Canadian Border; MEA *4,500. *2,700—MOCA.
From U.S.-Canadian Border; to Buffalo, N.Y., VOR; MEA 2,300.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Brunswick, Ga., VOR; to *Fairhope INT, Ga.; MEA 1,300. *3,000—MRA.
From Fairhope INT, Ga.; to *Harris Neck INT, Ga.; MEA **2,000. *3,800—MRA. **1,200—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended by adding:

From Westminster, Md., VOR; to West Chester, Pa., VOR; MEA *2,000. *1,900—MOCA.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Dixie INT, Ga., via E alter.; to *Baxley INT, Ga., via E alter.; MEA **6,000. *3,000—MRA. **1,400—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Waterville, Ohio, VOR; to Bay INT, Ohio; MEA *3,000. *2,000—MOCA.
From Bay INT, Ohio; to Cleveland, Ohio, VOR, MEA *3,000. *2,100—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Dade City INT, Fla.; to Cross City, Fla., VOR; MEA *2,300. *1,600—MOCA.
From Cross City, Fla., VOR; to Cody INT, Fla.; MEA *2,000. *1,300—MOCA.
From Cody INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,200.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Goffs, Calif., VOR; to Morman Mesa, Nev., VOR; MEA 8,000.
From Las Vegas, Nev., VOR via N alter.; to Morman Mesa, Nev., VOR via N alter.; MEA 7,500.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Jackson, Miss., VOR; to *Berryville INT, Miss.; MEA **2,400. *5,000—MRA. **1,700—MOCA.
From Berryville INT, Miss.; to Greenwood, Miss., VOR; MEA *2,400. *1,700—MOCA.
From Greenwood, Miss., VOR; to Lewisburg INT, Miss.; MEA *2,400. *1,800—MOCA.
From Lewisburg INT, Miss.; to Memphis, Tenn., VOR; MEA *1,800. *1,600—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Goffs, Calif., VOR via N alter.; to Needles, Calif., VOR via N alter.; MEA 8,000.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Kansas City, Mo., VOR via E alter.; to Lamoni, Iowa, VOR via E alter.; MEA *2,900. *2,400—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Tulsa, Okla., VOR; to Adair INT, Okla.; MEA *2,200. *2,100—MOCA.
From Attica, Ohio, VOR; to Cleveland, Ohio, VOR; MEA *3,000. *2,100—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Wink, Tex., VOR; to Goldsmith INT, Tex.; MEA 5,500.
From Wink, Tex., VOR via S alter.; to Midland, Tex., VOR via S alter.; MEA 5,500.
From Hope INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,700—MOCA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Gulfport, Miss., VOR; to *Bugle INT, Miss.; MEA **2,000. *3,000—MRA. **1,500—MOCA.
From Bugle INT, Miss.; to Mobile, Ala., VOR; MEA *2,000. *1,500—MOCA.
From Picayune, Miss., VOR via N alter.; to *Flute INT, Miss., via N alter.; MEA **2,000. **1,500—MOCA.
From Flute INT, Miss., via N alter.; to Mobile, Ala., VOR via N alter.; MEA *2,000. *2,700—MRA. **1,500—MOCA.
From Mobile, Ala., VOR via N alter.; to Evergreen, Ala., VOR via N alter.; MEA *2,000. *1,500—MOCA.

Section 610.6021 *VOR Federal airway 21* is amended to delete:

From *Craters INT, Calif.; to Jean INT, Nev.; northbound, MEA **10,000; southbound, MEA **12,000. *12,000—MCA Craters INT, southbound. **8,000—MOCA.
From Jean INT, Nev.; to Las Vegas, Nev., VORTAC; MEA 8,000.
From Las Vegas, Nev., VORTAC; to *Mormon Mesa, Nev., VOR; MEA 8,000. *7,700—MCA Mormon Mesa VOR, northbound.
From Las Vegas, Nev., VORTAC via E alter.; to Lakeview INT, Nev., via E alter.; MEA 6,000.
From Lakeview INT, Nev., via E alter.; to Mead INT, Nev., via E alter.; westbound, MEA 6,000; eastbound, MEA 7,000.
From Mead INT, Nev., via E alter.; to Mormon Mesa, Nev., VOR via E alter.; MEA 8,000.

Section 610.6021 *VOR Federal airway 21* is amended by adding:

From Hector, Calif., VOR; to Boulder, Nev., VOR; MEA 10,000.
From Boulder, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 7,500.
From Bullion INT, Calif., via W alter.; to Daggett, Calif., VOR via W alter.; MEA 8,000.
From Daggett, Calif., VOR via W alter.; to Int 047 M rad Daggett VOR and 032 M rad Hector VOR via W alter.; MEA 8,000.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Taylor, Fla., VOR via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA *1,800. *1,300—MOCA.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Redmond, Oreg., VOR; to *Gateway INT, Oreg.; MEA **7,000. *9,000—MRA. **6,400—MOCA.
From Gateway INT, Oreg.; to *The Dalles, Oreg., VOR; MEA **7,000. *4,800—MCA The Dalles VOR, northbound. **6,400—MOCA.

Section 610.635 *VOR Federal airway 35* is amended to read in part:

From Cross City, Fla., VOR; to Cody INT, Fla.; MEA *2,000. *1,300—MOCA.
From Cody INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,200.
From Tallahassee, Fla., VOR; to *Calvary INT, Ga.; MEA 2,200. *2,500—MRA.
From Calvary INT, Fla.; to Albany, Ga., VOR; MEA *2,000. *1,600—MOCA.
From Tallahassee, Fla., VOR via E alter.; to *Reno INT, Fla., via E alter.; MEA 1,200. *4,500—MRA.
From Reno INT, Fla., via E. alter.; to *Hartsfield INT, Ga., via E alter; MEA **2,000. *3,000—MRA. **1,600—MOCA.
From Hartsfield INT, Ga., via E alter.; to *Sale INT, Ga., via E alter.; MEA **2,000. *3,000—MRA. **1,300—MOCA.
From Sale INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,600.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Erie, Pa., VOR; to U.S.-Canadian Border; MEA 2,000.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From St. Joseph, Mo., VOR; to Kirksville, Mo., VOR; MEA 3,000.

Section 610.6057 *VOR Federal airway 57* is amended to delete:

From Evergreen, Ala., VOR; to *Pine Apple INT, Ala.; MEA 1,800. *8,000—MCA Pine Apple INT, northbound.
From Pine Apple INT, Ala.; to *Jones INT, Ala.; MEA **8,000. *3,000—MRA. **1,600—MOCA.
From Jones INT, Ala.; to Birmingham, Ala., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Citro INT, Ala.; to Evergreen, Ala., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6090 *VOR Federal airway 90* is amended to read:

From Litchfield, Mich., VOR; to U.S.-Canadian Border; MEA 2,300.
From U.S.-Canadian Border; to Dunkirk, N.Y., VOR; MEA *7,000. *2,700—MOCA.
From U.S.-Canadian Border via N alter.; to Dunkirk, N.Y., VOR via N alter.; MEA 2,700.

Section 610.6095 *VOR Federal airway 95* is amended to delete:

From Phoenix, Ariz., VOR; to Knob INT, Ariz., northbound, MEA 8,000; southbound, MEA 6,000.
From Knob INT, Ariz.; to Ranch INT, Ariz.; MEA 8,000.
From Ranch INT, Ariz.; to Clints Well INT, Ariz.; MEA *14,000. *10,000—MOCA.
From Clints Well INT, Ariz.; to *Winslow Ariz., VOR; northeastbound, MEA 9,000; southwestbound, MEA 14,000. *9,500—MCA Winslow VOR, southwestbound.

Section 610.6095 *VOR Federal airway 95* is amended by adding:

From *Phoenix, Ariz., VOR; to Tonto INT, Ariz., northbound, MEA 10,000; southbound, MEA 6,500. *5,800—MCA Phoenix VOR, northbound.
From Tonto INT, Ariz.; to Eden INT, Ariz.; MEA 10,000.
From Eden INT, Ariz.; to *Winslow, Ariz., VOR; northbound, MEA 9,000; southbound, MEA 10,000. *6,800—MCA Winslow VOR, southbound.
From Phoenix, Ariz., VOR via W alter.; to Knob INT, Ariz., via W alter.; northbound, MEA 8,000; southbound, MEA 6,000.
From Knob INT, Ariz., via W alter.; to *Ranch INT, Ariz., via W alter.; MEA 8,000. *14,000—MCA Ranch INT, northeastbound.
From Ranch INT, Ariz., via W alter.; to Clints Well INT, Ariz., via W alter.; MEA *14,000. *10,000—MOCA.
From Clints Well INT, Ariz., via W alter.; to *Winslow, Ariz., VOR via W alter.; northbound, MEA 9,000; southbound, MEA 14,000. *9,500—MCA Winslow VOR, southwestbound.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Tallahassee, Fla., VOR; to *Calvary INT, Fla.; MEA 2,200. *2,500—MRA.
From Calvary INT, Fla.; to Albany, Ga., VOR; MEA *2,000. *1,600—MOCA.
From Cross City, Fla., VOR via E alter.; to Cody INT, Fla., via E alter.; MEA *2,000. *1,300—MOCA.
From Cody INT, Fla., via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA 1,200.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From *Prescott, Ariz., VOR; to Mount Hope INT, Ariz.; southeastbound, MEA 9,000; northwestbound, MEA 10,000. *9,000—MCA Prescott VOR, northwestbound.
From Mount Hope INT, Ariz.; to Willow Beach INT, Nev.; MEA 10,000.
From Willow Beach INT, Nev.; to Boulder, Nev., VOR; MEA 7,000.
From Boulder, Nev., VOR; to Las Vegas, Nev., VOR; MEA 6,000.
From Peach Springs, Ariz., VOR via E alter.; to *Mead INT, Nev., via E alter.; MEA 9,000. *9,000—MCA Mead INT, southeastbound.
From Mead INT, Nev., via E alter.; to Las Vegas, Nev., VOR via E alter.; MEA 6,000.

Section 610.6108 *VOR Federal airway 108* is amended to read in part:

From Colorado Springs, Colo., VOR via S alter.; to Hanover INT, Colo., via S alter.; MEA 9,000.
From Hanover INT, Colo., via S alter.; to Hugo, Colo., VOR via S alter.; MEA 7,500.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From *Portland, Oreg., VOR via N alter.; to **Lyle INT, Wash., via N alter.; MEA ***8,000. *4,700—MCA Portland VOR, eastbound. **11,500—MRA. ***7,000—MOCA.

Section 610.6117 *VOR Federal airway 117* is amended to delete:

From Bullion INT, Calif.; to Daggett, Calif., VOR; MEA 8,000.

Section 610.6119 *VOR Federal airway 119* is amended to read in part:

From Geneseo, N.Y., VOR; to Rochester, N.Y., VOR; MEA 2,100.

Section 610.6126 *VOR Federal airway 126* is amended to read in part:

From Waterville, Ohio, VOR; to Bay INT, Ohio; MEA *3,000. *2,000—MOCA.
From Bay INT, Ohio; to Cleveland, Ohio, VOR; MEA *3,000. *2,100—MOCA.

Section 610.6135 *VOR Federal airway 135* is amended to read in part:

From Needles, Calif., VOR; to Goffs, Calif., VOR; MEA 8,000.
From Goffs, Calif., VOR; to Las Vegas, Nev., VOR; MEA 9,000.

Section 610.6138 *VOR Federal airway 138* is amended to read in part:

From Raymond, Nebr., VOR; to Mead INT, Nebr.; MEA *2,900. *2,400—MOCA.
From Mead INT, Nebr.; to Washington INT, Nebr.; MEA *2,800. *2,500—MOCA.
From Washington INT, Nebr.; to Neola, Iowa, VOR; MEA *2,900. *2,700—MOCA.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Tulsa, Okla., VOR via N alter.; to Adair INT, Okla., via N alter.; MEA *2,200. *2,100—MOCA.

Section 610.6143 *VOR Federal airway 143* is amended to read in part:

From Lynchburg, Va., VOR; to *Clifford INT, Va.; MEA 5,000. *6,000—MCA Clifford INT, northbound.
From Clifford INT, Va.; to Montebello, Va., VOR; MEA 6,000.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Orlando, Fla., VOR; to *Sanford INT, Fla.; MEA 1,700. *2,500—MRA.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Meridian, Miss., VOR; to *York INT, Ala.; MEA 2,000. *3,500—MRA.
From York INT, Ala.; to *Safford INT, Ala.; MEA 4,500. *4,500—MRA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Alma, Ga., VOR; to *Baxley INT, Ga.; MEA** 2,000. *3,000—MRA. **1,600—MOCA.
From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Center Hill INT, Fla., via W alter.; to Ocala, Fla., VOR via W alter.; MEA *2,000. *1,400—MOCA.
From Gainesville, Fla., VOR; to Branford INT, Fla.; MEA 1,500.
From Branford INT, Fla.; to Greenville INT, Fla.; MEA *5,500. *1,400—MOCA.
From Greenville INT, Fla.; to Quitman INT, Ga.; MEA *4,000. *1,200—MOCA.
From Quitman INT, Ga.; to *Hartsfield INT, Ga.; MEA **2,500. *3,000—MRA. **1,700—MOCA.
From Hartsfield INT, Ga.; to *Sale INT, Ga.; MEA **2,000. *3,000—MRA. **1,300—MOCA.
From Sale INT, Ga.; to Albany, Ga., VOR; MEA 1,600.
From Cross City, Fla., VOR via W alter.; to Greenville INT, Fla., via W alter.; MEA *2,500. *1,300—MOCA.
From Greenville INT, Fla., via W alter.; to Quitman INT, Ga., via W alter.; MEA *4,000. *1,200—MOCA.
From Quitman INT, Ga., via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA **2,500. *3,000—MRA. **1,700—MOCA.
From Hartsfield INT, Ga., via W alter.; to *Sale INT, Ga., via W alter.; MEA **2,000. *3,000—MRA. **1,300—MOCA.
From Sale INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,600.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Oswego, Kans., VOR; to Butler, Mo., VOR; MEA *2,700. *2,300—MOCA.
From Lawson INT, Mo.; to Lamoni, Iowa, VOR; MEA *2,900. *2,400—MOCA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Hinckley INT, Ill.; to *Rockford, Ill., VOR; MEA 2,100. *2,500—MCA Rockford VOR, northwestbound.

Section 610.6182 *VOR Federal airway 182* is amended to read in part:

From *Portland, Oreg., VOR via N alter.; to **Lyle INT, Wash., via N alter.; MEA ***8,000. *4,700—MCA Portland VOR, eastbound. **11,500—MRA. ***7,000—MOCA.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From Marshall INT, N.C.; to *Piedmont INT, Tenn.; MEA **8,000. *7,000—MRA. **7,700—MOCA.

Section 610.6209 *VOR Federal airway 209* is amended to read:

From Mobile, Ala., VOR; to Citro INT, Ala.; MEA *2,000. *1,300—MOCA.
From Citro INT, Ala.; to Jane INT, Ala.; MEA *2,600. *1,600—MOCA.
From Jane INT, Ala.; to *York INT, Ala.; MEA **6,500. *3,500—MRA. **1,800—MOCA.
From York INT, Ala.; to Tuscaloosa, Ala., VOR; MEA *3,500. *1,800—MOCA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Hector, Calif., VOR; to Goffs, Calif., VOR; MEA 8,500.

Section 610.6237 *VOR Federal airway 237* is amended to read:

From Needles, Calif., VOR; to Willow Beach INT, Nev.; MEA 7,500.
From Willow Beach INT, Nev.; to Mormon Mesa, Nev., VOR; MEA 8,000.

Section 610.6240 *VOR Federal airway 240* is amended to read in part:

From *Ruby INT, La.; to **Harbor INT, Miss.; MEA 2,000. *2,700—MRA. **3,000—MRA.

From Harbor INT, Miss.; to Dog INT, Ala.; MEA *3,000. *1,100—MOCA.

Section 610.6245 *VOR Federal airway 245* is deleted.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From Orlando, Fla., VOR via E alter.; to *Sanford INT, Fla., via E alter.; MEA 1,700. *2,500—MRA.

From Dixie INT, Ga.; to *Baxley INT, Ga.; MEA **6,000. *3,000—MRA. **1,400—MOCA.

Section 610.6287 *VOR Federal airway 287* is amended to read in part:

From Portland, Oreg., VOR; to Olympia, Wash., VOR; MEA 5,000.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Pike INT, Fla.; to *Basket INT, Fla.; MEA **2,500. *2,500—MRA. **1,000—MOCA.

From Basket INT, Fla.; to Kingfish INT, Fla.; MEA *2,500. *1,000—MOCA.

From Center Hill INT, Fla.; to Bushnell INT, Fla.; MEA *2,000. *1,700—MOCA.

From Bushnell INT, Fla.; to *Homo INT, Fla.; MEA **2,800. *2,500—MRA. **1,200—MOCA.

From Homo INT, Fla.; to *Gulf INT, Fla.; MEA **2,800. *2,800—MCA Gulf INT, eastbound. **1,200—MOCA.

From Gulf INT, Fla.; to Cross City, Fla., VOR; MEA *2,300. *1,600—MOCA.

Section 610.6299 *VOR Federal airway 299* is amended to read in part:

From Hermosa INT, Calif., via W alter.; to Int. 134 M rad Los Angeles VOR and 272 M rad Long Beach VOR via W alter.; MEA 2,000.

From Int. 134 M rad Los Angeles VOR and 272 M rad Long Beach VOR via W alter.; to *Pt. Dume INT, Calif., via W alter.; MEA 3,000. *4,000—MCA Point Dume INT, northbound.

Section 610.6302 *VOR Federal airway 302* is added to read:

From Augusta, Maine, VOR; to Rockland INT, Maine; MEA *2,000. *1,500—MOCA.

Section 610.6440 *VOR Federal airway 440* is amended to delete:

From Anchorage, Alaska, VOR via N alter.; to *Alexander INT, Alaska, Via N alter.; MEA 2,000. *5,000—MCA Alexander INT, northwestbound.

From Alexander INT, Alaska, via N alter.; to *Skwentna, Alaska, LFR via N alter.; MEA 6,400. *7,000—MCA Skwentna LFR, northwestbound.

From Skwentna, Alaska, LFR via N alter.; to Puntilla Lake, Alaska, LF/RBN via N alter.; MEA 10,000.

Section 610.6443 *VOR Federal airway 443* is amended by adding:

From Cleveland, Ohio, VOR; to *Fairport INT, Ohio; MEA 2,500. *3,000—MCA Fairport INT, northbound.

From Fairport INT, Ohio; to U.S. Canadian Border; MEA *3,000. *1,600—MOCA.

Section 610.6444 *VOR Federal airway 444* is amended to read in part:

From Fernwood INT, Idaho; to Mullan Pass, Idaho, VOR; MEA 9,000.

Section 610.6463 *VOR Federal airway 463* is added to read:

From Anchorage, Alaska, VOR; to *Alexander INT, Alaska; MEA 2,000. *5,000—MCA Alexander INT, northwestbound.

From Alexander INT, Alaska; to *Skwentna, Alaska, LFR; MEA 6,400. *7,000—MCA Skwentna LFR, northwestbound.

Section 610.6471 *VOR Federal airway 471* is amended by adding:

From Bar Harbor INT, Maine; to Bangor, Maine, VOR; MEA *3,000. *2,300—MOCA.

Section 610.6494 *VOR Federal airway 494* is amended to read in part:

From Wells, Nev., VOR; to Strevell INT, Utah; MEA 12,000.

Section 610.6500 *VOR Federal airway 500* is amended to read in part:

From *Gladstone INT, Oreg.; to **Gateway INT, Oreg.; MEA ***11,000. *5,500—MCA Gladstone INT, eastbound. **9,000—MRA. ***8,000—MOCA.

From *Gateway INT, Oreg.; to John Day, Oreg., VOR; MEA **9,000. *10,200—MCA Gateway INT, westbound. **8,000—MOCA.

From Parma INT, Idaho; to Boise, Idaho, VOR; MEA 5,000.

Section 610.6536 *VOR Federal airway 536* is amended to read:

From *Walla Walla, Wash., VOR; to Fernwood INT, Idaho; MEA 9,500. *4,900—MCA Walla Walla VOR, northeastbound.

From Fernwood INT, Idaho; to Mullan Pass, Idaho, VOR; MEA 9,000.

Section 610.6809 *VOR Federal airway 809* is amended to read in part:

From Olympia, Wash., VOR; to Portland, Oreg., VOR; MEA 5,000.

Section 610.6810 *VOR Federal airway 810* is amended to delete:

From Crockett INT, Calif.; to Cordelia INT, Calif.; MEA 5,000.

From Cordelia INT, Calif.; to Guinda INT, Calif.; MEA 6,000.

From Guinda INT, Calif.; to Williams, Calif., VOR; MEA 5,000.

From Williams, Calif., VOR; to *Rough and Ready INT, Calif.; MEA 4,000. *8,500—MCA Rough and Ready INT, eastbound.

From Rough and Ready INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 10,000.

From *Lovelock, Nev., VORTAC; to Battle Mountain, Nev., VOR; MEA 12,000. *8,500—MCA Lovelock VORTAC, northeastbound.

From Battle Mountain, Nev., VOR; to Elko, Nev., VORTAC; MEA 11,000.

Section 610.6810 *VOR Federal airway 810* is amended by adding:

From *Linden, Calif., VOR; to Spring Hill INT, Calif.; MEA **10,000. *6,500—MCA Linden VOR, northeastbound. **8,000—MOCA.

From Spring Hill INT, Calif.; to Int .060 M rad Lake Tahoe VOR and 190 M rad Reno VOR; MEA 13,000.

From Int .060 M rad Lake Tahoe VOR and 190 M rad Reno VOR; to *Virginia City INT, Nev.; MEA 12,000. *11,000—MCA Virginia City INT, westbound.

From Virginia City INT, Nev.; to *Hazen, Nev., VOR; MEA 10,000. *9,000—MCA Hazen VOR, southwestbound.

From Hazen, Nev., VOR; to Mt. Moses, Nev., VOR; MEA 12,000.

From Mt. Moses, Nev., VOR; to Elko, Nev., VOR; MEA 12,000.

Section 610.6819 *VOR Federal airway 819* is amended to read in part:

From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Hope INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,700—MOCA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Citro INT, Ala.; to Evergreen, Ala., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Alma, Ga., VOR; to *Baxley INT, Ga.; MEA **2,000. *3,000—MRA. **1,600—MOCA.

From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Albany, Ga., VOR; to *Sale INT, Ga.; MEA 1,600. *3,000—MRA.

From Sale INT, Ga.; to *Hartsfield INT, Ga.; MEA **2,000. *3,000—MRA. **1,300—MOCA.

From Hartsfield INT, Ga.; to Quitman INT, Ga.; MEA *2,500. *1,700—MOCA.

From Quitman INT, Ga.; to Greenville INT, Fla.; MEA *4,000. *1,200—MOCA.

From Greenville INT, Fla.; to Cross City, Fla.; VOR; MEA *2,500. *1,300—MOCA.

From Cross City, Fla., VOR; to Dade City INT, Fla.; MEA *2,300. *1,600—MOCA.

Section 610.6855 *VOR Federal airway 855* is amended to read in part:

From Naperville, Ill., VOR; to Malta INT, Ill.; MEA 2,200.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Lotts INT, Ga.; to *Baxley INT, Ga.; MEA **2,000. *3,000—MRA. **1,600—MOCA.

From Augusta, Ga., VOR; to Sardis INT, Ga.; MEA *2,100. *1,800—MOCA.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Grapevine INT, Ark.; to Hope INT, Ark.; MEA *3,200. *1,500—MOCA.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Selinsgrove, Pa., VOR; to Ravine, Pa., VOR; MEA 14,500; MAA 24,000.

From Ravine, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.

Section 610.1516 *VOR Federal airway 1516* is amended to read in part:

From Tyrone, Pa., VOR; to Ravine, Pa., VOR; MEA 14,500; MAA 24,000.

From Ravine, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.

Section 610.1522 *VOR Federal airway 1522* is amended to read in part:

From Selinsgrove, Pa., VOR; to Ravine, Pa., VOR; MEA 14,500; MAA 24,000.

From Ravine, Pa., VOR; to Yardley, Pa., VOR; MEA 14,500; MAA 24,000.

Section 610.1531 *VOR Federal airway 1531* is amended by adding:

From Houston, Tex., VOR; to Leona, Tex., VOR; MEA 14,500; MAA 24,000.

From Leona, Tex., VOR; to Dallas, Tex., VOR; MEA 14,500; MAA 24,000.

Section 610.1532 *VOR Federal airway 1532* is amended to delete:

From Tulsa, Okla., VOR; to Springfield, Mo., VOR; MEA 14,500; MAA 24,000.

From Springfield, Mo., VOR; to Vichy, Mo., VOR; MEA 14,500; MAA 24,000.

From Vichy, Mo., VOR; to Troy, Ill., VOR; MEA 14,500; MAA 24,000.

Section 610.1532 *VOR Federal airway 1532* is amended by adding:

From Tulsa, Okla., VOR; to Fayetteville, Ark., VOR; MEA 14,500; MAA 24,000.
From Fayetteville, Ark., VOR; to Maples, Mo., VOR; MEA 14,500; MAA 24,000.
From Maples, Mo., VOR; to Troy, Ill., VOR; MEA 14,500; MAA 24,000.

Section 610.1545 *VOR Federal airway 1545* is amended to delete:

From Tucson, Ariz., VOR; to Casa Grande, Ariz., VOR; MEA 14,500; MAA 24,000.
From Casa Grande, Ariz., VOR; to Phoenix, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1545 *VOR Federal airway 1545* is amended by adding:

From Tucson, Ariz., VOR; to Phoenix, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended to read in part:

From Hector, Calif., VOR; to Boulder, Nev., VOR; MEA 14,500; MAA 24,000.
From Boulder, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1617 *VOR Federal airway 1617* is amended to delete:

From Needles, Calif., VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1626 *VOR Federal airway 1626* is amended by adding:

From Tulsa, Okla., VOR; to Springfield, Mo., VOR; MEA 14,500; MAA 24,000.
From Springfield, Mo., VOR; to Vichy, Mo., VOR; MEA 14,500; MAA 24,000.
From Vichy, Mo., VOR; to St. Louis, Mo., VOR; MEA 14,500; MAA 24,000.

Section 610.1627 *VOR Federal airway 1627* is amended by adding:

From Int .082 M Gila Bend VOR and 190 M Phoenix VOR; to Phoenix, Ariz., VOR; MEA 14,500; MAA 24,000.
From Phoenix, Ariz., VOR; to Winslow, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1676 *VOR Federal airway 1676* is amended by adding:

From U.S.-Canadian Border; to Dunkirk, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 610.1686 *VOR Federal airway 1686* is amended to read in part:

From Selinsgrove, Pa., VOR; to Ravine, Pa., VOR; MEA 14,500; MAA 24,000.
From Ravine, Pa., VOR; to West Chester, Pa., VOR; MEA 14,500; MAA 24,000.

Section 610.1706 *VOR Federal airway 1706* is amended by adding:

From Salem, Mich., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.
From U.S.-Canadian Border; to Buffalo, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 610.1748 *VOR Federal airway 1748* is amended to read in part:

From Las Vegas, Nev., VOR; to Boulder, Nev., VOR; MEA 14,500; MAA 24,000.
From Boulder, Nev., VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1771 *VOR Federal airway 1771* is added to read:

From Cleveland, Ohio, VOR; to Int 052 M rad Cleveland VOR and 283 M rad Erie VOR; MEA 14,500; MAA 24,000.

Section 610.1779 *VOR Federal airway 1779* is added to read:

From Phoenix, Ariz., VOR; to Winslow, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1781 *VOR Federal airway 1781* is added to read:

From Mobile, Ala., VOR; to Tuscaloosa, Ala., VOR; MEA 14,500; MAA, 24,000.

Section 610.1783 *VOR Federal airway 1783* is added to read:

From Mobile, Ala., VOR; to Int 219 M rad Tuscaloosa VOR and 084 M rad Meridian VOR; MEA 16,000; MAA 24,000.
From Int 219 M rad Tuscaloosa VOR and 084 M rad Meridian VOR; to Tuscaloosa, Ala., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective February 7, 1963.

Issued in Washington, D.C., on January 3, 1963.

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

[F.R. Doc. 63-182; Filed, Jan. 10, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-545]

PART 66—WIRE ROPE INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of January 11, 1963.

Statement by the Commission. Trade practice rules for the Wire Rope Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of wire rope, wire cable and fabricated assemblies consisting primarily (by value, weight or mass) of wire rope, cable, or strand.

Proceedings for the establishment of these rules were instituted pursuant to industry application. A general trade practice conference was held under Commission auspices in Washington, D.C., on February 26, 1962, at which proposals for rules were submitted for consideration by the Commission. Subsequently, proposed rules were released by the Commission and a public hearing was held thereon pursuant to public notice in Washington, D.C., on August 27, 1962, at which industry members and other interested and affected parties were afforded opportunity to express their views, objections, and suggestions concerning the coverage and form and content of such proposed rules. Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules for the industry in the form hereinafter set forth and directed that same be promulgated.

The rules are interpretive of requirements of laws administered by the Commission. They define and prohibit various practices deemed to be violative of such laws, and are thus designed to be of assistance to industry members in keeping their trade practices and business behavior in full consonance with legal requirements.

Such rules become operative thirty (30) days from the date of their promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
66.0 Definitions.
66.1 Misrepresentation (general).
66.2 Deception as to origin and disclosure of foreign origin.
66.3 Substitution of products.
66.4 Misleading price lists.
66.5 Misuse of terms "close-outs," "overruns," "discontinued lines," etc.
66.6 Deceptive invoicing, etc.
66.7 Prohibited discrimination.
66.8 Prohibited forms of trade restraints (unlawful price fixing, etc.)
66.9 Inducing breach of contract.
66.10 Consignment distribution.
66.11 Exclusive dealing.
66.12 Defamation of competitors or false disparagement of their products.
66.13 Commercial bribery.
66.14 Push money.
66.15 Tie-sales—coercing purchase of one product as a prerequisite to the purchase of other products.
66.16 Unlawful use of volume of freight traffic.

AUTHORITY: §§ 66.0 to 66.16 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 66.0 Definitions.

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the manufacture, sale or distribution of industry products as defined below.

(b) *Industry products.* Industry products are wire rope, wire cable, and fabricated assemblies consisting primarily (by value, weight or mass) of wire rope, cable, or strand.

§ 66.1 Misrepresentation (general).

It is an unfair trade practice for any member of the industry, in connection with the sale, offering for sale, or distribution of industry products, to make or publish, or cause to be made or published, by way of advertising, labeling, or otherwise, any statement or representation which, directly or by implication, has the

capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the kind, type, grade, quality, price, size, weight, strength, composition, durability, capacity, safety, origin or availability, of any industry product, or which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 1]

§ 66.2 Deception as to origin and disclosure of foreign origin.

(a) It is an unfair trade practice for any member of the industry to offer for sale, sell, or distribute industry products under any representation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the country of manufacture thereof.

(b) It is also an unfair trade practice for any member of the industry to offer for sale, sell, or distribute industry products of foreign manufacture without a clear and conspicuous disclosure of the country of manufacture thereof on reels or on any other packaging in which industry products are sold or if not sold on reels or in packaging, on labels affixed to the products, when the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. The disclosure of country of manufacture as required by this section to be placed on reels or on or in any other packaging or on labels affixed to the products shall be in the form of a legible marking and shall be of such size conspicuousness, and degree of permanency as to be and remain noticeable and legible upon casual inspection during the marketing of the products and until consummation of their sale for use.

NOTE: Under this section it is an unfair trade practice to offer for sale, sell, or distribute industry products of foreign manufacture on reels or on or in any other packaging bearing trade names, trademarks, brands, labels, or other marks of, or identified with, domestic manufacturers unless the country of manufacture is stated in immediate connection and conjunction with such trade names, etc., and in letters of such size, conspicuousness, and degree of permanency, as to be and remain noticeable and legible upon casual inspection during the marketing of the products and until consummation of their sale for use.

[Rule 2]

§ 66.3 Substitution of products.

It is an unfair trade practice for a member of the industry to make unauthorized substitutions of products, where such substitutions have the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making substitutions. [Rule 3]

§ 66.4 Misleading price lists.

It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to publish or circulate price lists which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 4]

§ 66.5 Misuse of terms "close-outs," "over-runs," "discontinued lines," etc.

It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent industry products as "close-outs," "over-runs" or "discontinued lines," by use of such terms, or by words or representations of similar import, when such either is false, or has the capacity and tendency or effect of leading the purchasing or consuming public to believe such products are being offered for sale or sold at specially reduced prices, when such is not the fact. [Rule 5]

§ 66.6 Deceptive invoicing, etc.

Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 6]

§ 66.7 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

NOTE: Purchases by U.S. Government: In an opinion submitted to the Secretary of War under date of December 26, 1936, the U.S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.)

(2) That nothing contained in this paragraph (a) shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph (a) shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or

of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example 1. An industry member pays freight on shipments to a distributor or pays freight on shipments from a distributor to the distributor's customer (beyond freight) or pays freight on shipments from the industry member to the distributor's customer and does not pay such freight for all distributors, thereby effecting a difference in price between distributors.

Example 2. At the end of a given period an industry member grants a discount to a customer (whether classified as a "super distributor" or otherwise) equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

Example 3. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example 4. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed.

Example 5. At the time of price decline, price adjustments upon inventory of customers are granted to some customers and not to other customers.

Example 6. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph (b).

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE: Two recent decisions of U.S. Courts of Appeals (Exquisite Form Brassiere, Inc. v. F.T.C., (301 F. (2d) 116) and Shulton, Inc. v. F.T.C., (305 F. (2d) 36)) hold that the defense afforded by section 2(b) of the Clayton Act is available to parties charged with a violation of section 2(d) of that law. The Commission's efforts to obtain Supreme Court review of these two decisions were unsuccessful.

Section 2(b) of the Clayton Act is set forth in this section as a note to paragraph (a)(5). Paragraph (d) of this section describes the requirements of section 2(d) of the Clayton Act.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities (such as, but not limited to, shipping reels, reel jacks, measuring machines, reeling and coiling machines, presses and sleeves for mechanical splicing of wire rope) connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to this paragraph (e).

(f) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section. [Rule 7]

§ 66.8 Prohibited forms of trade restraints (unlawful price fixing, etc.).[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 8]

§ 66.9 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or to sell to, the customers of either of them, or customers of any other industry member. [Rule 9]

§ 66.10 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the consignees.

(b) Nothing in this section shall be construed to authorize any understand-

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

ing or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment. [Rule 10]

§ 66.11 Exclusive dealing.

It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 11]

§ 66.12 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, performance, properties, manufacture, or distribution of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, is an unfair trade practice. [Rule 12]

§ 66.13 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 13]

§ 66.14 Push money.

It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products or competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 14]

§ 66.15 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 15]

§ 66.16 Unlawful use of volume of freight traffic.

It is an unfair trade practice for a member of the industry to use its volume of freight traffic or that of its subsidiaries or that of any other shipper in any manner, including promises or threats of rewards or reprisals, to coerce or compel purchasers or prospective purchasers engaged in the transportation of freight to purchase or increase their purchases of the industry member's wire rope with the purpose or intent, or where there is a reasonable probability that the effect thereof will be, to eliminate or suppress competition in the sale or distribution of wire rope.

NOTE: Examples of conduct violative of this section if pursued with the purpose or with the probable effect specified therein include, but are not limited to, the coercion of purchases or increased purchases of the industry member's wire rope through:

(a) Promises or assurances of freight traffic to be shipped in or on the purchaser's or prospective purchaser's transportation facility;

(b) Promises or assurances of an increased volume of freight traffic to be so shipped; or

(c) Threats of withdrawal of freight traffic from such purchasers or prospective purchasers.

[Rule 16]

Approved: December 13, 1962.

By direction of the Commission.

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

[F.R. Doc. 63-314; Filed, Jan. 10, 1963; 8:48 a.m.]

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

Correction

In F.R. Doc. 62-12606, appearing at page 12672 of the issue for Friday, December 21, 1962, the last line of § 1.39(a)(4) is changed to read: "time of execution; and".

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-223; Order 260]

LICENSE APPLICATIONS

Miscellaneous Amendments to Chapter

JANUARY 8, 1963.

The Commission has under consideration in this proceeding the amendment of its regulations under the Federal Power Act with respect to license applications and approved forms for same.

The purposes of the proposed amendments were to provide for an increase in the numbers of copies of license applications to meet the minimum requirements of the Commission; to require the filing of a recreation plan as part of applications for licenses to assist in expediting the processing of such applications; and to revise applications for license for minor projects to conform with Public Law 87-647, approved September 7, 1962 (76 Stat. 447, 16 U.S.C. 803(b), 803(e), 803(i)), which authorizes the Commission to issue minor licenses for existing and proposed projects having an installed capacity of no more than 2,000 horsepower.

General public notice of the proposed rule making was given by publication in the FEDERAL REGISTER on October 19, 1962 (27 F.R. 10262). In response to the notice, written comments and views were received from several interested licensees under the Federal Power Act and Federal agencies. Most of the comments expressed concern over the proposed amendment to § 4.41 of Part 4 of the Commission's regulations under the Federal Power Act (Title 18, CFR), which would require the filing of a new Exhibit R as a part of each application for license, the same being a plan for the recreational use of project lands and waters. The concern was that preparation of such an exhibit, in the manner proposed, would be difficult, if not impossible, without causing excessive and unreasonable delay in the filing of such

applications, and that the cost of such recreational facilities might have an adverse effect on the economics of a proposed hydroelectric project unless such costs were related to the economics of the project. Request was made that an extension of time to February 1, 1963, be granted for the submission of written comments and views respecting the proposed amendment of said § 4.41. The requested extension of time having been granted (27 F.R. 12378) the proposed amendments hereinafter adopted do not include any proposed amendment of said § 4.41. No objections were raised to the rules as hereinafter amended.

Upon consideration of the entire record in this proceeding, the Commission finds:

The amendments hereinafter adopted are necessary and appropriate in order to carry out the provisions of the Federal Power Act.

Acting pursuant to the authority granted by the Federal Power Act, particularly sections 9, 10(a), 10(i), and 309 thereof (16 U.S.C. 802, 803, 825h), the Commission orders:

(A) Parts 4, 5, 16 and 24 of Subchapter B, Regulations under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, are hereby amended to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 4.40, 4.50, 4.60, 4.70, 4.80, 4.82, 4.84, 5.1, 16.1, and 24.1, to read as set forth below.

(B) In Part 131 of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, § 131.6 is hereby amended to read as set forth below.

(C) The amendments prescribed herein are effective on and after January 1, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

1. Amend first paragraph § 4.40 *Contents* to read:

§ 4.40 Contents.

Each application for license for a complete project of more than 2,000 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying documents shall be submitted with one additional conformed copy for each interested State Commission.

2. Amend first paragraph § 4.50 *Contents* to read:

§ 4.50 Contents.

Each application for license for a complete project of more than 2,000 horsepower installed capacity already constructed, or for a minor part of such project, shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail all information and exhibits prescribed in §§ 4.40 to 4.42, inclusive, for applications for licenses for proposed major projects, except as hereinafter provided. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying exhibits shall be submitted with one additional conformed copy for each interested State Commission.

3. Amend § 4.60 *Contents* to read:

§ 4.60 Contents.

Each application for a license for a complete project having installed capacity of 2,000 horsepower or less, or for part of such project, whether constructed or to be constructed shall conform to § 131.6 of this chapter. Unless otherwise specified, an original and ten copies of the application and of all accompanying exhibits shall be submitted, with one additional copy for each interested State Commission. Additional information will be requested by the Commission when desired.

4. Amend first paragraph § 4.70 *Contents* to read:

§ 4.70 Contents.

Each application for license for transmission line only shall be verified, shall conform to § 131.5 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying exhibits shall be submitted with one conformed copy for each interested State Commission.

5. Amend § 4.80 to read:

§ 4.80 Who may file.

Any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act for a project of more than 2,000 horsepower installed capacity may make application for the issuance of a preliminary permit for the purpose of enabling applicant to secure the data and perform the acts required by law for filing an application for the issuance of a license.

6. Amend first paragraph § 4.82 *Contents* to read:

§ 4.82 Contents of application.

Each application for preliminary permit shall be submitted as prescribed in § 131.10 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying documents shall be submitted, with one additional conformed copy for each interested State Commission.

7. Amend § 4.84 to read:

§ 4.84 Amendments.

Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, an original and ten conformed copies of the application and all accompanying documents shall be submitted, with one additional copy for each interested State Commission.

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

8. Amend last sentence of § 5.1 so that the section reads as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. Unless otherwise specified, the original and ten conformed copies of the application for amendment of license shall be submitted, with one additional copy for each interested State Commission, in accordance with § 131.30 of this chapter and verified.

PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

9. Amend first paragraph of § 16.1 to read:

§ 16.1 Contents.

Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least three months prior to the expiration of license and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, an original and ten conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State Commission, shall be submitted.

PART 24—DECLARATION OF INTENTION

10. Amend first paragraph § 24.1 to read:

§ 24.1 Filing.

An original and ten conformed copies of each declaration of intention under the provisions of section 23(b) of the

Act shall be filed. The declaration shall give the name and post office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

PART 131—FORMS

11. Amend § 131.6 to read:

§ 131.6 Application for license for minor project having installed capacity of 2,000 horsepower or less.

(See § 4.60 of this chapter.)

(1) Full name of applicant_____ (a citizen—an association of citizens—a corporation) (strike out all but one) whose post office address is

_____

_____

hereby makes application to the Federal Power Commission for a license to authorize construction, operation and maintenance of certain project works fully described herein.

(If a corporation, report State of incorporation and location of principal place of business. Corporations, municipal or private and associations, must give name and address of person who is authorized to act as agent and consent to accept service upon such agent as equivalent to service upon applicant.)

(2) A concise general description of the project is as follows, and plans of the principal project works are shown on Exhibit L, which is submitted herewith and made a part of this application:

(Give the name or other designation of the project and disregard such of the following items as are not applicable. Give approximate size and material of which dam, conduits, flumes, pipes and powerhouse are constructed, estimated head to be developed, estimated flow available in stream, proposed flow through plant, and approximate capacity of water-wheel and generator.)

(3) The project is located in the State of _____ County of _____, on the _____ stream, near the town of _____, in the _____ National Forest, as shown on the map submitted herewith as Exhibit K, which map is hereby made a part of this application.

(4) The lands of the United States which will be affected are:

(a) Surveyed land in public land survey: (Sections and subdivisions thereof; township, range, principal meridian) _____.

(b) Unsurveyed land in public-land State: (Estimated location by sections and subdivisions thereof; township, range, principal meridian) _____.

(c) If not in a public-land State: (Distance and general direction from a city, town or fixed monument or physical feature delineated on a map of a scale of 1:500,000 or 1:1,000,000) _____.

(5) The following project facilities are located in whole or in part on lands of the United States (dam, reservoir, etc.).

(6) What State water or other permits have been obtained authorizing the construction, operation and maintenance of the proposed project?

(7) The project will produce power for use in (tourist camp, mine, farm, etc., for domestic, industrial or other specified use, by pumps, cooking, heating, etc.) _____ of the power output, _____ percent will be sold to _____ and _____ percent will be used by the applicant.

(8) It is desired to begin construction of the project within _____ months. It is estimated that construction will be carried on during _____ months and that operation will be started within _____ months of completion of project construction.

(9) The applicant hereby designates _____ whose address is _____ as its agent and agrees that service upon such agent shall constitute full service upon it for all purposes in connection with any license issued pursuant to this application. (This is to be used only by associations or corporations.)

In witness whereof, the applicant has signed this application on the _____ day of _____, 19__.

By _____
(Name of applicant)

By _____
(If applicant is an association)

EVIDENCE OF CITIZENSHIP [1]

(To be used where applicant is an association of citizens and with minor changes where applicant is an individual.)

State of _____
County of _____ ss:

_____ and _____ being duly sworn, each for himself, deposes and says that he is a citizen of the United States of America, and that all of the members of said Association have signed this affidavit.

_____
_____
_____

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19__.

[SEAL] _____
(Notary Public)

NOTE: The following requirements for the project map to be filed as Exhibit K and plans of structure as Exhibit L are prescribed:

There shall be submitted pursuant to sections 4.60 and 131.6 with each application for license for a minor project having installed water-wheel capacity of 2,000 horsepower or less, a map, designated as Exhibit K, showing the portion of the stream developed, the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces, access roads, and transmission lines), and the area occupied by all project works as limited by a project boundary, and indicating State, county, meridian, township, range, section and the smallest legal subdivision or numbered lot or tract. The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a national forest, Indian reservation, etc.

Exhibit K shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by ten prints thereof drawn to an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary shall be stated separately for each facility, and shown on the map. The number of feet on each side of the surveyed center lines of the conduits, roads, powerhouse unit, tailrace and transmission lines shall be at least 10 feet. The distances of the project boundary from the survey center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they shall be large enough to allow at least 10 feet on each side of the powerhouse and to include all appurtenant project structures. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project boundary inclosing the dam and reservoir should be a surveyed line with stated courses and distances, which line shall be not less than 20 feet horizontal measurement from the ends and from the axis on the downstream side of the dam and not less than 10 feet outside of a contour around the reservoir established by the highest point on the dam and abutment. The area of the enclosure in acres should be given. The project area and boundary at the powerhouse, dam, and reservoir should, if necessary for clarity, be shown in an insert sketch to a larger scale than that used for the rest of the project works.

(3) If practicable, there shall be shown one or more ties by distance and bearing from a definite point or points on the project boundary which point or points can be identified on the ground, to established corners of the public land survey or to a mineral monument or other fixed recognizable object if the land is unsurveyed.

(4) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such protractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(5) Where no government lands are affected, Exhibit K may show only the general location of the project.

(6) The map shall bear the following certificate dated and signed by the applicant: "This map is a part of the application for a license made by the undersigned this _____ day of _____, 19__.

Exhibit L shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen or process tracing if legible and of durable quality, not smaller than 8 inches by 10½ inches, accompanied by 10 prints thereof drawn to an appropriate scale of one inch equals not more than 100 feet.

(2) Exhibit L General design drawings showing plan, elevation and section of dam, conduit and powerhouse. Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple.

(3) The drawing shall bear the following certificate dated and signed by the applicant: "This drawing is a part of the application for a license made by the undersigned this _____ day of _____, 19__."

_____
(Name of applicant)

[F.R. Doc. 63-322; Filed, Jan. 10, 1963; 8:49 a.m.]

[1] If applicant is an individual, prepare affidavit accordingly, using only appropriate portion of above form. If applicant is an association, each member must be a citizen and sign the affidavit.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14809 (RM-361); FCC 63-25]

PART 3—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments; (Moscow, Idaho)

1. The Commission has before it for consideration its notice of proposed rule making, released October 12, 1962, (FCC 62-1077) proposing that Channel 12 be reserved for the noncommercial educa-

tional service in Moscow, Idaho, as requested by petitioner, the University of Idaho at Moscow, Idaho.

2. At the present time, Moscow, Idaho, with a population of 11,183, located in Latah County whose population is 21,170, presently has assigned to its Channels 12 and *15. There are neither applications pending nor authorizations outstanding for these channels.

3. A brief comment supporting the reservation of Channel 12 in Moscow was filed by Mr. Serge Bergen. No comments or reply comments were received opposing the reservation.

4. As set out in Paragraphs 5 and 6 of the notice of proposed rule making issued in this matter, the petitioner has taken substantial steps toward preparing itself to operate a successful, educational television station. Petitioner seeks operation on a VHF channel because there are no UHF receivers in the vicinity and also because very large areas must be served by the proposed station. The proposed station would provide the first educational service to the area. In view of the above the Commission is of the opinion that the change proposed is in the public interest.

5. The reservation of Channel 12 without other action would leave Moscow, Idaho, with both of its channels reserved for the educational service. "The Needs of Education for Television Channel Allocations," a survey by the National Association of Educational Broadcasters, filed as a comment in Docket No. 14229, suggests but one reserved television station in Moscow. The Commission also feels that there is at present a need for only one educational service in that community and that notwithstanding the fact that there is no current interest in operating a commercial station in Moscow that a commercial channel should be made available to make possible a future commercial service to the area without the need for additional rule making proceedings. Hence, it is felt that the reservation on Channel *15 in Moscow should be deleted.

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

7. In view of the foregoing: *It is ordered*, That effective February 11, 1963, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended to change the Moscow entry under the state of Idaho to read:

City	*Channel No.*
Moscow, Idaho	*12, 15

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: January 3, 1963.

Released: January 7, 1963.

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

[F.R. Doc. 63-326; Filed, Jan. 10, 1963; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

PART 8—COLOR ADDITIVES

Provisional Lists

The Color Additives Amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing (including a deemed provisional listing) of a color additive on his own initiative, or upon application of an interested person.

Requests to postpone the closing date of the provisional listing of a number of color additives have been received because the scientific investigations necessary for listing the color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing date of the provisionally listed color additives in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that progress reports be supplied on July 1, 1963, and at 6-month intervals thereafter.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 8.501 of the color additives regulations (21 CFR 8.501) is revised to read as follows:

§ 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives, the specifications for which appear in Part 9 of this chapter, are deemed provisionally listed under section 203(b) of the Color Additives Amendments of 1960 (sec. 203(b), 74 Stat. 405; 21 U.S.C. 376, note). Except for color additives for which petitions have been filed, progress reports are required by July 1, 1963, and at 6-month intervals thereafter.

(a) *Color additives provisionally listed for food, drug, and cosmetic use.*

	Closing date	Restrictions
FD&C Green No. 1 (§ 9.21 of this chapter)	June 1, 1964	
FD&C Green No. 2 (§ 9.22 of this chapter)	do	
FD&C Green No. 3 (§ 9.23 of this chapter)	Aug. 1, 1964	
FD&C Yellow No. 5 (§ 9.40 of this chapter)	June 1, 1964	
FD&C Yellow No. 6 (§ 9.41 of this chapter)	Aug. 1, 1964	
FD&C Red No. 2 (§ 9.61 of this chapter)	do	
FD&C Red No. 3 (§ 9.62 of this chapter)	June 1, 1964	
FD&C Red No. 4 (§ 9.63 of this chapter)	Aug. 1, 1964	
FD&C Blue No. 1 (§ 9.80 of this chapter)	June 1, 1964	
FD&C Blue No. 2 (§ 9.81 of this chapter)	do	
FD&C Violet No. 1 (§ 9.90 of this chapter)	Oct. 1, 1964	
Lakes (FD&C) (§ 9.100 of this chapter)		

(b) *Color additives provisionally listed for drug and cosmetic use.*

	Closing date	Restrictions
D&C Green No. 5 (§ 9.103 of this chapter)	June 1, 1964	
D&C Green No. 6 (§ 9.104 of this chapter)	do	
D&C Green No. 8 (§ 9.106 of this chapter)	Apr. 1, 1965	
D&C Yellow No. 7 (§ 9.130 of this chapter)	Dec. 1, 1964	§ 8.503 of this chapter.
D&C Yellow No. 8 (§ 9.131 of this chapter)	do	Do.
D&C Yellow No. 10 (§ 9.133 of this chapter)	June 1, 1964	
D&C Yellow No. 11 (§ 9.134 of this chapter)	do	
D&C Red No. 5 (§ 9.150 of this chapter)	July 1, 1965	External use only.
D&C Red No. 6 (§ 9.151 of this chapter)	Feb. 1, 1965	
D&C Red No. 7 (§ 9.152 of this chapter)	do	
D&C Red No. 8 (§ 9.153 of this chapter)	Apr. 1, 1965	§ 8.503 of this chapter.
D&C Red No. 9 (§ 9.154 of this chapter)	do	Do.
D&C Red No. 10 (§ 9.155 of this chapter)	do	Do.
D&C Red No. 11 (§ 9.156 of this chapter)	do	Do.
D&C Red No. 12 (§ 9.157 of this chapter)	do	Do.
D&C Red No. 13 (§ 9.158 of this chapter)	do	Do.
D&C Red No. 17 (§ 9.162 of this chapter)	Feb. 1, 1965	
D&C Red No. 19 (§ 9.164 of this chapter)	do	Do.
D&C Red No. 21 (§ 9.166 of this chapter)	Sept. 1, 1965	
D&C Red No. 22 (§ 9.167 of this chapter)	do	
D&C Red No. 27 (§ 9.172 of this chapter)	do	
D&C Red No. 28 (§ 9.173 of this chapter)	do	
D&C Red No. 30 (§ 9.175 of this chapter)	June 1, 1964	
D&C Red No. 31 (§ 9.176 of this chapter)	Aug. 1, 1964	
D&C Red No. 33 (§ 9.178 of this chapter)	Apr. 1, 1965	Do.
D&C Red No. 34 (§ 9.179 of this chapter)	Dec. 1, 1964	
D&C Red No. 36 (§ 9.181 of this chapter)	Feb. 1, 1965	
D&C Red No. 37 (§ 9.182 of this chapter)	do	Do.
D&C Red No. 39 (§ 9.184 of this chapter)	Jan. 1, 1964	External use only.
D&C Orange No. 4 (§ 9.201 of this chapter)	Oct. 1, 1964	§ 8.503 of this chapter.
D&C Orange No. 5 (§ 9.202 of this chapter)	Sept. 1, 1965	Do.
D&C Orange No. 10 (§ 9.207 of this chapter)	do	
D&C Orange No. 11 (§ 9.208 of this chapter)	do	
D&C Orange No. 17 (§ 9.214 of this chapter)	July 1, 1964	Do.
D&C Brown No. 1 (§ 9.230 of this chapter)	July 1, 1965	External use only.
D&C Blue No. 4 (§ 9.240 of this chapter)	June 1, 1964	
D&C Blue No. 6 (§ 9.242 of this chapter)	do	
D&C Blue No. 7 (§ 9.243 of this chapter)	Apr. 1, 1965	
D&C Blue No. 9 (§ 9.245 of this chapter)	Jan. 1, 1964	Surgical suture use only.
D&C Black No. 1 (§ 9.260 of this chapter)	July 1, 1965	External use only.
D&C Violet No. 2 (§ 9.270 of this chapter)	Dec. 1, 1964	
Lakes (D&C) (§ 9.280 of this chapter)		

(c) *Color additives provisionally listed for use in externally applied drugs and cosmetics.*

	Closing date	Restrictions
Ext. D&C Yellow No. 1 (§ 9.301 of this chapter)	Apr. 1, 1965	
Ext. D&C Yellow No. 3 (§ 9.303 of this chapter)	July 1, 1965	
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter)	Oct. 1, 1964	
Ext. D&C Red No. 8 (§ 9.347 of this chapter)	July 1, 1965	
Ext. D&C Red No. 15 (§ 9.354 of this chapter)	do	
Ext. D&C Green No. 1 (§ 9.400 of this chapter)	Apr. 1, 1965	
Ext. D&C Violet No. 2 (§ 9.411 of this chapter)	July 1, 1965	
Ext. D&C Orange No. 3 (§ 9.422 of this chapter)	do	
Lakes (Ext. D&C) (§ 9.440 of this chapter)		

(d) *Color additive provisionally listed for use on mature oranges.*

	Closing date	Restrictions
Citrus Red No. 2 (§ 9.16 of this chapter)	Jan. 1, 1964	

(e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been subject to certification.*

	Closing date	Restrictions
Alkanet (alkanna)	Jan. 1, 1964	
Annatto	do	
Beet juice	do	
Beet powder	do	
Bixin and norbixin	do	
Calcium carbonate	do	
Caramel	do	
Carbon black (prepared by the "impingement" or "channel" process)	do	
Carmine	do	
Carminic acid	do	
Carotene, natural and synthetic	do	
Carrot oil	do	
D&C Blue No. 6 (§ 9.242 of this chapter)	June 1964	
D&C Blue No. 7 (§ 9.243 of this chapter)	Apr. 1965	
D&C Blue No. 9 (§ 9.245 of this chapter)	Jan. 1964	Surgical suture use only.
D&C Black No. 1 (§ 9.260 of this chapter)	July 1965	External use only.
D&C Violet No. 2 (§ 9.279 of this chapter)	Dec. 1964	

(c) *Color additives provisionally listed for use in externally applied drugs and cosmetics.*

	Closing date	Restrictions
Ext. D&C Yellow No. 1 (§ 9.301 of this chapter)	Apr. 1965	
Ext. D&C Yellow No. 3 (§ 9.303 of this chapter)	July 1965	
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter)	Oct. 1964	
Ext. D&C Red No. 8 (§ 9.347 of this chapter)	July 1965	
Ext. D&C Red No. 15 (§ 9.354 of this chapter)	do	
Ext. D&C Green No. 1 (§ 9.400 of this chapter)	Apr. 1965	
Ext. D&C Violet No. 2 (§ 9.411 of this chapter)	July 1965	
Ext. D&C Orange No. 3 (§ 9.422 of this chapter)	do	
Charcoal (National Formulary XI)	Jan. 1, 1964	
Chlorophyll	do	
Chlorophyll copper complex and chlorophyllin copper complex	do	
Cochineal	do	
Cudbear (*Roccella* spp., *Lecanora* spp.)	do	
Ferric chloride	do	In processing of black olives.
Ferrous gluconate	do	Do.
Ferrous sulfate	do	Do.
Grape skin extract	do	
Iron oxides	do	
Logwood, chips and extracts (*Haematoxylon campechianum* L.)	do	
Paprika and paprika oleoresin	do	
Riboflavin	do	
Safflower (American saffron, florets of *Carthamus tinctorius* L.)	do	
Titanium dioxide	do	Limit of 0.4 percent.
Turmeric and curcumin	do	
Ultramarine blue	do	0.5-percent in salt for animal feed.
Xanthophyll	do	

(f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been subject to certification.* The color additives listed in this paragraph are listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive used only in drugs for external application is not provisionally listed for internal drug use.

	Closing date	Restrictions
Annato	Jan. 1, 1964	Ingested use only.
Bone black	do	For coloring gelatin capsules only.
Carbon black ("channel" or "impingement" process)	do	
Carminic acid	do	
Carotene, natural and synthetic	do	
Charcoal (National Formulary XI)	do	
Chlorophyll copper complex and chlorophyllin copper complex	do	
Cochineal	do	
Ferric ferrocyanide (iron blue)	do	
Fustic	do	Surgical suture use only.
Iron oxides	do	
Logwood	do	
Pyrogallol	do	Do.
Titanium dioxide	do	
Ultramarine blue	do	External use and rectal suppositories and ointments only.

(g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been subject to certification.* Color additives provisionally listed in this paragraph are so listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive previously used for coloring cosmetics to be applied to portions of the body other than the eye area (as defined in § 9.1(p) of this chapter) is not provisionally listed for eye-area use.

	Closing date	Restrictions
Alloxan	Jan. 1, 1964	
Aluminum benzoate	do	
Aluminum hydroxide	do	
Aluminum powder	do	
Aluminum silicate (including hydrated aluminum silicate)	do	
Aluminum stearate	do	
Annato	do	
Azulene	do	
Barium sulfate (blanc fixe)	do	
Bentonite	do	
Bismuth oxychloride	do	
Bone black	do	
Bronze powder	do	
Calcium carbonate	do	
Calcium silicate	do	
Calcium stearate	do	
Calcium sulfate	do	
Carmel	do	
Carbon black (prepared by the "impingement" or "channel" process)	do	
Carmine	do	
Carminic acid	do	
Carotene	do	
Charcoal	do	
Chlorophyll copper complex and chlorophyllin copper complex	do	
Chromium hydroxide green	do	
Chromium oxide greens	do	
Cobaltous aluminate (cobalt blue)	do	

	Closing date	Restrictions
Cochineal	do	
Copper, metallic powder	do	
Copper versenate	do	
Cornstarch	do	
Dihydroxyacetone	do	
Ferric ferrocyanide (iron blue)	do	
Ferric hydroxide (hydrated iron oxide)	do	
Fuller's earth	do	
Gloss white	do	
Gold	do	
Graphite	do	
Guanine (pearl essence)	do	
Iron oxides	do	
Kaolin	do	
Kieselguhr (diatomite)	do	
Lapis lazuli (lazurite)	do	
Lithium stearate	do	
Lithopone	do	
Logwood (gluewood, campeche wood)	do	
Magnesium aluminum silicate	do	
Magnesium carbonate	do	
Magnesium oxide	do	
Magnesium stearate	do	
Magnesium trisilicate	do	
Manganese violet (probably $2(NH_4)_2Mn_2(P_2O_7)_2$)	do	
4-Methyl-7-diethylaminocoumarin (MDAC)	do	
β-Methyl umbelliferone	do	
Mica	do	
Potassium ferrocyanide	do	
Sienna	do	
Silicic acid	do	
Silicon dioxide (silica)	do	
Silk, powdered	do	
Talc	do	
Tin oxide	do	
Titanium dioxide	do	
Ultramarine blue	do	
Ultramarine green	do	
Ultramarine pink	do	
Ultramarine red	do	
Ultramarine violet	do	
Umber	do	
Vermiculite	do	
Zinc carbonate	do	
Zinc oxide	do	
Zinc stearate	do	
Zirconium oxide	do	
Zirconium silicate	do	

Effective date. This order shall become effective January 13, 1963.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203 (d) (2) of Public Law 86-618 provides for this issuance.

(Sec. 203(a) (2), Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: January 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-243; Filed, Jan. 10, 1963; 8:45 a.m.]

PART 130—NEW DRUGS

Procedural and Interpretative Regulations; Investigational Use

Correction

In F.R. Doc. 63-138, appearing at page 179 of the issue for Tuesday, January 8, 1963, in § 130.3(a) (2), the last line of item 5 of the form is changed to read "As needed for safety and to give significance to clinical in—".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Lake Michigan, Ill.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.175 governing a small-arms range in Lake Michigan, Illinois, is hereby amended revising the title, reducing the size of the area, redesignating paragraph (b) (5) as (b) (6) with minor revision and adding a new paragraph (b) (5), and § 207.475 governing a naval restricted area in Lake Michigan, Illinois, is hereby amended to change the name of the enforcing agency, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.175 Lake Michigan; small-arms range adjacent to United States Naval Training Center, Great Lakes, Ill.

(a) *The danger zone.* An area bounded on the north by latitude 42°20′30″; on the east by longitude 87°47′30″; on the south by latitude 42°18′45″; and on the west by the shoreline.

(b) *The regulations.* * * *

(5) During the firing season two 8-foot drum and cage type buoys painted white with a horizontal orange band and displaying an orange flag marked with "FIRING RANGE" from a 5-foot mast will be moored at the north and south points of the eastern limits of the range.

(6) The regulations in this section shall be enforced by the Commander, United States Naval Training Center, Great Lakes, Illinois, and such agencies as he may designate.

§ 207.475 Lake Michigan; naval restricted area, United States Naval Training Center, Great Lakes, Ill.

(a) *The area.* An area extending in a north and south direction from the Great Lakes, Illinois, south breakwater to an east-west line projecting eastward from the shore termination of the north fence of the United States Naval Training Center, Great Lakes, Illinois, and extending into Lake Michigan for a distance of one mile from the shoreline.

(b) *The regulations.* No vessel of any kind, except those engaged in naval operations, shall enter, navigate, anchor, or moor in the restricted area without first obtaining permission to do so from the Commander, United States Naval Training Center, Great Lakes, Illinois, or his authorized representative.

[Regs., December 21, 1962, 285/111 (Lake Michigan, Ill.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 63-287; Filed, Jan. 10, 1963; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

DEFINITIONS

In § 3.1(m), that portion immediately preceding subparagraph (1) and para-

graph (n) are amended to read as follows:

§ 3.1 Definitions.

* * * * *

(m) "In line of duty" means an injury or disease incurred or aggravated during a period of active military, naval, or air service unless such injury or disease was the result of the veteran's own willful misconduct. A service department finding that injury, disease or death occurred in line of duty will be binding on the Veterans Administration unless it is patently inconsistent with the requirements of laws administered by the Veterans Administration. Requirements as to line of duty are not met if at the time the injury was suffered or disease contracted the veteran was:

* * * * *

(n) "Willful misconduct" means an act involving conscious wrongdoing or known prohibited action (malum in se or malum prohibitum). A service department finding that injury, disease or death was not due to misconduct will be binding on the Veterans Administration unless it is patently inconsistent with the facts and the requirements of laws administered by the Veterans Administration.

(1) It involves deliberate or intentional wrongdoing with knowledge of or wanton and reckless disregard of its probable consequences.

(2) Mere technical violation of police regulations or ordinances will not per se constitute willful misconduct.

(3) Willful misconduct will not be determinative unless it is the proximate cause of injury, disease or death. (See §§ 3.301, 3.302.)

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective January 11, 1963.

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 63-361; Filed, Jan. 10, 1963; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2852]

[1823147]

[Arizona 032068]

ARIZONA

Partly Revoking Executive Order No. 8647 of January 22, 1941, and Public Land Order No. 559 of February 11, 1949 (Havasu Lake National Wildlife Refuge); Revoking Certain Reclamation Withdrawals, in Whole or in Part (Colorado River Storage Project)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Executive Order No. 8647 of January 22, 1941, which established the Havasu Lake National Wildlife Refuge, and Public Land Order No. 559 of February 11, 1949, which added lands thereto, and the departmental orders of January 3, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, which withdrew lands for reclamation purposes in connection with the Colorado River Storage Project, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 20 W.,
Sec. 4, E½E½ and W½NE¼;
Sec. 10;
Sec. 14, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 24, N½.
T. 14 N., R. 20 W.,
Sec. 28, SE¼;
Sec. 33, E½.

Containing approximately 2,280 acres.

2. Subject to any valid existing rights, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations, the lands released from withdrawal by Paragraph 1 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on July 5, 1963, the State of Arizona shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR:

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Arizona presented prior to 10:00 a.m. on February 9, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on July 5, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

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

JANUARY 4, 1963.

[F.R. Doc. 63-301; Filed, Jan. 10, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK, WYOMING

Usage and Activities; Proposed Special Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Midwest Region, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend §7.13 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to specify certain speed limit zones and one way roads; to require employee motor vehicle permits; to establish camping limitations and sanitation requirements; to prohibit possession of dogs and cats by persons living in Yellowstone National Park; to provide for suspending liquor sales when violations occur; to prohibit abandonment of vehicles; to regulate travel on roads and trails; to regulate the use of portable engines and motors; to regulate the use of skis, sleds and toboggans; to establish procedures for posting notices and orders; and to set forth defintions of words used in regulations for Yellowstone National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyoming, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraphs (a), (b), (g), (h), and (i) are revised and new paragraphs (j), (k), (l), (m), n), and (o) are added to § 7.13, to read as follows:

§ 7.13 Yellowstone National Park.

(a) *Weight and size limits for vehicles.* (1) The total gross weight of any vehicle and load or combination of vehicles and loads shall not exceed 20 tons on the road between Norris Junction and Canyon Junction.

* * * * *

(b) *Traffic control.* (1) Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits when official signs specifying such limits are posted:

(i) Fifteen miles per hour: In all campgrounds, picnic areas, parking areas, and residential areas; upon that portion of a park road which passes through or borders upon the scene of an emergency such as a forest fire, accident, or similar emergency; and the visitor-use development at Old Faithful.

(ii) Twenty-five miles per hour: Upon that portion of a park road which passes through or borders on park road repair or construction; visitor-use developments at Mammoth Hot Springs, Tower Falls, Canyon, Lake Area, Fishing Bridge and West Thumb; and one-way loop roads.

(iii) Thirty-five miles per hour: Trucks whose rated gross vehicle weight is in excess of 17,000 pounds.

(iv) Forty-five miles per hour: Passenger cars, buses, and trucks whose rated gross vehicle weight is 17,000 pounds or less except when otherwise posted at a lesser speed limit.

(2) Travel shall be restricted to one direction when posted on the following roads:

(i) The Virginia Cascades Loop Road.

(ii) The Bunsen Peak Loop Road.

(iii) The Mammoth Terrace Loop Road.

(iv) The Firehole Canyon Loop Road.

(v) The Silver Gate Loop Road.

(3) Careless driving: The operating of any vehicle upon a park road in a careless and heedless disregard of the rights or safety of others, or without due caution, or at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

(4) Stop signs: (i) No person shall drive any vehicle onto any road from another road in the park without coming to a complete stop, provided, however, there are erected official signs at such locations.

(ii) No person shall drive any vehicle onto a marked pedestrian crossing on a park road when it is occupied by pedestrians, without first having come to a full and complete stop when signs reading "STOP for Pedestrian in Cross Walk" are posted.

(iii) The term "road" means any street, highway, turnout, parking area or public thoroughfare.

(5) Yield Right-of-Way signs: When Yield Right-of-Way signs are posted at an intersection, the driver of a motor vehicle shall slow to a speed of not more than ten (10) miles per hour or, if necessary, come to a complete stop, and in order to yield the right-of-way to all vehicles approaching on the intersecting park road which are so close as to constitute an immediate hazard.

(6) Parking: (i) No person shall park any vehicle in a posted restricted area except in case of bona fide emergency or for administrative purposes. When appropriate signs are erected at such locations, the following places are designated as restricted parking areas: All bridges and the immediate surrounding areas of natural features, concession establishments, Government buildings, amphitheaters, campgrounds and picnic grounds.

(ii) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or maintained part of a park road so as to leave less than ten (10) feet of the width of the occupied traffic lane for the free movement of vehicular traffic. This subdivision shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a park road in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

(7) Employee Motor Vehicle Permits: (i) All motor vehicles owned and/or operated by any employees of the U.S. Government, Park concessioners and contractors, whether employed in a permanent or temporary capacity, shall be registered with the Superintendent and a permit authorizing the use of said vehicle in the park is required during the employee's period of employment in Yellowstone National Park. This same requirement shall also apply to members of an employee's family living in the park and who own or operate a motor vehicle within the park. Such permit, issued free of charge, may be secured only when the vehicle operator can produce a valid certificate of registration, and has in his possession a valid operator's license.

(ii) The Employee Motor Vehicle Permit will be valid only for the calendar year of issue. Such registry must be completed and permits secured by April 15 of each year or within one week after bringing motor vehicles into the park, whichever date is later.

(iii) Such permit must be carried in the vehicle or on the person of the permittee and be exhibited to Park Rangers or other authorized officers of the National Park Service upon demand. Upon termination of employment, the employee must surrender the permit to the Superintendent or his authorized representative.

* * * * *

(g) *Camping*—(1) *Limitations.* (i) Camping in Yellowstone National Park by any person, party, or organization during any calendar year during the period Labor Day through June 30, inclusive, shall not exceed 30 days, either in a single period or combined separate periods, when such limitations are posted.

(ii) The intensive public-use season for camping shall be for the period July 1 to Labor Day. During this period camping by any person, party or organization shall be limited to a total of fourteen (14) days either in a single period or combined separate periods.

* * * * *

(3) *Sanitation.* Receptacles must be provided by campers for catching all drained refuse from trailers or other camping units. No drainage will be permitted to run onto the ground. The

dumping of all refuse must be only in places or receptacles provided for this purpose.

(h) *Dogs and cats.* * * *

(2) Dogs and cats are prohibited in the following locations:

* * * * *

(iii) In possession of any person, other than a Park visitor, residing in the park.

(i) *Alcoholic liquors.* * * *

(9) When any person authorized to sell alcoholic beverages has been convicted of violating any provision or provisions of this paragraph governing alcoholic beverage, the Superintendent may suspend the privilege of selling or dispensing such beverages for a period up to one year, or the remainder of the concessioner's contract period, whichever period is shorter.

(j) *Abandonment of vehicles.* No person shall leave any motor vehicle, trailer, or other vehicle unattended within the park for a period of more than seven (7) consecutive days without having made prior arrangements with park officials to do so. Any vehicle left unattended for a period in excess of seven (7) consecutive days without such prior arrangements having been made shall be subject to removal by order of the superintendent or his authorized representative to a place designated by him at the cost of the person who shall rightfully claim such vehicle.

(k) *Travel on roads and trails.* (i) Any or all roads and trails may be temporarily closed by the Superintendent or those authorized by him when, in his or their judgment, conditions make travel thereon hazardous or dangerous, or when such action is necessary to protect the park or persons. Public use of such roads and trails is prohibited when official signs are posted indicating such closure.

(ii) Foot travel in all thermal areas and within the Yellowstone Canyon between the Upper Falls and Inspiration Point must be confined to foot paths, boardwalks or trails that are maintained for such travel and are marked by official signs.

(iii) When service roads are signed "Service Road Only—Do Not Enter," travel for other than park operation purposes is prohibited.

(l) *Portable engines and motors.* The operation of motor-driven chain saws, portable motor-driven electric light plants, portable motor-driven pumps and other implements driven by portable engines and motors is prohibited in the park, except in Mammoth, Canyon Fishing Bridge, Bridge Bay, Grant Village, Old Faithful and Madison Campgrounds, for park operation purposes, and for construction and maintenance projects authorized by the Superintendent. This restriction shall not apply to outboard motors on waters open to motorboating.

(m) *Skiing, sledding, tobogganing and snowshoeing.* (1) The following activities are prohibited in the park:

(i) Skiing, sledding, tobogganing or snowshoeing upon park roads and parking areas when open to vehicle traffic and within other places designated by the Superintendent.

(ii) The towing of persons on skis, sleds, or other sliding devices behind motor-driven vehicles.

(2) Persons making ski, snowshoe, or mechanized over-snow equipment trips lasting two or more days within the park must have a written permit issued by the Superintendent or his authorized representative. The lack of suitable winter survival equipment will be cause to withhold issuance of a permit.

(n) *Posting of notices and orders.* Posting of notices and/or orders issued by the Superintendent shall be executed by affixing these notices and/or orders on public bulletin boards at all Yellowstone National Park entrance stations and at ranger stations located at Mammoth Hot Springs, Tower Junction, Canyon, Lake, Fishing Bridge, West Thumb and Old Faithful.

(o) *Definitions.* (i) Official signs: All signs and markers posted or erected by the Superintendent or his authorized representative for the purpose of regulating, warning, informing, or guiding persons while in the park.

(ii) Service road: Service roads are those roads which are maintained for park operation and administrative use only, and are not open to public travel.

LEMUEL A. GARRISON,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 63-302; Filed, Jan. 10, 1963; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, New York, proposing the establishment of pesticide tolerances for residues of ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on cucumbers and summer squash at 0.5 part per million and proposing an increase from 1 part per million to 2 parts per million in tolerances for residues of ethion in or on apples, grapes, melons, plums, and prunes.

The petition also proposes the establishment of a food additive tolerance of 4 parts per million for residues of this insecticide in raisins resulting from carryover and concentration of residues in this food item processed from such treated grapes.

The analytical methods proposed in the petition for determining residues of ethion are the colorimetric method and enzymatic method published in the FEDERAL REGISTER August 18, 1959 (24 F.R. 6696). An additional method involves the use of a microcoulometric gas chromatograph with a sulfur dioxide cell.

Dated: January 4, 1963.

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

[F.R. Doc. 63-307; Filed, Jan. 10, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 115]

PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Notice of Proposed Rule Making

Statement of considerations. At page 5491 of the FEDERAL REGISTER, June 9, 1962, the Commission published amendments to 10 CFR Part 50, "Licensing of Production and Utilization Facilities," designed to clarify the procedures under which licensees may make changes, and conduct tests and experiments, which are not specifically provided for in their reactor facility licenses. To carry out the purpose of 10 CFR Part 115, which is to establish procedures and requirements for certain license-exempt nuclear reactors paralleling those established for license-subject nuclear facilities, the Commission now proposes to adopt parallel amendments for Part 115. The proposed Part 115 amendments follow the corresponding provisions of the Part 50 amendments, with such modifications as are appropriate to adapt them to the reactor projects subject to Part 115, but no substantive change is intended.

As with the amendments of Part 50, in conjunction with the adoption of these proposed Part 115 amendments, the Commission plans to delegate appropriate authority to the staff to determine whether a proposed change, test or experiment involves significant hazards considerations not described or implicit in the hazards summary report and to issue approval for a change, test or experiment which the rule does not require be referred to the Advisory Committee on Reactor Safeguards.

All reports, requests, determinations and approvals will be made part of the public record of the authorization proceedings.

Notice is hereby given that the Commission is considering adoption of the following regulations. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed regulations should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after this period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 115.25 is amended to read as follows:

§ 115.25 **Designation of technical specifications.**

(a) Each applicant for an operating authorization shall, and each applicant for a construction authorization may, designate those provisions of his hazards summary report which he proposes be incorporated as technical specifications in the authorization.

(b) Each operating authorization will include technical specifications incorporated in an authorization will be designed to include those significant design features, operating procedures and operating limitations which are considered important in providing reasonable assurance that the facility will be constructed and operated without undue hazard to public health and safety. Appendix A is provided as a guide to the type of matters which the Commission would generally expect to be covered by the technical specifications. The Commission may include technical specifications on such additional matters as the Commission finds appropriate to provide reasonable assurance that the facility will be constructed and operated without undue hazard to public health and safety; and may omit items listed in Appendix A if such omission is consistent with the protection of the health and safety of the public.

(c) This section shall not be deemed to modify the technical specifications included in any authorization issued prior to the effective date of this section. An authorization issued prior to the effective date of this section in which technical specifications have not been designated, shall be deemed to include the entire hazards summary report as technical specifications. At the initiative of the Commission or the holder of the authorization, any authorization may be amended to include technical specifications of the scope and content which would be required if a new authorization were being issued.

2. Add the following new § 115.47:

§ 115.47 **Approval of changes, tests and experiments.**

(a) The holder of an operating authorization may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the authorization or an unreviewed safety question, as defined in paragraph (c) of this section. If the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it shall not be carried out unless approved by the Commission pursuant to the procedures set forth in this section.

(b) The holder of the authorization shall maintain records of changes in the facility and of changes in procedures made without prior Commission approval pursuant to this section, to the extent that such changes constitute changes in the facility as described in the hazards summary report or constitute changes in procedures as described in the hazards summary report. The holder of the authorization shall also maintain records of tests and experiments carried out without prior Commission approval pursuant to this section. The holder of the authorization shall furnish annually to the Commission, or at such shorter intervals as may be specified in the authorization, a report containing a brief description of such changes, tests and experiments.

(c) A proposed change, test or experiment shall be deemed to involve an unreviewed safety question if (1) the probability of occurence of an accident previously analyzed in the hazards summary report may be increased; or (2) if consequences of an accident previously analyzed in the hazards summary report may be increased; or (3) if a possibility for a nuclear accident of a different type than any analyzed in the hazards summary report may be created.

(d) The holder of the authorization shall file a request for approval of a change in technical specifications or of any change, test or experiment which requires approval by the Commission pursuant to paragraph (a) of this section. This request shall include an appropriate hazards analysis. Each such request shall be filed with the Atomic Energy Commission, Attention: Director, Division of Licensing and Regulation. The holder of the authorization shall file three signed originals and 19 additional copies.

(e) (1) If the Commission determines that the proposed change, test or experiment presents significant hazards considerations not described or implicit in the hazards summary report it will refer the request to the Advisory Committee on Reactor Safeguards. The Commission will promptly notify the holder of the authorization of any referral to the Advisory Committee on Reactor Safeguards.

(2) If the Commission determines that the proposed change, test or experiment does not present significant hazards considerations not described or implicit in the hazards summary report, it may approve such change, test or experiment, without referral to the Advisory Committee on Reactor Safeguards for a report and without a prior public hearing, upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

(f) Any report or request for approval submitted by a holder of the authorization, and any determination by the Commission, or approval issued by the Commission, pursuant to this section, will be made a part of the public record of the authorization proceeding. An approval issued by the Commission will include appropriate changes in the technical specifications.

3. Add the following Appendix A:

APPENDIX A—GUIDE TO CONTENTS OF TECHNICAL SPECIFICATIONS FOR NUCLEAR REACTORS

1. This Appendix is a guide to matters which are typical of those the Commission would generally expect to be covered by technical specifications in operating authorizations. (From the second sentence to end of Appendix A to Part 50 will be herein inserted.)

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 27th day of December 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 63-286; Filed, Jan. 10, 1963; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 294]

[Economic Reg.; Docket No. 14194]

INDIRECT AIR TRANSPORTATION FOR DEFENSE DEPARTMENT

Supplemental Notice of Proposed Rule Making

JANUARY 8, 1963.

The Board in 27 F.R. 12223 and by circulation of a Notice of Proposed Rule Making, EDR-49, dated December 6, 1962, gave notice that it had under consideration the adoption of a new Part 294 of the Board's Economic Regulations which would authorize, by exemption under section 101(3) of the Act, certain air freight forwarding activities by certain persons transporting personal effects of Defense Department personnel. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C., on or before January 9, 1963.

A request has been received that the time for filing such data, views or arguments be extended in order that certain data, now in preparation, may be submitted for the consideration of the Board. The undersigned finds that it is in the public interest that said data be submitted, and that the date for the reception thereof be extended to January 16, 1963.

Accordingly, pursuant to authority delegated under § 7.30 of Public Notice No. PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until January 16, 1963. All relevant matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324 and 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Special Counsel Division.

[F.R. Doc. 63-320; Filed, Jan. 10, 1963; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55802]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Revision of Previously Published Levels of Restraint of Eleven Restricted Categories of Articles

JANUARY 3, 1963.

Reference is made to Treasury Decision 55764, dated November 20, 1962 (27 F.R. 11677), limiting to certain designated levels certain categories of cotton textiles and cotton textile products produced or manufactured in the Republic of China which may be entered in the United States from 12:01 a.m., e.s.t., on November 13, 1962, until 11:59 p.m., e.d.s.t., on September 30, 1963. This action was taken pursuant to a letter of November 9, 1962, from the Chairman, President's Cabinet Textile Advisory Committee.

Attached to the Committee letter was a schedule stating the levels of restraint. There is published below a letter of December 20, 1962, from the Chairman, President's Cabinet Textile Advisory Committee, enclosing a revised schedule reflecting new levels of restraint. The letter directs that the revised schedule shall govern the allowable entries and withdrawals during the applicable periods and supersedes the schedule attached to the Committee letter of November 9, 1962.

Therefore, Treasury Decision 55764, dated November 20, 1962, is amended by canceling the schedule published therein as an attachment to the Committee's letter of November 9, 1962, and inserting in place thereof the schedule enclosed with the letter published below. Since higher restraint levels apply to seven of the eleven restricted categories, noon, Eastern Standard Time, or its equivalent in other time zones, on December 26, 1962, is established as the effective time to begin filing entries for consumption or warehouse withdrawals for consumption during the period from November 13, 1962, through December 31, 1962, on the higher levels allowed in the aforesaid seven categories. The effective time for filing entries during the remaining three periods is stated in Treasury Decision 55764, dated November 20, 1962.

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

THE SECRETARY OF COMMERCE,
Washington 25, D.C.,
December 20, 1962.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On November 9, 1962, the Acting Chairman of the President's Cabinet Textile Advisory Committee wrote to you directing that entry into the United States and withdrawal from warehouse for consumption in the United States of cotton textiles and cotton textile products in Categories 1, 9, 22, 26, 28, 31, 46, 50, 51, 52, and 58 produced or manufactured in the Republic of China be prohibited in excess of designated levels for the period November 13, 1962, through September 30, 1963.

The United States Government has, in furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, negotiated with the Republic of China a modification of the earlier agreement which provided the basis for the directive addressed to you on November 9, 1962. This modified agreement with the Republic of China provides for restraining and spacing of exports of the same categories of cotton textiles and cotton textile products to the United States during the period November 13, 1962, through September 30, 1963. This agreement is contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Pursuant to this modified agreement with the Republic of China, you are directed, in accordance with procedures outlined in Executive Order 11052 of September 28, 1962, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption above the listed levels during the intervals stated of the above listed categories of cotton textiles and cotton textile products produced or manufactured in the Republic of China. The schedule of levels of restraint enclosed herewith shall govern the allowable entries and withdrawals during the applicable periods and supersedes the schedule which accompanied our letter of November 9, 1962.

The detailed descriptions of the above listed categories in terms of Schedule A numbers and U.S.I.D.A. numbers were attached to our letter to you of October 22, 1962, published in the FEDERAL REGISTER on November 1, 1962.

Any goods within the listed categories which were entered for warehouse before October 23, 1962, at 12:01 a.m. Eastern Daylight Savings Time shall be allowed to enter the United States for consumption without the amount thereof being applied against any levels set forth herein.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from that country have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

Enclosure:

LIMITS ON ENTRY AND WITHDRAWAL FOR CONSUMPTION OF COTTON GOODS, PRODUCE OF REPUBLIC OF CHINA, BY CATEGORY, BY INTERVAL

Category	Unit	Period 1 Nov. 13, 1962 through Dec. 31, 1962	Period 2 Nov. 13, 1962 through Mar. 31, 1963	Period 3 Nov. 13, 1962 through June 30, 1963	Period 4 Nov. 13, 1962 through Sept. 30, 1963
1	Pounds	23,500	47,000	70,500	94,000
9	Square yards	None	4,986,691	9,236,691	11,786,691
22	do	1,233,173	2,781,173	4,071,173	4,845,173
26	do	652,622	1,897,622	2,935,122	3,557,622
28	Units	12,000	24,000	36,000	48,000
31	do	96,000	312,000	492,000	600,000
46	Dozen	86,064	153,064	198,564	198,564
50	do	56,145	105,799	138,902	138,902
51	do	54,986	88,649	111,091	111,091
52	do	62,500	100,000	125,000	125,000
58	do	None	None	None	None

[F.R. Doc. 63-237; Filed, Jan. 10, 1963; 8:45 a.m.]

[T.D. 55803]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Restrictions on the Entry or Withdrawal From Warehouse

JANUARY 3, 1963.

There is published below a letter of December 20, 1962, from the Chairman, President's Cabinet Textile Advisory Committee, directing the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in the Republic of China. This direction is in accordance with procedures outlined in Executive Order 11052, dated September 28, 1962 (27 F.R. 9691).

As the letter directs, cotton textiles and cotton textile products produced or manufactured in the Republic of China, included in Categories 5, 19, 41, 42, 43, 45, 55, 60, and 64, shall not be permitted to be entered, or withdrawn from warehouse, for consumption in the United States (including the Commonwealth of

Puerto Rico), during the period December 2, 1962, through January 18, 1963, inclusive.

The categories involved are described in detail in the "Long Term International Cotton Textile Arrangement Category By Schedule A Number and United States Import Duties Annotated Number," attached to the above-mentioned letter.

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

THE SECRETARY OF COMMERCE,
Washington 25, D.C.,
December 20, 1962.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: The United States Government on December 1, 1962, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, requested the Republic of China to restrain the exports of cotton textile products in Categories 5, 19, 41, 42, 43, 45, 55, 60, and 64 to the United States during the 12-month period beginning December 1, 1962. The Long Term Arrangement is an agreement contemplated by Section 204 of the Agricultural Act of 1956, as amended.

Because of critical circumstances where an undue concentration of cotton textiles and cotton textile products, which are the subject matter of the request to the Republic of China, are threatening to cause disruption of our domestic markets and damage difficult to repair, you are directed, in accordance with procedures outlined in Executive Order 11052 dated September 28, 1962, to prohibit, during the period December 22, 1962, through January 18, 1963, the entry into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles and cotton textile products in the above listed categories produced or manufactured in the Republic of China. Immediate action will be taken by the Interagency Textile Administrative Committee to determine precisely the amounts of these categories which have entered the United States from the Republic of China since December 1, 1962. Upon collection of these data, consideration will be given on the basis of this information to modification of this directon to prohibit entry and withdrawal from warehouse.

A detailed description of the listed categories in terms of Schedule A numbers and U.S.I.D.A. numbers is attached.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from that country have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. You are requested to publish this letter in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

Enclosure:

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY SCHEDULE A NUMBER AND UNITED STATES IMPORT DUTIES ANNOTATED NUMBER

Category	Description	Schedule A number	U.S.I.D.A. number
5	Gingham, carded	3068 100	0904–0905 318*
			618*
			918*
19	Print cloth, shirting type, other than 80 x 80 type, carded	3048 500	0904–0905 152*
		3058 500	252*
		3068 500	352*
41	T-shirts, all white, knit, men's and boys'	3112 710	0917 1270
42	T-shirts, other knit	3112 725	0917 1280
		825	2070
		3114 748	1529 1032
		755	1037
		840	1092
43	Shirts, knit, other than T-shirts and sweatshirts	3112 742	0917 1330
		745	1350
		845	2210
45	Shirts, dress, not knit, men's and boys'	3113 121	0919 1010
		122	1030
		123	1050
		124	1070
		126	1310
		127	1330
		128	1135
		129	1370
		3114 935	1529 1148
		940	1152
55	Dressing gowns, including bathrobes and beach robes, lounging gowns, housecoats and dusters, not knit.	3113 311	0919 3212
		313	3215
		315	3217
		317	3222
		319	3225
		865	3812
		867	3815
		991	4812
		992	4815
		993	4817
		3114 215	1529 1217
		915	1138
60	Pajamas and other nightwear	3112 755	0917 1230
		855	2030
		3113 352	0919 3312
		355	3315
		883	3912
		885	4012
		897	4912
		898	5012
		3114 740	1529 1027
		830	1087
64	All other cotton textiles	2061 000	0923 4500
		460	3540
		2067 610	0913 3000
		710	5000
		3030 000	0902 1000
			2000
			3000
			4000
		3030 100	0902 5000
			6000
			7000
			8000
		3081 510	0909 5520
		530	5560
		600	6020
			6060
		3081 710	0909 8020
		730	8060
		812	6562
		815	6565
		818	6568
		852	6522
		855	6525
		858	6528
		3081 912	0909 7022
			7062
			7522
		3081 915	0909 7025
			7065
			7525
		3081 918	0909 7028
			7068
			7528
		3083 500	1529 6630
		700	0911 5020
		900	5060
		3084 112	0911 1500
			2000
		3084 400	0911 2512
			2515
		3086 600	0911 5500
		730	0914 1000
			3000
		3118 200	0918 102*
			202*
			302*
			402*
			502*
			602*
		3124 200	0918 122*
			222*
			322*
			422*
			522*
			622*
		3134 200	0918 142*
			242*
			342*
			442*
			542*
			642*

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY SCHEDULE A NUMBER AND UNITED STATES IMPORT DUTIES ANNOTATED NUMBER—Continued

Category	Description	Schedule A number	U.S.I.D.A. number
64	All other cotton textiles (Continued)	3144 200	0918 132*
			232*
			332*
			432*
			532*
			632*
		3154 200	0918 152*
			252*
			352*
			452*
			552*
			652*
		3158 020	0918 9250
		120	9350
		3159 020	0918 9050
		120	9150
		3163 001	1529 7162
		002	2920
			3030
			7165
			7530
		3163 003	1529 7262
		004	3095
			7265
		3163 005	1529 7382
		006	3160
			7385
		3163 580	1529 4850
		600	4460
		690	0530
			3820
			4730
			6180
			7850
		3166 000	1529 7730
		200	0280
		300	0260
		692	0422
		695	0427
		3168 001	1529 6652
		002	6655
		003	6762
		004	6765
		005	6822
		006	6825
		007	6922
		008	6925
		009	7032
		010	7035
		3200 012	0920 1012
		015	1015
		3200 400	1529 0660
			1520
		3220 130	1529 0020
			0650
			1530
			7630
		3220 202	1529 0682
		205	0685
		207	0687
		212	0689
		862	2052
		865	6522
		868	0130
			2058
			5390
			6525
		3224 000	0921 6500
		050	1529 2030
		100	0921 2000
		150	1529 5380
		200	0921 1000
		300	5000
		500	3000
		700	6000
		800	7000
		900	8000
		3226 110	0913 1000
		300	7000

LONG TERM INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORY BY SCHEDULE A NUMBER AND UNITED STATES IMPORT DUTIES ANNOTATED NUMBER—Continued

Category	Description	Schedule A number	U.S.I.D.A. number
64	All other cotton textiles (Continued)	3230 232	0912 1012
		235	1015
		238	1018
		240	2000
		272	1512
		275	1515
		277	0500
		278	1518
		350	0923 5500
		352	5510
		401	0912 5500
		410	0923 1500
		431	0912 3500
		451	2500
			6500
		3230 461	0912 4500
		500	0911 3000
		670	0923 4000
		682	3562
		685	3565
		688	3568
		712	6520
		3903 300	1529 6490
		3969 010	0904 9970
		3970 010	0907 2000
		3971 010	0907 0510
		020	0520
		110	4000
		210	3000
		430	1000
			5000
		9439 950	0923 0500

*The last digit represents average yarn number groups (e.g., *0* represents average yarn numbers 10 or lower; *3* represents average yarn numbers 21 through 25; *9* represents average yarn numbers over 60, etc.).

NOTE: Items shall be classified separately, whether or not imported in suits, sets, or in other combinations.

[F.R. Doc. 63-238; Filed, Jan. 10, 1963; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 04041]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Land

JANUARY 4, 1963.

Notice of an application serial No. Oregon 04041, for withdrawal and reservation of lands, was published as Federal Register Document No. 55-10055 of the issue for December 15, 1955. The applicant agency has cancelled its application which 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 February 25, 1963 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN, OREGON

T. 18 S., R. 8 W.,
Sec. 27: All.
Containing 640 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-299; Filed, Jan. 10, 1963; 8:46 a.m.]

[Oregon 04107]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Land

JANUARY 4, 1963.

Notice of an application Serial No. Oregon 04107, for withdrawal and reservation of lands, was published as Federal Register Document No. 55-4792, on page 4231 of the issue for June 16, 1955. The applicant agency has cancelled its application which involved the lands de-

scribed below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on February 25, 1963 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN, OREGON

WILLAMETTE NATIONAL FOREST

T. 13 S., R. 7 E.,
Sec. 32: NW¼;
Sec. 35: W½NE¼.
T. 14 S., R. 7 E.,
Sec. 29: W½NE¼, E½NW¼.
T. 15 S., R. 7 E.,
Sec. 6: Lots 1 and 2.
Total area aggregates 476.39 acres.

STANLEY D. LESTER,
Land Office Manager.

[F.R. Doc. 63-300; Filed, Jan. 10, 1963; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14100]

LINEAS AEREAS COSTARRICENSES, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 29, 1963, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 8, 1963.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 63-317; Filed, Jan. 10, 1963; 8:48 a.m.]

[Docket 13292]

SERVICE TO HOT SPRINGS, VA.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding, now assigned to be held on January 22, 1963, is hereby postponed to January 29, 1963, at 10:00 a.m., e.s.t., The Homestead Hotel, Hot Springs, Va.

Dated at Washington, D.C., on January 7, 1963.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 63-318; Filed, Jan. 10, 1963; 8:48 a.m.]

[Docket 13777; Order No. E-19172]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

JANUARY 8, 1963.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate, as follows:

Item 8600—Scientific and Laboratory Instruments, Apparatus and Supplies.

Rates: 18 cents per kilogram, minimum weight 100 kilograms, Houston to Mexico City.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that the above-described agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly: *It is ordered*, That:

Agreement C.A.B. 16792, R-3 is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for the purposes of tariff publication.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-319; Filed, Jan. 10, 1963; 8:49 a.m.]

[Docket No. SA-368]

INVESTIGATION OF AIRCRAFT ACCIDENT

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 815D, which occurred at New York International Airport, Jamaica, L.I., New York, on November 30, 1962, Docket No. SA-368.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing January 14, 1963, at 1:00 p.m., local time, in the International Hotel, New York International Airport, Jamaica, Long Island, New York.

Dated this 5th day of December 1962.

[SEAL] CLAUDE M. SCHONBERGER,
Hearing Officer.

[F.R. Doc. 63-288; Filed, Jan. 10, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL SHIPPING CO., INC. AND BARR SHIPPING CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. Each party is an independent ocean freight forwarder as defined in section 44 of that Act.

Agreement No. 9023 between Farrell Shipping Co., Inc., New Orleans, Louisiana, and Barr Shipping Co., Inc., New York, New York, provides for the completion of documentation and the performance of other forwarding services by either party for the other. Forwarding fees are subject to negotiation and agreement on each transaction; ocean brokerage will be divided equally.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway
New York 4, N.Y.

Room 333, Federal Office Building, South
600 South Street
New Orleans 12, La.

Mail Address: P.O. Box 30550, Lafayette Station
New Orleans 30, La.

180 New Montgomery Street
San Francisco, Calif.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with references to the agreement, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 8, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-321; Filed, Jan. 10, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 23, 1961 (20 A.D. 595), continuing in effect to and including July 31, 1963, an order issued on July 28, 1959 (18 A.D. 804), which as modified by orders issued on March 29, 1962 (21 A.D.

273), and September 11, 1962 (21 A.D. 994), authorizes the respondents, Market Agencies at Union Stock Yards, Denver, Colorado, to assess the current temporary schedule of rates and charges.

By a petition filed on December 13, 1962, as amended by a document filed on January 4, 1963, the respondents requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below.

	Rate per head	
	Proposed	Present
ARTICLE 2, SECTION A		
Cattle		
Consignments of one head and one head only	$1.75	$1.50
Consignments of more than one head:		
First 5 head in each consignment	1.40	1.20
Next 10 head in each consignment	1.30	1.15
Each head over 15 in each consignment	1.20	1.10
ARTICLE 2, SECTION B		
Calves		
Consignments of one head and one head only	.90	.75
Consignments of more than one head:		
First 5 head in each consignment	.75	.65
Next 10 head in each consignment	.70	.60
Each head over 15 in each consignment	.55	.50
ARTICLE 2, SECTION C		
Bulls		
Sold for slaughter or for feeders	2.00	1.75
* * *	*	*
ARTICLE 2, SECTION E		
Sheep		
Consignments of one head and one head only	.60	.50
Consignments of more than one head:		
First 10 head in each 225 head in each consignment	.48	.40
Next 50 head in each 225 head in each consignment	.26	.22
Next 60 head in each 225 head in each consignment	.22	.18
Next 105 head in each 225 head in each consignment	.17	.14

[A new provision would be added to Section E reading as set forth below.]

In the case of sheep being bought on order by a Denver market agency for the account of a Denver packer, the following rates and charges shall be made:

	Rate per head	
	Proposed	Present
Consignments of one head and one head only	$0.50	-------
Consignments of more than one head:		
First 10 head in each 225 head in each consignment	.40	-------
Next 50 head in each 225 head in each consignment	.22	-------
Next 60 head in each 225 head in each consignment	.18	-------
Next 105 head in each 225 head in each consignment	.14	-------

* * * * *

ARTICLE 3, SECTION D, PARAGRAPH (B)

For the Colorado Board of Livestock Inspection Commissioners, 10 cents (now 6 cents) per head on all cattle originating in said state when such inspection fee has not been paid at loading point, for the purpose of providing proper brand inspection on such shipments.

ARTICLE 3, SECTION D, PARAGRAPH (E), LINE 5

During Stock Show Week and/or Special Stocker and Feeder Sales.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition as amended and the contents thereof should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 10 days after the publication of this notice.

Done at Washington, D.C., this 9th day of January 1963.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-369; Filed, Jan. 10, 1963; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

EUGENE SLATKIN ET AL.

[Docket No. 14907; FCC 63-26]

Order To Show Cause

In the matter of revocation of the license of Eugene and David P. Slatkin d/b as Mountain View Broadcasting Company for Standard Broadcast Station WBMT Black Mountain, North Carolina.

The Commission having under consideration (1) the outstanding license issued to Eugene and David P. Slatkin, d/b as Mountain View Broadcasting Company, to operate Station WBMT on the frequency of 1350 kc at Black Mountain, North Carolina; (2) statements made by licensee to the Commission prior to obtaining grant of a construction permit; (3) conduct of, and statements made by, a person purporting to be licensee or to represent licensee, both prior to and after obtaining grant of a construction permit and license for WBMT; and (4) other information available to the Commission; and

It appearing that on September 12, 1958, Eugene and David P. Slatkin, a partnership, tendered for filing an application for a construction permit for a standard broadcast station at Black Mountain, North Carolina, stating that the net worth of Eugene Slatkin was more than $20,000 and that he was in a position to supply at least $8,000 for the operation of the station and that the net worth of David P. Slatkin was more than $24,000 and that he was in a position to supply at least $8,000 for the operation of the station; and

It further appearing, that, in response to a request by the Commission for additional information as to the financial qualifications of the partnership, Eugene Slatkin, representing himself as a partner of the applicant on March 25, 1960, submitted balance sheets for himself and David P. Slatkin, dated March 23 and March 18, 1960, respectively, representing the net worth of Eugene Slatkin to be $36,757 and the net worth of David P. Slatkin to be $18,800, and listing among Eugene Slatkin's assets the sum of $7,000 "cash in bank, deposited with Northwestern Bank of Black Mountain, North Carolina;" and

It further appearing, that information available to the Commission indicates that representations as to financial qualifications of the partnership and/or the partners, both in the application filed on September 12, 1958 and in the subsequent statement filed in March 1960 were false; and

It further appearing, that information available to the Commission indicates that an agreement for dissolution of the partnership and sale of all partnership assets to Eugene Slatkin was executed by Eugene Slatkin on February 26, 1960, and by David P. Slatkin on March 3, 1960; and

It further appearing, that, although the applicant partnership had been dissolved more than two months before the Commission granted the application for a construction permit on May 4, 1960, no amendment as to ownership was filed by applicant before the grant; and

It further appearing that the facts recited in the preceding paragraphs indicate that Station WMBT was constructed and has been operated by Eugene Slatkin, Mountain View Broadcasting Co., Inc., and/or other persons without authorization from the Commission in willful violation of section 301 of the Communications Act of 1934, as amended; and

It further appearing, that, although the partnership had been dissolved, numerous subsequent applications and other official documents were submitted to the Commission, executed by Eugene Slatkin on behalf of the partnership of Eugene and David P. Slatkin, and that such applications and other official documents included the following: (1) Statement of ownership filed on June 28, 1960; (2) application to modify construction permit filed on June 16, 1960; (3) request for program test authority filed on August 5, 1960; (4) application for license, filed on August 5, 1960; (5) an unaccepted application for consent to the assignment of construction permit to the Mountain View Broadcasting Company, a North Carolina corporation, submitted on August 5, 1960; (6) application for consent to the assignment of license to the Mountain View Broadcasting Company, a North Carolina corporation, tendered for filing on October 31, 1961 and re-filed on November 14, 1961; and

It further appearing that information available to the Commission indicates that more than half of the funds used in the purchase of real and personal property for WBMT and for construction of the station was supplied by Gordon H. Greenwood of Black Mountain, North Carolina, and that since June 14, 1960, the finances and business operations of the station have been controlled and conducted by the Mountain View Broadcasting Company, a North Carolina corporation, of which Mr. and Mrs.

Gordon Greenwood were, from June 1960 until October 1961, 50 percent owners and Mr. and Mrs. Eugene Slatkin were 50 percent owners; that many contracts on behalf of the station have been executed in the name of the corporation; that all property and equipment except the land on which the station is located were purchased by the corporation; and that title to the land is held by Mr. and Mrs. Gordon Greenwood and Mr. and Mrs. Eugene Slatkin; that federal and state tax returns have been filed in the name of the corporation, and the station's bills paid on checks which bear the name, "Mountain View Broadcasting Co., Inc."; and

It further appearing that the circumstances described above continued from on or about June 14, 1960, until at least July 1, 1962, despite the fact that the Commission's consent to assignment of the license of WBMT to the corporation was never obtained, and that, moreover, from about October 16, 1961, until July 9, 1962, neither member of the dissolved partnership exercised any substantial degree of control over the station; and

It further appearing, that, on February 1, 1962, Eugene Slatkin submitted a verified statement to the Commission which contained false or misleading statements as to the role played by the corporation in the construction, operation and maintenance of the radio station and as to the corporation's ownership of the assets of the station; and

It further appearing, that in applications for construction permits of standard radio stations at Shelby (BP–10921) and Hendersonville (BP–15026), North Carolina, Eugene Slatkin misrepresented his financial qualifications to the Commission; and

It further appearing, that information available to the Commission indicates that Eugene Slatkin executed an affidavit on or about May 5, 1960 which he knew to contain false statements and which he knew would be submitted to the Commission, in connection with his role in preparation of an application for a construction permit at Asheville, North Carolina, on behalf of B. E. Bryant; and

It further appearing, that evidence available to the Commission with respect to (1) licensee's misrepresentations as to financial qualifications; (2) concealment from the Commission of the dissolution of licensee partnership; (3) misrepresentation, in numerous applications filed with the Commission, of the legal status of the applicant; (4) construction, operation and assumption of control of the station by persons other than the dissolved partnership; and (5) false statements knowingly made to the Commission by Eugene Slatkin in his verified statement of January 31, 1962, as well as in the affidavit he executed on May 5, 1960 in connection with the B. E. Bryant application for construction permit, raises serious questions, best resolved in a hearing, as to whether Station WBMT was constructed and has been operated without a license or other valid authorization in willful violation of sections 301 and 310(b) of the Communications Act of 1934, as amended; and as to whether Eugene Slatkin has the character qualifications to be a broadcast licensee and to appear to give evidence thereto at a hearing [1] to be held at Asheville, North Carolina, at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of the order; and

Accordingly, it is ordered, This 3rd day of January 1963, that pursuant to the provisions of section 312(a)(1), 312(a)(2) and 312(c) of the Communications Act of 1934, as amended, that Eugene and David P. Slatkin, d/b as Mountain View Broadcasting Company, are directed to show cause why an order revoking the license of Station WBMT, Black Mountain, North Carolina, should not be issued.

It is further ordered, That the Acting Secretary of the Commission send a copy of this Order by Certified Mail-Return Receipt Requested to Eugene Slatkin and David P. Slatkin, d/b as Mountain View Broadcasting Company.

Released: January 8, 1963.

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

[F.R. Doc. 63-327; Filed, Jan. 10, 1963; 8:50 a.m.]

[List No. 44; FCC 63-22]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

JANUARY 7, 1963.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on February 12, 1963, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to § 1.106(b)(1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 11, 1963, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the Note to § 1.354 of the Commission rules and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on February 11, 1963, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 3, 1963.

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

Applications From the Top of the Processing Line

BP–14976 New, East Lansing, Mich.
WGSB Broadcasting Co.
Req: 730 kc, 500 w, DA, Day.

BMP–10066 WIOK, Normal, Ill.
McLean County Broadcasting Co.
Has CP: 1440 kc, 1 kw, DA, Day.
Req MP: 1440 kc, 500 w, 5 kw–LS, DA–2, U.

BP–15269 WADA, Shelby, N.C.
Cleveland County Broadcasting Co., Inc.
Has: 1390 kc, 500 w, Day.
Req: 1390 kc, 500 w, 1 kw–LS, DA–N, U.

BP–15273 KDIX, Dickinson, N. Dak.
Dickinson Radio Association.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–15274 New, Hendersonville, N.C.
The Mountainaire Corp.
Req: 1600 kc, 1 kw, DA, Day.

BP–15275 WDUN, Gainesville, Ga.
Northeast Georgia Broadcasting Co.
Has: 1240 kc, 250 w, 1 kw–LS, DA–D, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–15276 WCON, Cornelia, Ga.
Habersham Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–15277 WCHB, Inkster, Mich.
Radio Station WCHB of The Bell Broadcasting Co.
Has: 1440 kc, 1 kw, DA, Day.
Req: 1440 kc, 1 kw, DA–2, U.

BP–15279 WFRA, Franklin, Pa.
Northwestern Pennsylvania Broadcasting Co., Inc.
Has: 1430 kc, 500 w, Day.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–15284 WLSM, Louisville, Miss.
Louisville Broadcasting Corp.
Has: 1270 kc, 1 kw, Day.
Req: 1270 kc, 5 kw, Day

BP–15286 WGKV, Charleston, W. Va.
Edgar L. Clinton.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

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[1] Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Asheville, North Carolina, it should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §§ 1.78 (c), (d) and (e) of the Commission's rules as amended December 12, 1960.

BP–15288 New, Corydon, Ind.
Harrison Radio, Inc.
Req: 1550 kc, 250 w, Day.

BP–15289 New, Westwego, La.
Jefferson Radio Co.
Req: 1540 kc, 500 w, Day.

BP–15290 KEBE, Jacksonville, Tex.
Wells, Waller & Ballard, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–15291 WKEI, Kewanee, Ill.
Kewanee Broadcasting Co.
Has: 1450 kc, 100 w, U.
Req: 1450 kc, 100 w, 500 w–LS, U.

BP–15292 WMIA, Arecibo, P.R.
Abacoa Radio Corp.
Has: 1070 kc, 500 w, U.
Req: 1070 kc, 500 w, 5 kw–LS, U.

BP–15324 WNCO, Ashland, Ohio.
Radio Ashland, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BMP–10114 KHDN, Hardin, Mont.
Big Horn County Musicasters.
Has CP: 1230 kc, 250 w, U.
Req MP: 1230 kc, 250 w, 1 kw–LS, U.

BP–15326 WJOE, Ward Ridge, Fla.
Little Joe Enterprises.
Has: 1570 kc, 250 w, Day.
Req: 1080 kc, 1 kw, Day.

BP–15329 New, Bayamon, P.R.
Alfredo Beauchamp Diaz.
Req: 1600 kc, 5 kw, DA–1, U.

BP–15335 WMPO, Middleport-Pomeroy, Ohio.
Radio Mid-Pom, Inc.
Has: 1390 kc, 1 kw, Day.
Req: 1390 kc, 5 kw, Day.

BP–15339 New, Chattahoochee, Fla.
Chattahoochee Broadcasting Co.
Req: 1580 kc, 1 kw, Day.

BP–15340 New, Utuado, P.R.
Central Broadcasting Corp.
Req: 1530 kc, 250 w, 1 kw–LS, U.

BP–15341 New, Wallingford, Conn.
Radio Wallingford, Inc.
Req: 1380 kc, 5 kw, DA–2, U.

BP–15342 WBPZ, Lock Haven, Pa.
Lock Haven Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–15343 WEEL, Fairfax, Va.
O. K. Broadcasting Corp.
Has: 1310 kc, 500 w, 1 kw–LS, DA–N, U.
Req: 1310 kc, 500 w, 5 kw–LS, DA–2, U.

BP–15344 WETC, Wendell-Zebulon, N.C.
Wendell-Zebulon Radio Co.
Has: 540 kc, 250 w, Day.
Req: 540 kc, 5 kw, DA, Day.

BP–15345 New, Monette, Ark.
Buffalo Island Broadcasting Co.
Req: 1560 kc, 250 w, Day.

BP–15346 KLOU, Lake Charles, La.
Dixie Broadcasters, Inc.
Has: 1580 kc, 1 kw, DA–1, U.
Req: 1580 kc, 1 kw, DA–N, U.

BP–15350 KFKA, Greeley, Colo.
The Mid-Western Radio Corp.
Has: 1310 kc, 1 kw, DA–N, U.
Req: 1310 kc, 1 kw, 5 kw–LS, DA–N, U.

BP–15352 WKWK, Wheeling, W. Va.
Community Broadcasting, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–15359 KNCO, Garden City, Kans.
Ark-Valley Broadcasting Co., Inc.
Has: 1050 kc, 1 kw, Day.
Req: 1050 kc, 5 kw, DA, Day.

BP–15360 New, Belfast, Main.
Mid-Coast Maine Broadcasters, Inc.
Req: 1230 kc, 250 w, U.

BP–15361 New, Brush, Colo.
United Broadcasting Co.
Req: 1470 kc, 5 kw, Day.

BP–15362 WHPL, Winchester, Va.
Shenval Broadcasting Corp.
Has: 610 kc, 500 w, DA, Day.
Req: 610 kc, 500 w, DA–2, U.

BPM–10155 KTYM, Inglewood, Calif.
Albert John Williams.
Has Lic: 1460 kc, 1 kw, Day.
Has CP: 1460 kc, 5 kw, DA, Day.
Req MP: 1460 kc, 500 w, 5 kw–LS, DA–2, U.

BP–15366 New, White Sulphur Springs, W. Va.
Earl M. Key.
Req: 1080 kc, 250 w, Day.

BP–15367 New, Mason, Mich.
M. H. Wirth.
Req: 1110 kc, 250 w, Day.

BP–15369 WBRN, Big Rapids, Mich.
WBRN, Inc.
Has: 1460 kc, 1 kw, Day.
Req: 1460 kc, 1 kw, DA–N, U.

BP–15370 WMAX, Grand Rapids, Mich.
Atlas Broadcasting Co.
Has: 1480 kc, 1 kw, Day.
Req: 1480 kc, 5 kw, Day.

BMP–10158 WTAQ, LaGrange, Ill.
S & S Broadcasting Co.
Has Lic: 1300 kc, 500 w, DA–N, U.
Has CP: 1300 kc, 500 w, 1 kw–LS, DA–2, U.
Req MP: 1300 kc, 500 w, 5 kw–LS, DA–2, U.

BP–15371 KPLT, Paris, Tex.
KPLT, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–15372 KWBE, Beatrice, Nebr.
MIA Enterprises, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–15374 New, Burnsville, N.C.
James B. Childress.
Req: 1540 kc, 1 kw, Day.

BP–15375 WHFB, St. Joseph, Mich.
Palladium Publishing Co.
Has: 1060 kc, 1 kw, Day.
Req: 1060 kc, 5 kw, 1 kw (CH), Day.

BP–15376 WKPT, Kingsport, Tenn.
Kingsport Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–15377 KPRB, Redmond, Oreg.
Radio Station KPRB.
Has: 1240 kc, 250 w, S.H.
Req: 1240 kc, 250 w, 1 kw–LS, S.H.

BP–15378 WPAT, Jersey City, N.J.
Capital Cities Broadcasting Corp.
Has: 930 kc, 5 kw, DA–2, U (Paterson, New Jersey).
Req: 930 kc, 5 kw, DA–2, U (Jersey City, New Jersey).

BP–15380 New, Kissimmee, Fla.
Radio Florida Broadcasters.
Req: 1080 kc, 5 kw, Day.

BP–15393 WTTL, Madisonville, Ky.
Hopkins County Broadcasters.
Has: 1310 kc, 500 w, Day.
Req: 1310 kc, 500 w, 1 kw–LS, DA–N, U.

[F.R. Doc. 63–328; Filed; Jan. 10, 1963; 8:50 a.m.]

[Docket No. 14832; FCC 63M–28]

BIGBEE BROADCASTING CO.

Order Continuing Hearing

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce d/b as Bigbee Broadcasting Company, Demopolis, Alabama, Docket No. 14832, File No. BP–13976; for construction permit.

The Hearing Examiner having under consideration a Motion to Continue Hearing, filed on behalf of Demopolis Broadcasting Company, Inc. (Demopolis), a party to the proceeding, wherein it is requested that the schedule of dates set forth in the order of the Examiner, released November 27, 1962 (FCC 62M–1570), as well as the date for the commencement of the hearing itself, be postponed until the Commission has taken action on a Petition to Shift Burden of Proof or, in the Alternative, to Direct Production of Information, simultaneously filed on behalf of Demopolis;

It appearing, it is alleged in support of the motion:

(a) That in the Commission's order of designation, released October 29, 1962 (FCC 62–1124), the burden of proceeding with the evidence and the burden of proof as to the financial qualifications of the applicant, Bigbee Broadcasting Company (Bigbee), was placed upon Demopolis;

(b) That pursuant to an agreement made at the prehearing conference, held on November 23, 1962, the parties held an informal conference at which time Demopolis requested that Bigbee furnish it certain information within its possession which, in the opinion of Demopolis, was necessary for it to have in order to meet the burden placed upon it with respect to the financial qualifications issue;

(c) That Bigbee refused to furnish most of the information requested;

(d) That the Examiner informally advised the parties he had no power to direct production of the information except by subpoena;

(e) That Demopolis believes it cannot properly request a subpoena; and

(f) That it, therefore, is requesting that the Commission shift the burden of proof or, in the alternative, direct production of the information requested;

It further appearing that by letter dated January 3, 1963, the Examiner was advised by counsel for Demopolis that counsel for Bigbee and the Broadcast Bureau, the only other parties to the proceeding, have agreed to a grant of Demopolis' motion for continuance, and further have agreed to a waiver of the provisions of 47 CFR 1.43 relating to the withholding of action for a four-day period; and

It further appearing, that, since the parties are required by the aforementioned order of the Examiner released November 27 to exchange their written cases no later than January 11, 1963, good cause has been shown for a prompt grant of the motion;

It is ordered, This 4th day of January 1963, that the Motion to Continue Hearing is granted and that the dates set forth for the exchange of direct cases, rebuttal exhibits, notification of witnesses desired for cross-examination, as well as the date for the commencement of the hearing are postponed until further order of the Examiner: *Provided, however,* That for good cause shown,

any party may move that a date certain be set for each of the foregoing.

Released: January 7, 1963.

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

[F.R. Doc. 63-329; Filed, Jan. 10, 1963; 8:50 a.m.]

[Docket Nos. 14321-14328; FCC 63-18]

BLACK HILLS VIDEO CORP.

Memorandum Opinion and Order Amending Issues

In re applications of Black Hills Video Corporation: For renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14321, File No. 233-C1-R-61; for a modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14322, File No. 361-C1-ML-61; for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas, Docket No. 14323, File No. 338-C1-R-61; for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado, Docket No. 14324, File No. 752-C1-R-61; for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska, Docket No. 14325, File No. 753-C1-R-61; for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska, Docket No. 14326, File No. 754-C1-R-61; for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming, Docket No. 14327, File No. 755-C1-R-61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota, Docket No. 14328, File No. 756-C1-R-61.

1. The Commission has before it a petition to enlarge issues, filed by Black Hills Video Corporation on June 19, 1962, together with a partial opposition to the motion, filed by the Commission's Common Carrier Bureau on June 29, 1962.

2. The listed applications were designated for hearing by a Commission Order (FCC 61-1243) released October 30, 1961, to determine whether a "public" demand exists for the proposed common carrier service in view of the fact that the applicant had been unable to show compliance with § 21.709 of the Commission's rules. This section requires that a common carrier in the Domestic Public Point-to-Point Microwave Radio Service show that during the preceding license period, at least 50 percent of the total hours of service rendered over its radio system and not less than 50 percent of the radio channels therein have been used by subscribers not directly controlling or controlled by, or under the direct or indirect common control with, the applicant.

3. Petitioner Black Hills states that it "is now faced with the possibility of being denied the right to continue to provide the type of service it is presently offering", and it seeks the addition of six issues principally designed to ascertain "the investment made by applicant in its presently authorized equipment, the expected remaining service life of such equipment", and the cost and practicability of converting the systems for licensing in the Commission's Business Radio Service. Petitioner's ultimate issue would determine whether, in the event that it cannot satisfactorily meet the burden of proof on the four original issues, the evidence on the added issues justifies the extension to applicant of an amortization period for its existing equipment.

4. With respect to the petition, the Commission is in accord with the position of the Common Carrier Bureau, which would grant the petition in some regards and deny it in others.[1] Petitioner's first requested issue would inquire as to whether the Commission can legitimately apply § 21.709 of the rules to systems in operation prior to the effective date of such section, and it is denied as presenting a question of law rather than a matter appropriate for evidentiary hearing. The fourth and fifth requested issues are also denied, since they are primarily grounded in argument and conjecture, and since the underlying factual matters are amply covered in the second and third requested issues. The Commission believes that the latter two issues, with the modifications suggested by the Bureau, can be allowed. Thus, where the second proposed issue would inquire into applicant's investment in its present equipment and its remaining useful life, the Bureau would consider the extent to which the investment has already been amortized. Similarly, where the third proposed issue would seek to determine the cost of a changeover to equipment licensable in the Business Radio Service, the Bureau regards as relevant the trade-in value and convertibility of applicant's existing equipment. Petitioner does not resist the Bureau's proposed modifications, and they appear necessary to the Commission if the facts with respect to applicant's claimed financial hardship are to be fully developed.

5. Petitioner alleges that it accepted its original authorization and constructed its facilities with no expectation that it would be required on renewal to show usage of such facilities by nonrelated subscribers. In effect, it is argued that prior to the actual adoption by the Commission of § 21.709, petitioner had no reason to believe that it would ever be expected to operate in a manner other than as originally proposed. In view of the above, and because the facts with respect thereto have relevance to the overall question of financial hardship, the Commission is, on its own motion, adding to the proceeding an issue to determine when and under what circumstances petitioner first learned of the above public-usage requirement.

6. The sixth and last issue proposed by petitioner seeks to determine, if applicant fails in its burden of proof under the original issues, whether the facts developed under the added issues justify affording the applicant a reasonable period to amortize its investment. If such an amortization period proves to be warranted, petitioner would provide for it with a grant of the application for the period decided upon. Under the contingencies contemplated by petitioner, the Bureau would prefer a decision denying the applications with an appropriate delayed effective date for such decision. The ultimate practical relief would be the same by either method, but the Commission believes that the legal procedures suggested by the Bureau would be the better one.

In view of the foregoing: *It is ordered,* This 3d day of January 1963, that the Motion to Enlarge and Expand Issues, filed by Black Hills Video Corporation on June 19, 1962, is granted to the extent that it requests the addition to the proceeding of the issues set forth below, and is denied in all other respects;

It is further ordered, That the proceeding is remanded to the Examiner, with directions to reopen the record for further hearing and to issue a supplemental initial decision based on the following added issues: [2]

(e) To determine the facts with respect to applicant's investment in the captioned microwave systems, the cost of maintaining such systems, the condition of said systems, the extent to which applicant's investment in said systems has been amortized by applicant and the reasonable period of time required by applicant to recover any unamortized portion of such investment.

(f) To determine the facts with respect to the availability of equipment for use by the applicant in the Business Radio Service, the suitability of such equipment in light of the requirements of the applicant's systems, the cost of installing and maintaining such equipment, the trade-in value of its present equipment, and the cost of converting its present equipment for use in the Business Radio Service.

(g) To determine when and under what circumstances the applicant or any of its principals or managerial staff was

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[1] The petition was not filed within the 15-day period provided for by § 1.141(b) of the Commission's rules. However, the Bureau, the only other party to the proceeding, does not object to the petition on grounds of untimeliness.

[2] While the instant interlocutory matter was awaiting determination, the Hearing Examiner released an initial decision herein (FCC 62D-94—released November 26, 1962). By petition of December 26, 1962, Black Hills Video requests that the deadline for the filing of exceptions to such initial decision be extended to January 30, 1963. The Commission believes that the filing of exceptions in this proceeding should await the issuance of the supplemental initial decision ordered herein. Accordingly, the request for additional time is moot, and it is dismissed as such.

first informed that it would be required on renewal to show usage of its facilities by non-related subscribers.

(h) To determine, if in light of the evidence adduced on issues (a) through (d) the captioned applications for renewal are denied, whether, in view of the evidence adduced on issues (e) through (g) the effective date of the Commission's final decision should be stayed in order to afford applicant a reasonable period of time in which to recover the unamortized portion of its investment in the aforesaid microwave systems and if so, to determine the length of such stay.

Released: January 8, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-330; Filed, Jan. 10, 1963; 8:50 a.m.]

[Docket Nos. 14341-14344; FCC 63M-13]

COLLIER ELECTRIC CO.

Memorandum Opinion and Order Continuing Hearing

In re applications of Collier Electric Company: For renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska, Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska, Docket No. 14344, File No. 2710-C1-R-61.

1. The Examiner has before him for consideration a Motion for Continuance, filed on behalf of Collier Electric Company (Collier), on January 2, 1963, wherein it is requested that the hearing, now scheduled to commence on January 15, 1963, be postponed to April 2, 1963.

2. This Motion is based on the following circumstances:

(a) After release of the Examiner's Order on November 5, 1962 (FCC 62M-1477), fixing the January 15 date for the start of the hearing, the parties, pursuant to the direction of the Examiner, discussed the scope of a request by Collier for the production of certain records in the possession of Frontier Broadcasting Company (Frontier), a party to the proceeding;

(b) When it became clear the parties could not agree, Collier submitted a Request for Subpoena, dated November 30, 1962;

(c) Pursuant to Order of the Examiner, released December 5, 1962 (FCC 62M-1602), oral argument was held upon the Request for Subpoena on December 10, 1962;

(d) At this oral argument the Examiner indicated informally the nature and scope of the documents with which he felt Collier should be supplied and directed the parties to hold further meetings in an attempt to resolve this matter by agreement between themselves;

(e) Upon failure of the parties to agree, the Examiner on December 20, 1962, issued a formal subpoena duces tecum directed to Mr. William C. Grove, an officer and director of Frontier, and returnable on January 4, 1963;

(f) On December 20, 1962, the Examiner issued a Memorandum Opinion and Order setting forth in detail his reasons for issuing this subpoena (FCC 62M-1693). However, because of the delays inherent in the holiday season, this Memorandum Opinion was not released until December 28, 1962; and

(g) On December 27, 1962, Frontier filed a Request for Stay of Return Date of the Subpoena Duces Tecum, wherein, among other things, it advised the Commission that it would not attempt to produce the data required by the subpoena or otherwise comply with the directive that Mr. Grove appear in Washington "until the Commission has considered the matters raised in this request for stay of the return date of the subpoena".

3. In view of the fact that the subpoena is returnable on January 4, 1963, and in view of the aforementioned allegations in the request for stay, it has become clear that there was not enough time to secure final Commission action on the appeal which Frontier is taking from the Examiner's action much less to afford the parties adequate time to review the papers before the presently scheduled hearing date of January 15, should the Examiner be upheld.

4. There has been informal discussion among the parties and between the parties and the Examiner regarding this matter and no objection has been raised to a postponement. It also appears, as a result of such discussions, that the earliest available date for resumption of the hearing, which would allow a reasonable time for Commission action on the appeal and give due consideration to the Examiner's calendar and the commitments of the parties, is a date at the beginning of April.

5. It appears, in view of the foregoing, that good cause has been shown for a further postponement of the hearing, and that the provisions of 47 CFR 1.43 of the Commission's rules relating to the withholding of action for a four-day period on motions of this type may be waived. However, since this case has been long delayed and since further postponement or recesses may be required because of the fact that religious holidays occur in the middle of April, it would be appropriate to begin the hearing on Monday, April 1, 1963, rather than Tuesday, April 2, 1963, so as to allow a full week for hearings instead of the four-day period suggested in the Motion.

It is therefore ordered, This 3d day of January 1963, that the Motion for Continuance is granted to the extent that the hearing is postponed from January 15, 1963, to April 1, 1963, at 9:30 a.m., at the Offices of the Commission in Washington, D.C.

Released: January 7, 1963.

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

[F.R. Doc. 63-331; Filed, Jan. 10, 1963; 8:50 a.m.]

[Docket No. 14792; FCC 63M-27]

INTERNATIONAL RADIO, INC. (KGST)

Order Continuing Hearing

In re application of International Radio, Inc. (KGST), Fresno, California, Docket No. 14792, File No. BP-14149; for construction permit.

Due to a prior hearing commitment of the Hearing Examiner and on the Hearing Examiner's own motion: *It is ordered,* This 4th day of January 1963, that the hearing herein, presently scheduled to commence on February 4, 1963, is continued to 10:00 a.m., February 12, 1963.

Released: January 7, 1963.

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

[F.R. Doc. 63-332; Filed, Jan. 10, 1963; 8:50 a.m.]

[Docket No. 13085 etc.; FCC 63M-31]

NATIONAL BROADCASTING CO., INC., ET AL.

Order Continuing Hearing

In re applications of:

I. (a) National Broadcasting Company, Inc., Philadelphia, Pennsylvania, Docket No. 13085, File Nos. BR-562, BRCT-4, for renewal of licenses of Stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93 for the period 1957-1960; (b) National Broadcasting Company, Inc., Docket No. 14091, File No. BR-562, Docket No. 14092, File No. BRCT-4, for renewal of licenses of Stations WRCV and WRCV-TV (Channel 3), Philadelphia, Pennsylvania (Including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593); (c) Philco Broadcasting Company, Docket No. 14054, File No. BPCT-2774, for a permit to construct a new television station on Channel 3, Philadelphia, Pennsylvania; (d) National Broadcasting Company, Inc., assignor, Docket No. 14055, File No. BAL-3911, and RKO General, Inc., assignee, Docket No. 14056, File No. BALCT-122, for consent to assign the licenses of Stations WRCV and WRCV-TV, Philadelphia, Pennsylvania (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGC-593).

II. (a) RKO General, Inc., Docket No. 14057, File No. BR-953, for renewal of license of Station WNAC, Boston, Massachusetts (Including AM auxiliary sta-

[3] Dissenting statement of Commissioner Ford filed as part of original document.

tions KA–5617 and KCB–87); (b) RKO General, Inc., assignor, and National Broadcasting Company, Inc., assignee, Docket No. 14058, File No. BAL–3912, Docket No. 14059, File No. BALH–423, Docket No. 14060, File No. BASCA–47, Docket No. 14061, File No. BALCT–123, for consent to assign the licenses of Stations WNAC, WRKO–FM and SCA, WNAC–TV, Boston, Massachusetts (Including AM auxiliary stations KA–5617, KCB–87; and TV auxiliary station KA–4866).

It is ordered, This 7th day of January 1963, that hearing in the above-entitled proceeding is hereby continued to February 11, 1963, and will be held in the Offices of the Commission, Washington, D.C.

Released: January 7, 1963.

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

[F.R. Doc. 63–333; Filed, Jan. 10, 1963; 8:50 a.m.]

[Docket Nos. 14626, 14627; FCC 63R–5]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Redding-Chico Television, Inc., Redding, California, Docket No. 14626, File No. BPCT–2875, for a construction permit for a new commercial television broadcast station; Northern California Educational Television Association, Inc., Redding, California, Docket No. 14627, File No. BPCT–2890, for a construction permit for a new non-commercial educational television broadcast station.

1. By Order, 27 F.R. 4535, May 11, 1962, the Commission designated for comparative hearing the commercial application of Redding-Chico Television, Inc. (R–C), and the non-commercial educational application of Northern California Educational Television Association, Inc. (NCETA), each for a construction permit for new VHF television broadcast station on commercial channel 9 at Redding, California. One of the hearing issues in this proceeding is the standard comparative issue. Now before the Board are four sets of inter-related pleadings which will be discussed seriatim.[1]

2. In its May 28, 1962 petition, NCETA requests that the following issues be added to this proceeding:

(a) To determine whether Redding-Chico Television, Inc., in view of its proposal as to staff, its proposal as to "full-time network affiliation," and its proposal as to local live programming, is qualified to operate its station in the manner proposed by its application.

(b) To determine the efforts made by Redding-Chico Television, Inc., to ascertain the programming needs and interests of the area to be served and the manner in which Redding-Chico Television, Inc., proposes to meet such needs and interests.

(c) To determine whether Redding-Chico Television, Inc., is legally qualified to construct, own and operate the proposed television broadcast station.

3. We find no reason for granting the petition. Concerning issue (a), R–C proposes a total staff of 15, at least 7 of which will be connected with the implementation of its 50¾ hours per week of programming, only about 11 hours of which is live. NCETA has made no factual showing that the programming of R–C cannot be effectuated with its proposed staff; its request is based solely upon its contention that the proposed staff is prima facie inadequate. Unlike the extreme circumstances which were present in Birney Imes, 17 RR 419 (1959) and John E. Grant, 23 RR 461 (1962), we do not think that the circumstances alleged by petitioner are such as to cast doubt upon R–C's basic qualifications. Concerning requested issue (b), in its opposition R–C states that surveys had been made as to the community's program needs. The denials of petitioner's request would not, of course, foreclose it from exploring these matters under the standard comparative issue. Under the circumstances, addition of proposed issues (a) and (b) is not warranted.

4. To show its legal qualifications, R–C in its application relied on the statement in its Articles of Incorporation that "The specific business in which the corporation is primarily to engage is the fields of communication and electronics." In support of its request for issue (c) NCETA relies upon its own opinion that such power is insufficient to permit television broadcasting. In view of the cited provision in the Articles of Incorporation, and the absence of any showing by petitioner that this is insufficient to authorize R–C's present proposal, petitioner's request for issue (c) will be denied. Our conclusion in this regard is reinforced by the affidavit, submitted by R–C, of its California attorney that the cited article authorizes R–C to engage in television broadcasting.

5. R–C has petitioned to enlarge the issues herein by adding the following:

(a) To determine the extent to which Northern California Educational Television Association, Inc. collaborated with Golden Empire Broadcasting Company, licensee of Station KHSL–TV, Chico, California, and Shasta Telecasting Corporation, licensee of Station KVIP–TV, Redding, California, in the rule-making proceeding (RM–254) for the purpose of blocking, delaying, or hindering the attempt of Redding-Chico Television, Inc. to establish a commercial television service in the Redding-Chico area.

(b) To determine the extent to which Northern California Educational Television Association, Inc. conspired with Golden Empire Broadcasting Company and Shasta Television Corporation in preparing its proposal for television, and whether its application was in fact filed for the purpose of hindering or delaying the application of Redding-Chico.

(c) To determine, in light of the foregoing, whether Northern California Educational Television Association, Inc. possesses the requisite character qualifications to become a licensee of this Commission.

(d) To determine whether Northern California Educational Television Association, Inc., is financially qualified to construct, own, and operate the proposed television station.

(e) Whether, and to what extent, the use of UHF Channel 15 presently allocated to Red Bluff, California, could be utilized for meeting the educational television needs of the area proposed to be served by NCETA.

(f) (1) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(2) To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicant's proposed stations.

(3) In the event the proof under (1) and (2) above shall establish that one of the applicants will bring actual service to areas and populations not served by the other applicant, to determine the number of services, if any, presently available to such areas and populations.

6. For the addition of issues (a) through (c), R–C principally relies on the entire history of the addition of Channel 9 to Redding, other rule makings in the vicinity of Redding, and the filing of the NCETA application—NCETA, Golden, and Shasta having participated at various stages in differing degrees. Essentially that history shows that by the Sixth Report and Order concerning Television Allocations, 1 RR 91:599, April 14, 1952, 17 F.R. 3905, May 2, 1952, channel 12 was assigned to Chico, California, and channel 7 to Redding, California. Thereafter Golden became licensee of KHSL–TV at Chico, and Shasta became licensee of KVIP–TV at Redding. R–C alleges, with no engineering affidavit offered in support there-

[1] The pleadings under consideration are: 1. (a) Petition to enlarge issues, filed May 28, 1962, by Northern California Educational Television Association, Inc.; (b) Opposition, re programs and staff, filed June 11, 1962, by Redding-Chico Television, Inc.; (c) Opposition, re legal qualifications, filed June 11, 1962, by R–C; (d) Opposition, filed June 11, 1962, by Broadcast Bureau; (e) Reply, filed June 21, 1962, by NCETA. 2. (a) Petition to enlarge issues, filed May 28, 1962, by R–C; (b) Opposition, filed June 11, 1962, by NCETA; (c) Comment, filed June 11, 1962, by Bureau; (d) Reply, filed June 21, 1962, by R–C; (e) Request for leave to file supplement, filed October 8, 1962, by R–C; (f) Opposition, filed October 12, 1962, by Bureau. 3. (a) Petition to strike issues, filed May 28, 1962, by R–C; (b) Opposition, filed June 11, 1962, by NCETA; (c) Opposition, filed June 12, 1962, by Bureau; (d) Reply, filed June 22, 1962, by R–C. 4. (a) Motion to dismiss application of R–C or in the alternative to add further issues, filed June 11, 1962, by NCETA; (b) Supplement to motion, filed June 22, 1962, by NCETA; (c) Opposition to motion, filed June 22, 1962, by Bureau; (d) Opposition to supplement, filed June 29, 1962, by Bureau; (e) Opposition to motion and supplement, filed July 5, 1962, by R–C; (f) Reply filed July 9, 1962, by NCETA.

of, that these two stations both provide the only television coverage of Redding and the only "reliable" television coverage of Chico. These two licensees unsuccessfully opposed R–C's predecessor corporation in its attempt to have the presently requested channel 9 assigned to Redding. Thereafter, by petition filed April 21, 1961, using the same attorneys as KHSL–TV, NCETA attempted by request for rule making to reserve the channel as a non-commercial educational outlet and that petition was supported by KHSL–TV. On April 27, 1961, R–C filed its present application and on May 31, 1961, NCETA wrote the Commission asking that action on R–C's application be withheld pending conclusion of the requested rule making; copies of the letter were sent to KHSL–TV and KVIP–TV, but not to R–C. NCETA's present application, showing extensive financial and equipment help from KHSL–TV and KVIP–TV, was filed June 19, 1961. Thereafter, the Commission denied the educational reservation petition and a petition for reconsideration. NCETA's application as originally filed shows that its engineering services are provided by KHSL–TV; that its transmitter site is to be furnished by KVIP–TV; that KVIP–TV was to furnish directly to NCETA, contingent upon a grant of NCETA's application, a TV tower and certain studio equipment; that KHSL–TV was to make available to NCETA, contingent upon grant of its application, certain miscellaneous items of equipment; that the estimated cost for construction was $123,817; and that the equipment to be furnished by KHSL–TV and KVIP–TV was valued at $42,219. By amendment of January, 1962, the equipment which KHSL–TV and KVIP–TV were to furnish upon a grant of the application is to be transferred to NCETA immediately and NCETA will sell the same to Security Leasing Company of Salt Lake City, Utah, for $25,000 cash. Security will lease back the equipment, the lease being guaranteed by KHSL–TV and KVIP–TV. By this lease back guarantee, KHSL–TV and KVIP–TV are in effect making available to NCETA funds in the amount of $25,000 in addition to their gift of $42,219 worth of equipment.

7. From this showing, it is contended that KHSL–TV and KVIP–TV have delayed competition to themselves for a matter of years and that therefore the issues must be designated. We can find no sinister concert of action in this regard as would call into issue the good faith of NCETA. As an initial matter, no showing has been made that the action by these licensees was anything other than the mere exercise of their rights as parties in interest in filing pleadings in accordance with the Commission's procedures, and no showing has been made that NCETA joined with them to abuse the Commission's processes. Moreover, no showing has been made that the financial and technical assistance to NCETA by these licensees was improper. As was recognized by the Commission in NTA Television Broadcasting Corp., 22 RR 273, 294, "It has been a frequent practice of commercial stations to aid financially in the establishment of local educational stations. Such stations have often received financial, technical and other types of support and assistance from commercial stations in the same community * * *. We believe that these commercial stations should be commended highly—not condemned—for their proposed assistance in the establishment of * * * [an educational applicant's] service." We recognize that these statements by the Commission were made in answer to contentions primarily premised on antitrust implications of the proposed contributions to the educational broadcaster by local commercial television licensees to help provide the purchase price for the transaction, but the observations are equally applicable here for although no specific antitrust implications have been alleged, the wrongs alleged are akin to those matters and subsidiary questions flowing therefrom. Furthermore, as was also recognized in NTA "* * * while it is true that competition for the advertising dollar is diminished in view of * * * [the educational applicant's] noncommercial operation, competition for the all-important viewing audience may indeed be increased by the emergence of a wholly new programming format." Finally, although this is a comparative proceeding for a new commercial channel and the NTA case involved a non-comparative assignment of license for a commercial channel from a commercial license to an educational assignee, the principle that help by commercial licensees is not looked on with disfavor cannot be abated for such help merely serves to give the Commission a greater degree of choice in determining who will best serve the public interest and prevents the disqualification of an applicant on purely financial grounds. Thus, neither the preliminary proceedings, nor the financial and technical assistance to NCETA, individually or jointly, require the addition of the issues.

8. The request for a financial issue concerning NCETA will be granted. The Commission must have assurances that NCETA's entire financial proposal is adequate. A review of NCETA's financial proposal as presently constituted indicates that cash in the amount of $187,385 will be required to construct ($56,000) and operate ($131,385) the proposed education station for the first year (no operating revenue proposed); that the applicant has funds amounting to $25,005, leaving an estimated balance of $162,380 to be financed. In addition to the foregoing, NCETA relies on funds from various sources such as schools, individual, industrial, and organizational contributions; counties; and foundations in the total amount of $202,053. Petitioner has alleged, and NCETA does not deny, that most of these funds are uncommitted by the alleged donors. Under the circumstances, a financial qualifications issue must be added so that evidence may be adduced as to the probable availability of such funds, Flower City Television Corporation, 23 RR 819, June 19, 1962. Furthermore, questions have been raised that have not satisfactorily been resolved as to the firm availability of the $25,005 in funds relied upon, supra. Encompassed within the added financial qualifications issue are any questions that may be raised with regard to sufficiency of funds, and hence the matters alleged by petitioner as to the sufficiency of NCETA's funds may be determined under the added issue if petitioner chooses to adduce evidence with respect thereto at the hearing. As a final matter, on October 8, 1962, R–C filed a request for leave to file a supplement to its petition appending thereto newspaper stories allegedly showing that KVIP–TV and KHSL–TV paid NCETA's legal fees to save that applicant from possibly having to withdraw its application. The stories are unsupported by affidavit and cannot be accepted, nor would the truth of those matters in any event affect our determination, supra, that a financial issue will be added and that the financial assistance by the commercial licensees does not warrant the addition of issues (a), (b) and (c), supra.

9. Concerning issue (e), R–C contends that under the issues as presently framed it is doubtful whether evidence would be admissible to show that another television channel, to wit, channel 15, presently assigned to Red Bluff, California, could be used at the site specified in the NCETA application as effectively as a VHF channel to meet the educational television needs of the area for in-school training and instructional programming; that channel 15 could be used at NCETA's site and used just as effectively as channel 9 for NCETA's purposes; and that accordingly issue (e) is required. An engineering affidavit is submitted in support of the allegation concerning channel 15. The long standing policy of the Commission has been that comparison of alternative facilities will not be made, see All-Oklahoma Broadcasting Co., 4 RR 709; Belleville News-Democrat, 4 RR 711; John Poole Broadcasting Co., 9 RR 1018; Dorsey Eugene Newman, 12 RR 211; Telrad, Inc., 16 RR 11; Scripps-Howard Radio, Inc., 22 RR 1054; and NTA, supra. Concerning the request for issue (f), petitioner has shown by uncontroverted engineering affidavit that the proposed contours of the two applicants will differ. This is sufficient to justify addition of the issue, Veterans Broadcasting Company, Inc., FCC 62–306, March 22, 1962.

10. R–C has petitioned to delete existing issues 2 and 3 concerning multiple ownership. Principally on the basis of changes in its corporate stockholders and changes in their broadcast holdings occurring since the filing of R–C's application but before designation (though not having been shown by amendment prior to designation for hearing), it is alleged the issues are no longer necessary. Where an applicant has failed in its responsibility to keep its application current, even though changes in its structure have been properly reported to the Commission in regard to matters unrelated to the application, that applicant is in no different a position than one whose changes have occurred after designation for hearing and the supple-

mentary material offered in explanation of, or to reflect changes in, matters which led to inclusion of the issues in the designation Order cannot form a basis for striking those issues. The Board adheres to the Commission's stated policy of refusing to do so in similar instances, see Grand Broadcasting Company, 22 RR 1097, 23 RR 783; M & M Telecasters, 22 RR 1041; and Veterans Broadcasting Company, Inc., 22 RR 949. Additionally, R–C requests that if the issues are not stricken, an issue to determine if waiver of the rules would be warranted. Since this request is unopposed, the issue will be added.

11. The final set of pleadings to be considered is a motion by NCETA to dismiss the R–C application or add the following issues:

To determine the nature and extent of the care and attention which Redding-Chico Television, Inc., has devoted to the filing and prosecution of its application.

To determine, in light of the foregoing, whether the application of Redding-Chico Television, Inc., has been filed in good faith.

After filing of the foregoing motion, NCETA filed a supplement requesting inter alia the addition of the following issues:

To determine whether William B. Smullin, a principal of Redding-Chico Television, Inc., made any misrepresentations to the Commission in affidavits executed by him on May 21, 1962, and/or May 25, 1962.

To determine, in light of the foregoing, whether Redding-Chico Television, Inc., possesses the requisite character qualifications to be a licensee of the Commission.

12. With regard to the request for dismissal of R–C's application on the basis of having failed to prosecute, it is alleged that such changes in the stockholders and their other broadcast holdings not having been shown until after designation for hearing substantiates the request. While the Board feels that such failure may have been neglect of some magnitude by R–C, it does not warrant dismissal of its application. Concerning the request for the first two issues, there is an insufficient basis to add such issues where R–C itself has taken the initiative in bringing its application up to date. In this connection we note that by Memorandum Opinion and Order, FCC 62M–1084, July 31, 1962, the Hearing Examiner has accepted an amendment by R–C to reflect the changes under consideration. With regard to the latter two requested issues, it is NCETA's view that failure to amend until such late date was such neglectful conduct that the good faith issues are justified. We cannot agree. While the Commission has the right to rely upon an applicant to keep its application current, and while the applicant has the responsibility to do so, the fulfillment of this obligation at a late date, without a showing of some ulterior motive for delay, does not constitute the threshold showing justifying such issues.

Accordingly, it is ordered, This 2d day of January 1963, That the petition to enlarge issues, filed May 28, 1962, by Northern California Educational Television Association, Inc., is denied; the petition to enlarge issues, filed May 28, 1962, by Redding-Chico Television, Inc., is granted to the extent indicated hereinbefore and is denied in all other respects; the petition to strike issues, filed May 28, 1962, by Redding-Chico Television, Inc., is denied; the motion to dismiss application and supplement thereto, filed June 11 and 22, 1962, respectively, by Northern California Educational Television Association, Inc., are denied; and the request for leave to file supplement to petition to enlarge issues, filed October 8, 1962, by Redding-Chico Television, Inc., is denied; and

It is further ordered, That existing issues 4 and 5 are renumbered 7 and 8; and

It is further ordered, That the following issues are added to this proceeding:

4. To determine, if the findings pursuant to issues 2 and 3 are adverse to Redding-Chico Television, Inc., whether there are circumstances which would warrant a waiver of those rules.

5. To determine whether Northern California Educational Television Association, Inc., is financially qualified to construct, own, and operate the proposed television broadcast station.

6. (a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

(c) In the event the proof under (a) and (b) above shall establish that one of the applicants will bring actual service to areas and populations not served by the other applicant, to determine the number of services, if any, presently available to such areas and populations.

Released: January 8, 1963.

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

[F.R. Doc. 63–334; Filed, Jan. 10, 1963; 8:50 a.m.]

[Docket No. 14839; FCC 63M–29]

SOUTHWESTERN BROADCASTING COMPANY OF MISSISSIPPI (WAPF)

Order Continuing Hearing

In re application of Albert Mack Smith, Phillip Dean Brady and Louis Alford, A Partnership, d/b as The Southwestern Broadcasting Company of Mississippi (WAPF), McComb, Mississippi, Docket No. 14839, File No. BP–14576; for construction permit.

A prehearing conference in the above-entitled matter having been held on January 4, 1963, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order;

It is ordered, This 4th day of January 1963, that:

(1) The direct affirmative case of the applicant shall be presented entirely in the form of sworn written exhibits;

(2) Copies of the applicant's proposed exhibits shall be supplied the other parties hereto on or before January 25, 1963, but such proposed exhibits may be amended or reformed prior to February 8, 1963;

(3) Copies of the applicant's exhibits in final form shall be supplied the other parties hereto on or before February 8, 1963;

(4) In the event any party other than the applicant wishes to present any portion of its rebuttal in exhibit form, such exhibits shall be under oath and copies thereof shall be supplied all other parties hereto on or before February 25, 1963; and,

(5) Any party wishing to call for cross-examination any witness responsible for the preparation of any exhibit exchanged by any other party shall give notification thereof on or before March 4, 1963;

It is further ordered, That the hearing heretofore scheduled to commence on January 17, 1963, is continued to March 12, 1963, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 7, 1963.

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

[F.R. Doc. 63–335; Filed, Jan. 10, 1963; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–8921, etc.]

CITIES SERVICE CO. ET AL.

Correction

JANUARY 3, 1963.

Order conditionally approving rate settlement proposal, severing and terminating proceedings and prescribing refunds, issued December 26, 1962, and published in the FEDERAL REGISTER on January 4, 1963 (F.R. Doc. 63–4) (Vol. 28, number 3), page 135, line 4 of footnote 1, change "latter spending" to "latter's pending". Page 135, column 3, line 9 of paragraph (2), change "January 1, 1967" to "July 1, 1967".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–295; Filed Jan. 10, 1963; 8:45 a.m.]

[Docket No. CP63–69]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 7, 1963.

Take notice that on September 19, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP63–69 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 certain facilities and the sale and delivery of natural gas to The Gas Service Company (Gas Service) for resale and distribution in the Cities of Nortonville and Winchester, Kansas, and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to tap its existing 8-inch pipeline and construct and operate a meter setting with appurtenant regulator equipment in Jefferson County, Kansas, in order to sell natural gas to Gas Service for resale and distribution in the two cities.

The estimated third year peak day and annual natural gas requirements for Nortonville are 420 Mcf and 36,750 Mcf, respectively, and for Winchester are 250 Mcf and 21,875 Mcf, respectively.

The application shows the estimated cost of the proposed facilities to be $4,180, which cost will be financed from treasury cash.

Applicant states that the proposed sales will be made under Applicant's FPC Gas Rate Schedules F–2, C–2 and I–2.

The application further shows that Gas Service has received appropriate authorization from the Kansas State Corporation Commission and has received franchises from the two cities to construct and operate distribution systems therein.

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 February 12, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 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. 63–323; Filed, Jan. 10, 1963; 8:49 a.m.]

[Docket No. CP63–122]

CITY OF TEMPLE, GEORGIA

Notice of Application

JANUARY 7, 1963.

Take notice that on November 5, 1962, as supplemented on November 26, 1962, the City of Temple, Georgia (Applicant), filed in Docket No. CP63–122 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Company (Respondent) to establish physical connection of its facilities with the facilities which Applicant proposes to construct and operate and to sell and deliver natural gas to Applicant for resale and distribution in said City and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Respondent's pipeline passes within 6.7 miles of the City of Temple and that Applicant proposes to construct the necessary connecting line and appurtenances and the gas distribution system in the city and environs. The facilities which Applicant proposes to construct are estimated to cost $231,000, which Applicant proposes to finance from a revenue bond issue of $128,000, and a grant of $103,000 from the Housing and Home Finance Agency under the Accelerated Public Works Program.

The estimated natural gas requirements in Mcf for the City of Temple are as follows:

	1st year	*2d year*	*3d year*
Annual	16,598	21,289	26,330
Peak day	188	233	280

On December 5, 1962, Respondent filed its answer to the subject application and stated that it consents to the granting of the application provided that the Commission determines that Applicant's proposed project is feasible.

Protests, requests for hearing, 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 31, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–324; Filed, Jan. 10, 1963; 8:49 a.m.]

[Docket No. RI63–91, etc.]

SUNRAY DX OIL CO. ET AL.

Correction

JANUARY 3, 1963.

In the matter of Sunray DX Oil Co., et. al., Docket No. RI63–91, et al.; Barnwell Drilling Company, Inc., Docket No. RI63–102.

Order providing for hearings on and suspension of proposed change in rates; accepting and permitting proposed rate filing to become effective, issued October 10, 1962, and published in the FEDERAL REGISTER October 17, 1962 (F.R. Doc. 62–10328) (vol. 27, number 202), page 10185 delete footnote 9 in table, under Docket No. RI63–102, column 10, line 58 and at the bottom of page in footnotes.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–296; Filed, Jan. 10, 1963; 8:45 a.m.]

[Docket No. G–11980, etc.]

TENNESSEE GAS TRANSMISSION CO.

Correction

JANUARY 3, 1963.

In the matter of Tennessee Gas Transmission Co., Docket Nos. G–11980, G–17166 and G–19983.

Order approving rate settlement, prescribing refunds, terminating proceedings in part and providing for further hearings, issued December 21, 1962, and published in the FEDERAL REGISTER January 3, 1963 (F.R. Doc. 63–9) (Vol. 28, number 2), page 88, column 3, lines 19 and 20 delete the words "with interest."

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–297; Filed, Jan. 10, 1963; 8:46 a.m.]

[Project No. 2079]

PLACER COUNTY WATER AGENCY

Notice of Additional Land Withdrawal, California

JANUARY 7, 1963.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission gave notice March 5, 1953 to the Director, Bureau of Land Management of the reservation of approximately 14,762.66 acres of lands of the United States for Project No. 2079 pursuant to an application for preliminary permit filed March 29, 1951, by the County of Placer, California, as supplemented by revised maps filed June 23, 1952.

On November 2, 1961, this Commission issued an additional notice of withdrawal reserving approximately 13,253.56 acres of lands of the United States for Project No. 2079 pursuant to amended applications for permit filed August 6, 1958 and July 3, 1961 by Placer County Water Agency, Auburn, California, successor agency for water matters for said county.

An application for major license was filed April 11, 1962 by Placer County Water Agency and an amended application was filed September 10, 1962 supported by revised exhibits. On November 20, 1952 the applicant corrected maps, Exhibits "K", revised sheets 39, 40 and 41 (FPC Nos. 2079–132, 133 and 134) which were subsequently refiled November 26, 1962.

The amended application for major license embraces the following additional lands of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 12 E.,
Sec. 22: E½E½;
Sec. 23: W½NW¼, SW¼;
Sec. 26: NW¼, N½SW¼, NW¼SE¼;
Sec. 36: SE¼NE¼.

T. 14 N., R. 13 E.,
Sec. 26: NE¼NE¼, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 34: NW¼NW¼.
T. 15 N., R. 13 E.,
Sec. 23: Lot 6, Lot 11;
Sec. 26: NW¼NE¼, N½NW¼.
T. 14 N., R. 14 E.,
Sec. 4: Lot 4, S½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 16: W½NW¼;
Sec. 18: Lot 16.
T. 15 N., R. 14, E.,
Sec. 21: SE¼NE¼;
Sec. 22: W½SW¼;
Sec. 32: SE¼SE¼;
Sec. 33: SW¼SW¼.

Therefore, pursuant to section 24 of the Act of June 10, 1920 as amended, notice is hereby given that the additional lands hereinbefore described, insofar as title thereto remains in the United States, are included in Power Project No. 2079 and are from the date of filing of the completed amended application, reserved from entry, location, or other disposition under the laws of the United States until otherwise directed by this Commission or by Congress.

The additional area reserved pursuant to the filing of this amended application is approximately 1,632.57 acres, of which 560 acres have been previously withdrawn for power purposes either in Power Site Classifications, Nos. 168, 178 or in earlier Projects, Nos. 334 and 1202.

All of the foregoing described lands of the United States are within the exterior boundaries of the Eldorado or Tahoe National Forests. Approximately 80 acres of this additional area are reserved under 1st. Form Reclamation Withdrawal in connection with the American River Division of the Central Valley Project.

Copies of project maps, Exhibits "J" revised sheets 1, 2 and 3 (FPC Nos. 2079–111, 112 and 113) and Exhibits "K", revised sheets 2, 39 and 41 (FPC Nos. 2079–115, 132 and 134 respectively) have been transmitted to the Forest Service, Bureau of Land Management and the Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–298; Filed, Jan. 10, 1963; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order 57]

FOREIGN-TRADE SUB-ZONE 2–A

Application of Board of Commissioners of Port of New Orleans, Grantee, to Extend Time for Opening

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order, which is promulgated for the information and guidance of all concerned.

Whereas, the Foreign-Trade Zones Board on February 14, 1962 by Order No. 54 issued a Grant to the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2 for authority to establish, operate and maintain a Foreign-Trade Sub-Zone, to be officially designated as Foreign-Trade Sub-Zone 2–A, (the area of which was subsequently reduced by Order No. 55 of August 8, 1962; and

Whereas, the Board of Commissioners of the Port of New Orleans, as Grantee of Foreign-Trade Zone No. 2 at New Orleans, filed an application dated October 15, 1962 for permission to extend for one year the opening of Foreign-Trade Sub-Zone No. 2–A, due to economic and administrative conditions beyond the control of the Grantee. The Sub-Zone is a refrigeration facility located at 3900 Tchoupitoulas Street in the Illinois Central Warehouse No. 32, and operated by the New Orleans Storage Warehouse Company.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the time for commencing operations of Sub-Zone 2–A be extended to October 15, 1963.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this Order. Its application is restricted to one Foreign-Trade Sub-Zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this Order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of January 1963.

FOREIGN-TRADE ZONES BOARD,
[SEAL] EDWARD GUDEMAN,
Acting Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest: RICHARD H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 63–289; Filed, Jan. 10, 1963; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF ADMINISTRATION, REGION IV (CHICAGO)

Redelegation of Authority to Execute Certain Contracts and Agreements With Respect to Administrative Matters

The Regional Director of Administration, Region IV (Chicago), Housing and Home Finance Agency, is hereby authorized to take the following action with respect to administrative matters within such Region:

Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

This redelegation supersedes the redelegation effective March 25, 1957 (22 F.R. 8971, Nov. 7, 1957).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1952 ed. 1701c; Delegation of Authority, effective March 20, 1957 (22 F.R. 1876))

Effective as of the 11th day of January 1963.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 63–338; Filed, Jan. 10, 1963; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2835]

FRED HARVEY ASSOCIATES, INC.

Order Accepting Offer of Settlement and Vacating Order Temporarily Suspending Regulation A Exemption

JANUARY 7, 1963.

In the matter of Fred Harvey Associates, Inc., Queens Canyon, Mineral County, Nevada; File No. 24SF–2835. Securities Act of 1933 section 3(b) and Regulation A.

Upon the recommendation of the Division of Corporation Finance and San Francisco Regional Office submitting an Offer of Settlement proposed by Respondent herein, it appearing that the Offer of Settlement contains an appropriate and adequate disposition of the controversies between the Division and the Respondent and that the public interest and protection of investors do not require that the Commission's Order of June 29, 1962 temporarily suspending Respondent's exemption under Regulation A be made permanent:

It is ordered, That Respondent's Offer of Settlement is accepted and that the Order of June 29, 1962, temporarily suspending Respondent's exemption under Regulation A is vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–304; Filed, Jan. 10, 1963; 8:47 a.m.]

[File No. 811–1157]

EASTERN PENNSYLVANIA INVESTMENT CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 7, 1963.

Notice is hereby given that Eastern Pennsylvania Investment Company ("Eastern"), 3 Penn Center Plaza, Philadelphia 2, Pennsylvania, a Pennsylvania corporation and a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act") and licensed to operate under the Small Business Investment Act of 1958, has filed an applica-

tion pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

All persons are referred to the application, which is on file with the Commission, for a full statement of applicant's representations which are summarized below.

Eastern represents that its outstanding securities are beneficially owned by eight banking institutions, only one of which, namely The First Pennsylvania Banking and Trust Company ("First") owns ten per centum or more of Eastern's outstanding voting securities. It is represented that the value of all the securities of Eastern owned by First does not exceed five per centum of the value of the total assets of First. Eastern also states that it is not now making nor does it presently propose to make a public offering of its securities.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act. For the purposes of this section, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that if such company owns ten per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities. Rule 3c–2 of the rules and regulations promulgated under the Act provides, in pertinent part, that a company's ownership of ten per centum or more of the outstanding securities of a small business investment company which is registered under the Small Business Investment Act of 1958 shall be deemed to be ownership by one person if the value of all securities of small business investment companies owned by such company does not exceed 5 percent of its total assets.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 23, 1963, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Eastern at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall give notice of the filing of this application by mailing a copy of this notice by registered mail to Eastern and to the Director, Office of Investment, Small Business Administration, Washington 25, D.C.; that notice to all other persons shall also be given by publication of this notice in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–305; Filed, Jan. 10, 1963; 8:47 a.m.]

[File No. 812–1540]

TOWNSEND MANAGEMENT CORP. AND TOWNSEND CORPORATION OF AMERICA

Notice of Filing of Application; for Order Exempting Loan by Investment Company From Certain Provisions

JANUARY 7, 1963.

Notice is hereby given that Townsend Corporation of America ("TCA") and Townsend Management Corporation ("TMC"), 38 Chathan Road, Short Hills, New Jersey, each a registered investment company under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of sections 13(a)(2), 17(a)(3), 21(a), and 21(b) of the Act a loan of $380,000 to be made by TMC to TCA so as to permit the latter and subsidiaries thereof to repay outstanding past-due borrowings and to meet other urgent commitments. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations which are summarized below.

At June 30, 1962, TCA owned 132,000 shares (69.48 percent) of the 189,968 issued and outstanding shares (other than treasury stock) of Class A common stock (nonvoting) of TMC and 327,313 shares (83.49 percent) of the 392,023 issued and outstanding shares of stock of Resort Airlines, Inc. ("Resort"); TMC owned 28,088 shares (2.09 percent) of the 1,337,954 issued and outstanding shares (other than treasury stock) of common stock of TCA; and Resort owned 150,843 shares (11.27 percent) of the 1,337,954 issued and outstanding shares (other than treasury stock) of common stock of TCA.

On April 24, 1961 the Commission filed a verified complaint against TMC, TCA and other defendants seeking injunctive relief with respect to violations of the Act. By virtue of a consent order signed on May 31, 1961, the Court took exclusive jurisdiction and possession of TCA and TMC and permitted them to continue the operation of their businesses through an interim board of directors appointed by the Court in lieu of a trustee. Among other things, the consent order required TCA and TMC to file promptly with the Commission a plan for the merger of TCA, TMC, and Resort. It is expected that such a merger proposal will be submitted for appropriate approvals within the relatively near future. The interim board has filed this application and proposes to cause TMC temporarily to lend TCA $380,000 at 6 percent interest in order that TCA and two of its subsidiaries may discharge past-due 6 percent notes owed to a bank and an unaffiliated company and to meet other urgent commitments. The bulk of TMC's assets, which amounted to $1,783,068 as of June 30, 1962, are invested in Government securities yielding 2 percent interest and in the judgment of the interim board it is disadvantageous for one branch of the enterprise, TCA, to continue to pay 6 percent for its past-due money while another branch, TMC, is receiving only 2 percent on its surplus funds.

The lending of such an amount by TMC to TCA might be construed as the lending of money by a registered management company (TMC) to a person (TCA) under common control with such registered company, which would be prohibited by section 21(b) of the Act, if, as a result of the appointment of the interim board by the Court, or the Court's taking exclusive jurisdiction of TMC and TCA, the interim board or the Court were considered to be controlling persons of TCA and TMC. Moreover, the borrowing of such an amount from TMC by TCA might be construed as the borrowing of money from a registered investment company (TMC) by an affiliated person of such company (TCA) not controlled by such company which would be prohibited by section 17(a)(3) of the Act unless exempted by order pursuant to section 17(b) of the Act.

The registration statement filed by TMC provides: "Registrant reserves the right to make loans to other persons to the extent permitted by law, provided, however, that except for the purchase of publicly distributed bonds, debentures, or other securities, Registrant does not presently intend to devote more than 10 percent of its assets to this activity." Since the proposed loan should exceed 10 percent of TMC's assets, such loan would not be permissible under sections 13(a)(2) and 21(a) of the Act, which, in pertinent part, prohibit the lending of money by a registered investment company in contravention of the recitals of policy contained in such company's registration statement filed under the Act.

Section 6(c) of the Act authorized the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any pro-

visions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It is represented that the grant by the Commission of exemption from sections 13(a)(2), 17(a)(3), and 21 of the Act would facilitate the merger ordered by the Court and would be in accord with the policies and goals of the Act because it would be advantageous to use TMC's funds, presently yielding only about 2 percent, to replace money now costing TCA, and eventually the combined business, three times that yield and to enable subsidiaries of TCA, and eventually the combined business, to overcome a serious financial crisis. TCA and TMC urge that such an exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than January 24, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–306; Filed, Jan. 10, 1963; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (29 CFR 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Renovo Shirt Co., Inc., Mena, Ark.; effective 1–1–63 to 12–31–63 (men's and ladies' shirts).

Southern Manufacturing Co., 333 Fifth Avenue, North, Nashville, Tenn.; effective 1–1–63 to 12–31–63 (men's and boys' work shirts and pajamas).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1–1–63 to 12–31–63 (men's and boys' sport and knit shirts).

Superior Garment Contractors, Inc., Middlesex, N.C.; effective 1–3–63 to 1–2–64 (ladies' and children's pedal pushers and shorts).

Swirl, Inc., Easley, S.C.; effective 1–13–63 to 1–12–64 (women's dresses).

Waverly Garment Co., Waverly, Tenn.; effective 1–4–63 to 1–3–64 (men's and boys' cotton work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Klos Manufacturing Co., Muskogee, Okla.; effective 1–2–63 to 1–1–64; 10 learners (children's clothing—cotton sailcloth shorts and slimjim pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12–27–62 to 6–26–63; 25 learners (men's and boys' dress and sport shirts, and tailored blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 12–29–62 to 6–28–63; 25 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Eagle Knitting Mills, Inc., 507 South Second Street, Milwaukee, Wis.; effective 12–26–62 to 6–25–63; 35 learners for plant expansion purposes (children's knit headwear and sweaters).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 4th day of January 1963.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F.R. Doc. 63–303; Filed, Jan. 10, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[MC–C–4000]

MOTOR TRANSPORTATION OF PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

Correction

In F.R. Doc. 63–130, appearing at page 198 of the issue for Tuesday, January 8, 1963, the heading should include a bracket as set forth above.

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 8, 1963.

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. 38100: *Clay from Brownson and Gantts Junction, Ala.* Filed by O. W. South, Jr., Agent (No. A4274), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Brownson and Gantts Junction, Ala., to points in western trunk-line territory.

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

Tariff: Supplement 131 to Southern Freight Association tariff I.C.C. S–40.

FSA No. 38101: *Class and commodity rates from and to CRI&P RR points in Illinois.* Filed by Chicago, Rock Island and Pacific Railroad Company (No. 891), for itself. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, between Alta and Toulon, Ill., on the CRI&P RR, on the one hand, and points and places in the United States, on the other.

Grounds for relief: Abandonment of a portion of the Chicago, Rock Island

and Pacific Railroad Company between Alta and Toulon, Ill.

FSA No. 38102: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 455), for interested rail carriers. Rates on iron or steel towers, noibn steel exhaust cone assemblies for jet aircraft, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 40 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38103: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 456), for interested rail carriers. Rates on iron or steel towers, noibn, steel exhaust cone assemblies for jet aircraft, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 40 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-310; Filed, Jan. 10, 1963; 8:48 a.m.]

[Notice 736]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 8, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35379. By order of December 31, 1962, the Transfer Board approved the lease to Lancaster Trucking Company, Odessa, Tex., of Certificates Nos. MC 93884 and MC 93884 Sub-3, issued November 14, 1957, and August 3, 1960, respectively, to B & C Tankers, Inc., Midland, Tex., authorizing the transportation of: Oil field equipment and supplies, between points in Loving, Ward, and Winkler Counties, Tex., and Lea, Eddy and Otero Counties, N. Mex., and machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in a specified Texas territory, on the one hand, and, on the other, points in Oklahoma. Don S. Caldwell, Jr., 407 West Second Street, Odessa, Tex., attorney for applicants.

No. MC-FC 65267. By order of December 31, 1962, the Transfer Board approved the transfer to Osar Trucking Co., Inc., Clifton, N.J., of Certificate No. MC 45630, issued by the Commission February 1, 1950, as amended November 21, 1961, to Joseph E. Osar, doing business as Osar Trucking Co., Clifton, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Clifton and Caldwell, N.J., on the one hand, and, on the other, New Brunswick, N.J., and between points in Bergen, Essex, Hudson, and Passaic Counties, N.J., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Monmouth, Middlesex, Somerset, Morris, Passaic, Bergen, Hudson, Essex, and Union Counties, N.J. August W. Heckman, 297 Academy Street, Jersey City 6, N.J.

No. MC-FC 65414. By order of December 28, 1962, the Transfer Board approved the transfer to Goodman's Express, Corp., New York, N.Y., of Certificate No. MC 68056, issued June 10, 1949, to Floyd H. Calkins, doing business as Davitt & Calkins Express, North Wilbraham, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Springfield, Mass., and West Brookfield, Mass., with service authorized to and from all intermediate points, and the off-route points of Ludlow, Wilbraham, Monson, Three Rivers, Thorndike, and Bondsville, Mass. William L. Mobley, 1694 Main Street, Springfield 3, Mass., attorney for applicants.

No. MC-FC 65445. By order of December 31, 1962, the Transfer Board approved the transfer to Timothy J. Shanahan, III, doing business as Shanahan Transportation Co., Philadelphia, Pa., of a portion of Certificate No. MC 64712, issued June 7, 1954, to Walter S. Davis, Inc., Philadelphia, Pa., authorizing the transportation of: Contractors' materials, supplies, and equipment except machinery, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland and Delaware. Jacob J. Siegal, 1529 Walnut Street, Philadelphia 2, Pa. attorney for applicants.

No. MC-FC 65459. By order of December 28, 1962, the Transfer Board approved the transfer to R. F. Truesdell Co., a corporation, Ashtabula, Ohio, of a portion of the operating rights in permit No. MC 6380 Sub-6, issued October 14, 1958, to R. F. Truesdell, Inc., Ashtabula, Ohio, authorizing the transportation of: Pulpboard and fibreboard boxes (plain or wood cleated) and paper and paper products (except printing or fine papers), from Krannert and Mead, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and returned shipments of the above-specified commodities, from the above-specified destination points to their respective origin points. T. Baldwin Martin, 503 First National Bank Building, Macon, Ga., attorney for applicants.

No. MC-FC 65529. By order of December 28, 1962, the Transfer Board, approved the transfer to James L. Gibson, doing business as Jayhawk Trailer Convoy, Salem, Oreg., of Certificate No. MC 115752, issued September 6, 1960, to Kenneth P. Frost, doing business as Jayhawk Trailer Convoy, South El Monte, Calif., authorizing the transportation, over irregular routes, of: House trailers, in secondary movements, by truckaway method, between points in Oregon, on the one hand, and, on the other, points in California and Washington. John G. McLaughlin, 624 Pacific Building, Portland 4, Oreg., attorney at law.

No. MC-FC 65539. By order of December 28, 1962, the Transfer Board approved the transfer to Elmor Bruhn, August Bruhn, Ernest Bruhn, and Fred Bruhn, a partnership, doing business as Elmor Bruhn and Sons, Box 38, Logan, N. Mex., of Certificate Nos. MC 24907 Sub-1 and MC 24907 Sub-8, issued October 15, 1956 and October 4, 1962, to Elmor Bruhn, Box 38, Logan, N. Mex., authorizing the transportation over irregular routes, of: General commodities, except those of unusual value, and except household goods as defined by the Commission, between points in Quay and Harding Counties, N. Mex., and livestock, feed, wire, lumber, posts, windmills, and water well pipe, between points in the above-named counties on the one hand, and, on the other, points in Texas within 200 miles of Logan, N. Mex., and points within 100 miles of Logan, and Salt, from Hutchinson and Lyons, Kans., to points in specified counties in New Mexico. Livestock, cottonseed meal and cake, from El Paso, Tex., to points in Quay County, N. Mex., and livestock, and alfalfa pellets and meal, from McClave, Colo., to points in Quay County, N. Mex.

No. MC-FC 65552. By order of December 28, 1962, the Transfer Board approved the transfer to Richard Hakl, Lake Andes, S. Dak., of Certificates Nos. MC 117077 and MC 117077 Sub-1, issued December 16, 1958, and November 17, 1960, respectively, to Thomas L. Smith and John V. Smith, a partnership, doing business as Smith Brothers, Lake Andes, S. Dak., authorizing the transportation over irregular routes of: Feed, seed, fertilizer, farm machinery, and parts, and empty propane bottle gas tanks, from Sioux City, Iowa, to Lake Andes, S. Dak., and fertilizer, from the plant site of the Crystal Chemical Company, near South Sioux City, Nebr., to Lake Andes, S. Dak. Don A. Bierle, 308 Walnut Street, Yankton, S. Dak., attorney at law.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-309; Filed, Jan. 10, 1963; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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 January.

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.

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