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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (h) of § 6.105 is amended as set out below.

§ 6.105 Department of the Army.

* * * * *

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructor positions, and professional positions whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(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. 63-1720; Filed, Feb. 15, 1963; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(1) of § 6.204 is amended as set out below.

§ 6.204 Department of Defense.

* * * * *

(b) *Defense Supply Agency.* (1) Until July 1, 1963, four positions of Intergroup Relations Specialist above GS-12.

(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. 63-1721; Filed, Feb. 15, 1963; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.311 is amended as follows: subparagraph (1) is revoked, subparagraph (2) is amended, and subparagraphs (3) and (4) are added as set out below.

§ 6.311 Department of Agriculture.

* * * * *

(c) *Office of the Under Secretary.* * * *

(2) One Administrative Officer and Private Secretary to the Under Secretary.

(3) One Deputy Under Secretary.

(4) One Private Secretary to the Deputy Under Secretary.

(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. 63-1744; Filed, Feb. 15, 1963; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 613, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER EUROPEAN CHAFER QUARANTINE AND REGULATIONS

Pursuant to the authority conferred by § 301.77-2 of the regulations supplemental to the European chafer quarantine (7 CFR 301.77-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.77-2a are hereby amended to read as follows:

§ 301.77-2a Administrative instructions designating regulated areas under the European chafer quarantine and regulations.

Infestations of the European chafer have been determined to exist in the counties and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such counties and other civil divisions, and parts thereof, are hereby designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

Hartford County. That area east of State Route 71 and south of Orchard Road and a projected line from the junction of Orchard Road and Toll Gate Road to the northwest corner of Middlesex County.

New Haven County. That area bounded by a line beginning at a point where State Route 71 intersects Hartford-New Haven County line, thence north and east along said County line to its junction with the Middlesex County line, thence south along Middlesex County line to its intersection with Westfield Road, thence south and west along Westfield Road to its junction with Britannia Street, thence west along said Street to its junction with Colony Street, thence north along said Street to its junction with Kensington Avenue, thence west and north along said Avenue to its junction with State Route 71, thence north along said road to the point of beginning.

NEW YORK

Cayuga County. The towns of Brutus, Cato, Conquest, Mentz, and Montezuma.

Chemung County. The towns of Ashland, Big Flats, Elmira, Horseheads, Southport, and the city of Elmira.

Chenango County. The town and city of Norwich.

Erie County. The towns of Amherst, Cheektowago, and Tonawanda, and the cities of Buffalo, Lackawanna, and Tonawanda.

Herkimer County. The town of Herkimer.

Kings County. The entire county.

Monroe County. The entire county.

New York County. Governors Island.

Niagara County. The towns of Cambria, Lewiston, Lockport, Niagara, Pendleton, and Wheatfield, and the cities of Lockport, Niagara Falls, and North Tonawanda.

Oneida County. The towns of New Hartford and Whitestown and the city of Utica.

Onondaga County. Towns of Camillus, Cicero, Clay, De Witt, Elbridge, Geddes, Lysander, Manlius, Onondaga, Salina, and Van Buren, and the city of Syracuse.

Ontario County. Towns of Canandaigua, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, and Victor, and the cities of Canandaigua and Geneva.

Richmond County. The entire county (Staten Island).

Schuyler County. The town of Dix.

Seneca County. Towns of Junius, Tyre, and the village and town of Waterloo.

Wayne County. The entire county.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.77-2)

These administrative instructions shall become effective February 16, 1963, when they shall supersede administrative instructions effective June 12, 1962 (7 CFR 301.77-2a).

The revision relieves restrictions insofar as it removes from the regulated area the district of Bloomery and town of Capon Bridge, Hampshire County, West Virginia.

It also imposes restrictions insofar as it adds to the New York regulated area additional towns and cities in the counties of Erie, Niagara, and Onondaga; and (in newly infested counties) certain parts of Cayuga, Chenango, Herkimer, Oneida, and Schuyler Counties, and the entire County of Richmond (Staten Island). Also, in Connecticut, additional area is added in the northeastern corner of New Haven County, with an initial extension into adjacent Hartford County. The restrictions imposed are

necessary in order to prevent the interstate spread of the European chafer. This revision should be made effective promptly in order to accomplish its purpose in the public interest, and in order to be of maximum benefit in permitting the interstate movement without restriction under the quarantine of regulated products from the localities being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of February 1963.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 63-1743; Filed, Feb. 15, 1963; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 23]

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

Limitation of Shipments

§ 905.366 Orange Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 18, 1963, and ending at 12:01 a.m., e.s.t., April 1, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{4}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$\frac{4}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{10}{16}$ inches in diameter or smaller.

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

Dated: February 14, 1963.

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

[F.R. Doc. 63-1778; Filed, Feb. 15, 1963; 8:51 a.m.]

[Grapefruit Reg. 23]

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

Limitation of Shipments

§ 905.367 Grapefruit Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the de-

clared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 18, 1963, and ending at 12:01 a.m., e.s.t., April 1, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{12}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: February 14, 1963.

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

[F.R. Doc. 63–1776; Filed, Feb. 15, 1963; 8:51 a.m.]

[Tangerine Reg. 11]

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

Limitation of Shipments

§ 905.368 Tangerine Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of tangerines, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangerines; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 18, 1963, and ending at 12:01 a.m., e.s.t., April 1, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 2 Russet.

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

Dated: February 14, 1963.

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

[F.R. Doc. 63–1779; Filed, Feb. 15, 1963; 8:51 a.m.]

[Tangelo Reg. 11]

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

Limitation of Shipments

§ 905.369 Tangelo Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of tangelos, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangelos; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1963, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit

their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 18, 1963, and ending at 12:01 a.m., e.s.t., April 1, 1963, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet.

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

Dated: February 14, 1963.

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

[F.R. Doc. 63–1780; Filed, Feb. 15, 1963; 8:51 a.m.]

[Navel Orange Reg. 27]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.327 Navel Orange Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 14, 1963.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 17, 1963, and ending at 12:01 a.m., P.s.t., February 24, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 15, 1963.

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

[F.R. Doc. 63–1837; Filed, Feb. 15, 1963; 11:29 a.m.]

[Lemon Reg. 50]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.350 Lemon Regulation 50.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 12, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 17, 1963, and ending at 12:01 a.m., P.s.t., February 24, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 162,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: February 13, 1963.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–1777; Filed, Feb. 15, 1963; 8:51 a.m.]

[Grapefruit Reg. 15]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.315 **Grapefruit Regulation 15.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912; 27 F.R. 87; 28 F.R. 23), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 14, 1963.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., February 18, 1963, and ending at 12:01 a.m., e.s.t., February 25, 1963, is hereby fixed at 250,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 14, 1963.

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

[F.R. Doc. 63–1794; Filed, Feb. 15, 1963; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62–SO–10]

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

Alteration of Federal Airways

On November 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 10965) stating that the Federal Aviation Agency was considering amendments to §§ 600.1503, 600.1505, and 600.1509 of the regulations of the Administrator.

No adverse comments were received regarding the proposed amendments.

Parts 600 and 601 of the regulations of the Administrator have been consolidated and recodified into a new Part 71 of the Federal Aviation Regulations which became effective December 12, 1962 (27 F.R. 10352, 220–2). The airspace actions taken herein reflect the new format and numbering system adopted for these parts.

Subsequent to the publication of the notice, it was noted that the segment of Intermediate altitude airway V–1505 between the intersection of the Alma, Ga., VOR 083° and the Savannah, Ga., VOR 195° True radials and the intersection of the Savannah 195° and the Jacksonville, Fla., 009° True radials was proposed as a 16-mile-wide airway although the identically aligned segment of Intermediate altitude airway V–1507 is presently designated as a 14-mile airway. Therefore action is taken herein to designate this portion of Victor 1505 as a 14-mile-wide airway to coincide with that portion of Victor 1507.

Additionally, as Intermediate altitude airway V–1509 will no longer be aligned via the Pahokee, Fla., VOR, action is being taken herein to delete reference to V–1509 from the Pahokee, Fla., reporting point.

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

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

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

a. In V–1503 (27 F.R. 12815, 11938) "Biscayne Bay, Fla.; West Palm Beach, Fla.; Vero Beach, Fla.; INT Daytona Beach, Fla., 161°, Orlando, Fla., 123° radials; 10 miles wide Daytona Beach; INT Daytona Beach 360°, Jacksonville, Fla., 144° radials; Jacksonville;" is deleted and "Jacksonville, Fla.; 10 miles wide" is substituted therefor.

b. In V–1505 (27 F.R. 12815) "Biscayne Bay, Fla., 10 miles wide INT Biscayne Bay 021° Vero Beach, Fla., 143° radials; Vero Beach; thence INT Daytona Beach, Fla., 161°, Orlando, Fla., 123° radials; 10 miles wide Daytona Beach; INT Daytona Beach 360°, Jacksonville, Fla., 144° radials, Jacksonville; INT Jacksonville 027°, Savannah, Ga., 180° radials; Savannah;" is deleted and "Jacksonville, Fla.; 10 miles wide INT Jacksonville 009°, Savannah, Ga., 195° radials; 14 miles wide INT Savannah 195°, Alma, Ga., 083° radials; 10 miles wide Savannah;" is substituted therefor.

c. In V–1509 "Miami, Fla.; Pahokee, Fla.; INT Orlando, Fla. 162°, Vero Beach, Fla., 296° radials; 10 miles wide Orlando; INT Orlando 359°, Jacksonville, Fla., 167° radials; Jacksonville; INT Jacksonville 009°, Savannah, Ga., 195° radials; 14 miles wide INT Savannah, Ga., 195° Alma, Ga., 083° radials; 10 miles wide Savannah;" is deleted and "Biscayne Bay, Fla.; West Palm Beach, Fla.; Vero Beach, Fla.; INT Daytona Beach, Fla., 161°, Orlando, Fla. 123° radials; 10 miles wide Daytona Beach; Savannah, Ga., including additional airspace between lines diverging from Daytona Beach to points of tangency to an 8.7 mile radius circle centered at latitude 30°43′50″ N., longitude 81°06′45″ W., within the circumference of the circle and between lines tangent to the circle converging to Savannah;" is substituted therefor.

2. Section 71.205 (27 F.R. 220–165, November 10, 1962) is amended as follows:

a. In Pahokee, Fla., "V–1509 S bound," is deleted.

These amendments shall become effective 0001 e.s.t., April 4, 1963.

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

Issued in Washington, D.C. on February 12, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-1692; Filed, Feb. 15, 1963; 8:45 a.m.]

[Airspace Docket No. 61-LA-76]

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

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Amendment

On January 8, 1963, a Rule was published in the FEDERAL REGISTER (28 F.R. 178, effective February 7, 1963). This docket altered the airway structure in the vicinity of Las Vegas, Nev. Subsequent to the publication of the docket, minor errors were discovered in the designation of a radial in the description of V-237 and V-1619 and in the listing of Boulder, Nev., VOR as a reporting point on V-1748.

Since these amendments are editorial in nature and impose no additional burden on any person, compliance with section 4 of the Administrative Procdure Act is unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61-LA-76 (28 F.R. 178) is amended as follows:

1. In paragraph 1c in the description of V-237, "INT of Needles 356°" is deleted and "INT of Needles 355°", is substituted therefor.

2. In paragraph 2a in the description of V-1619, "INT Needles 356°" is deleted and, "INT Needles 355°", is substituted therefor.

3. In paragraph 5 "V-1547, V-1748." is deleted and "V-1547." is substituted therefor.

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

Issued in Washington, D.C., on February 12, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-1691; Filed, Feb. 15, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-306]

PART 13—PROHIBITED TRADE PRACTICES

Alix of Miami, Inc., and Alix Schneidman

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin;* § 13.1325-70 *Place;* § 13.1325-70(a) *Domestic product as imported.* (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alix of Miami, Inc., et al., Miami, Fla., Docket C-306, Jan. 25, 1963]

In the Matter of Alix of Miami, Inc., a Corporation, and Alix Schneidman, Individually and as an Officer of Said Corporation

Consent order requiring a Miami, Fla., manufacturer of dresses, sportswear, and bathing suits to cease representing falsely that its products made of domestic fabrics were of foreign origin by affixing to them tags bearing the phrase "Fabric Imported from Italy".

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

It is ordered, That respondents Alix of Miami, Inc., a corporation, and its officers, and Alix Schneidman, individually, and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of dresses, sportswear, bathing suits or any other article of wearing apparel, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that fabric manufactured in the United States is imported from Italy or otherwise misrepresenting the country of origin of fabric in any manner.

2. Furnishing any means or instrumentality to others whereby they may mislead or deceive the public as to any of the matters or things prohibited in Paragraph 1 hereof.

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

Issued: January 25, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-1693; Filed, Feb. 15, 1963; 8:45 a.m.]

[Docket C-305]

PART 13—PROHIBITED TRADE PRACTICES

Geotrade Industrial Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30-75 *Textile Fiber Products Identification Act.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-80 *Textile Fiber Products Identification Act;* § 13.1280 *Price;* § 13.1323 *Size or weight.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-70 *Textile Fiber Products Identification Act.* (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Geotrade Industrial Corp. et al., New York, N.Y., Docket C-305, Jan. 25, 1963]

In the Matter of Geotrade Industrial Corp., a Corporation, and Curtis T. Ettinger and Edward V. Nunes, Individually and as Officers of Said Corporation, and Leo G. Nunes, an Individual

Consent order requiring a New York City distributor of sleeping bags to cease using fictitious price tags and using the expression "cut size" followed by certain printed figures such as 36 x 82 in advertising and labeling its product and thereby placing in the hands of others means for misleading the public as to the regular prices and the finished sizes of the bags; and to cease violating the Textile Fiber Products Identification Act by falsely labeling the filling of the sleeping bags as "all acetate" and by failing to disclose on labels the true generic names and percentages of fibers present.

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

I. *It is ordered,* That respondent Geotrade Industrial Corp., a corporation, and its officers, and respondents Curtis T. Ettinger, and Edward V. Nunes, individually and as officers of said corporation, and Leo G. Nunes, as an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sleeping bags or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, representing in a catalog or otherwise representing the "cut size" or dimensions of material used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on labels or in any other manner;

3. Representing, directly or by implication, by means of pre-ticketing or by stating in a catalog, or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made;

4. Furnishing to others any means or instrumentality by or through which the public may be misled as to the usual and regular retail price of respondents' merchandise;

5. Putting any plan into operation through the use of which retailers or others may misrepresent the usual and regular retail price of merchandise.

II. *It is further ordered,* That respondents and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state, or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix labels to such textile fiber product showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representation, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement, which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale, of such textile fiber product unless the same information required to be disclosed on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required fiber content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Advertising any textile fiber in such manner as to require disclosure of the information required by the Textile Fiber Products Identification Act and the rules and regulations thereunder without stating all parts of the required information in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence.

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

Issued: January 25, 1963.

By the Commission.

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

[F.R. Doc. 63-1694; Filed, Feb. 15, 1963; 8:46 a.m.]

[Docket C-304]

PART 13—PROHIBITED TRADE PRACTICES

Morgenstein Creations, Inc., and Morris Morgenstein

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation;* § 13.1255–30 *Fur Products Labeling Act;* § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70(e) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new;* § 13.1880–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Morgenstein Creations, Inc., et al., New York, N.Y., Docket C-304, Jan. 25, 1963]

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

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to label fur products; failing to disclose on labels and invoices the true name of the animal producing the fur and when fur was secondhand; failing, on invoices, to show when fur products contained used fur and artificially colored fur, to use the term "natural" when required, and to show the name of the country of origin of imported furs, and using the term "blended" improperly, and failing in other respects to comply with requirements of the Act.

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

It is ordered, That Morgenstein Creations, Inc., a corporation, and its officers, and Morris Morgenstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

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

(b) Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(c) Failing to disclose on labels affixed to fur products that fur products are "secondhand" when such fur products have been used or worn by ultimate consumers and subsequently marketed in their original, reconditioned or rebuilt form with or without the addition of any furs or used furs.

(d) Failing to set forth on labels affixed to fur products the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

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

(b) Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(c) Setting forth the term "blended" as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing, or otherwise artificial coloring of furs.

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

(e) Failing to disclose that fur products are "secondhand" when such fur

products have been used or worn by ultimate consumers and subsequently marketed in their original, reconditioned, or rebuilt form with or without the addition of any furs or used furs.

(f) Failing to set forth the item number or mark assigned to a fur product.

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

Issued: January 25, 1963.

By the Commission.

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

[F.R. Doc. 63-1695; Filed, Feb. 15, 1963; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

[Release 34-7011]

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

Suspension of Trading and Removal From Listing and Registration

On October 25, 1962, in Securities exchange Act Release No. 6921, and on November 3, 1962, in the FEDERAL REGISTER (27 F.R. 10772), the Securities and Exchange Commission published its proposal to amend §§ 240.12d2-1 and 240.12d2-2. These rules provide for the suspension of trading in listed securities by a national securities exchange and for their removal from listing and registration under specified conditions.

After consideration of all such relevant matter as was presented by interested persons concerning the amendments proposed, §§ 240.12d2-1 and 240.12d2-2 as so published are hereby adopted, subject to the changes set forth below. The Commission finds that such action relieves restrictions and therefore may be and is hereby declared effective on February 15, 1963.

Section 240.12d2-1, as proposed to be amended, is adopted with the following change: In the first sentence of paragraph (b), the word "of" where it appears after "section 12(d)" is changed to read "and".

Section 240.12d2-2, as proposed to be amended, is adopted with the following changes:

I. Paragraph (e) is redesignated as paragraph (f), and paragraphs (b), (c), (d), and (e) are changed to read as set forth below.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 5, 1963.

§ 240.12d2-1 Suspension of trading.

(a) A national securities exchange may suspend from trading a security listed and registered thereon in accordance with its rules. Such exchange shall promptly notify the Commission of any such suspension, the effective date thereof, and the reasons therefor.

(b) Any such suspension may be continued until such time as it shall appear to the Commission that such suspension is designed to evade the provisions of section 12(d) and the rules and regulations thereunder relating to the withdrawal and striking of a security from listing and registration. During the continuance of such suspension the exchange shall notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under this rule, the exchange shall notify the Commission promptly of the effective date thereof.

(c) Suspension of trading shall not terminate the registration of any security.

§ 240.12d2-2 Removal from listing and registration.

(a) A national securities exchange shall file with the Commission an application on Form 25 to strike a security from listing and registration thereon within a reasonable time after the exchange is reliably informed that any of the following conditions exist with respect to such a security:

(1) The entire class of the security has been called for redemption, maturity or retirement; appropriate notice thereof has been given; funds sufficient for the payment of all such securities have been deposited with an agency authorized to make such payments; and such funds have been made available to security holders.

(2) The entire class of the security has been redeemed or paid at maturity or retirement.

(3) The instruments representing the securities comprising the entire class have come to evidence, by operation of law or otherwise, other securities in substitution therefor and represent no other right, except, if such be the fact, the right to receive an immediate cash payment (the right of dissenters to receive the appraised or fair value of their holdings shall not prevent the application of this provision).

(4) All rights pertaining to the entire class of the security have been extinguished: *Provided, however,* That where such an event occurs as the result of an order of a court or other governmental authority, the order shall be final, all applicable appeal periods shall have expired, and no appeals shall be pending.

EFFECTIVE DATE: Such an application shall be deemed to be granted and shall become effective at the opening of business on such date as the exchange shall specify in said application, but not less than 10 days following the date on which said application is filed with the Commission; *Provided, however,* That in the event removal is being effected under paragraph (a)(3) of this section and the exchange has admitted or intends to admit a successor security to trading under the temporary exemption provided for by § 240.12a-5, such date shall not be earlier than the date on which the successor security is removed from its exempt status.

(b)(1) A national securities exchange may strike a security from listing and registration thereon if (i) trading in such security has been terminated pursuant to a rule of such exchange requiring such termination whenever the security is admitted to trading on another exchange; and (ii) listing and registration of such security has become effective on such other exchange.

(2) A national securities exchange which has stricken a security from listing and registration under the provisions of this paragraph shall send written notice of such action to the Commission within 3 days from the date thereof.

(c) In cases not provided for in paragraphs (a) or (b) of this section, a national securities exchange may file an application to strike a security from listing and registration, in accordance with its rules, on a date specified in the application, which date shall be not less than 10 days after it is filed with the Commission. The Commission will enter an order granting such application on the date specified in the application unless the Commission, by written notice to the exchange, postpones the effective date for a period of not more than 60 days thereafter: *Provided, however,* That the Commission, by written notice to the exchange on or before the effective date, may order a hearing to determine whether the application to strike the security from listing and registration has been made in accordance with the rules of the exchange, or what terms should be imposed by the Commission for the protection of investors.

(d) The issuer of a security listed and registered on a national securities exchange may file an application to withdraw such security from listing and registration on such exchange in accordance with the rules of such exchange. Notice of the filing of such an application shall be published by the Commission in the FEDERAL REGISTER, and such notice shall provide that any interested person may, on or before a date specified, submit to the Commission in writing, all facts bearing upon whether the application to withdraw the security from listing and registration has been made in accordance with the rules of the exchange and what terms should be imposed by the Commission for the protection of investors. An order disposing of the matter will be issued by the Commission on the basis of the application and any other information furnished to the Commission unless prior thereto the Commission orders a hearing on the matter.

(e) An application by an issuer or by a national securities exchange to withdraw or strike a security from listing and registration pursuant to the provisions of paragraph (c) or (d) of this section shall comply with the following requirements:

(i) The application shall be filed in triplicate, the original of which shall be dated and signed by an authorized official of the exchange, or of the issuer, as the case may be.

(ii) If the applicant is the exchange it shall promptly deliver a copy of the application to the issuer and if the applicant is the issuer it shall promptly deliver a copy of the application to the exchange.

(iii) The application shall set forth a description of the security involved together with a statement of all material facts relating to the reasons for filing such application for withdrawal or striking from listing and registration.

(iv) The application shall set forth the steps taken by the applicant to comply with the rules of the exchange governing the delisting of securities.

(f) If within 30 days after the publication of any rule or regulation which substantially alters or adds to the obligations, or detracts from the rights, of an issuer of a security registered pursuant to application under section 12 (b) or (c), or of its officers, directors, or security holders, or of persons soliciting or giving any proxy or consent or authorization with respect to such security, the issuer shall file with the Commission a request that such registration shall expire and shall accompany such request with a written explanation of the reasons why the publication of such rule or regulation leads the issuer to make such request, such registration shall expire immediately upon receipt of such request or immediately before such rule or regulation becomes effective, whichever date is later. The absence of an express reservation, in an application for registration, of the rights herein granted shall not be deemed a waiver thereof.

(Secs. 12(d), 23(a), 48 Stat. 892, 901, as amended, 15 U.S.C. 78*l*, 78w)

[F.R. Doc. 63-1706; Filed, Feb. 15, 1963; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYLSTILBESTROL

1. The Commisssioner of Food and Drugs, having evaluated the data submitted in petitions filed by Elanco Products Company, a Division of Eli Lilly and Company, Indianapolis 6, Indiana, and Dawes Laboratories, Inc., 4800 South Richmond Street, Chicago 32, Illinois, and other relevant material, has concluded that the following regulation should issue to provide for the safe use of diethylstilbestrol in beef-cattle feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C.A. 348(c)(1); sec. 104(f)(1), Public Law 87-781), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart C the following new section:

§ 121.241 Diethylstilbestrol.

Diethylstilbestrol (3,4-bis(*p*-hydroxyphenyl)-3-hexene) may be safely used as an ingredient of feed for animals raised for food production, subject to the provisions of this section.

(a) It is used as an ingredient of feed for fattening beef cattle.

(b) It is added to feed at one of the following levels, which shall call for feeding directions as shown:

Percentage of diethylstilbestrol in feed	Milligrams of diethylstilbestrol per pound of feed	Feeding rate: Pounds of feed per beef animal per day
0.00009	0.4	(1)
0.00011	0.5	20
0.00018	0.8	12.5
0.00022	1.0	10.0
0.00033	1.5	6.7
0.00044	2.0	5.0
0.0011	5.0	2.0
0.0015	6.7	1.5
0.0022	10.0	1.0

[1] Free choice.

(c) To assure safe use of the additive, the label and labeling of the additive and any premix or feed shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, diethylstilbestrol.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate directions to provide for a daily intake of not more than 10 milligrams of diethylstilbestrol per head per day.

(4) A statement that the feed must be discontinued at least 48 hours before slaughter.

(5) A statement that feeds containing diethylstilbestrol are not to be fed to breeding or dairy animals.

(d) No residue of the additive shall be present in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal as determined by methods of examination prescribed in this section.

(e) The method of examination prescribed for the quantitative determination of estrogenic activity is the method of E. J. Umberger, G. H. Gass, and J. M. Curtis published in Endocrinology, volume 63, page 806 (1958).

(f) The method of examination prescribed for the qualitative identification of estrogenic activity as diethylstilbestrol is as follows:

(1)(i) Extract the diethylstilbestrol with alkali from a suitably prepared sample of fat dissolved in isooctane; or

(ii) Extract the diethylstilbestrol with ethyl alcohol from lean meat or liver, followed by hydrolysis of the alcohol extractive with dilute hydrochloric acid.

(2) Either of the solutions of diethylstilbestrol described in subparagraph (1) of this paragraph is next extracted with chloroform, and the chloroform extract is washed with 10 percent sodium carbonate to remove strongly acidic substances.

(3) The chloroform extractive of diethylstilbestrol is then extracted with 1 percent sodium hydroxide, and the resulting solution is acidified.

(4) The hormone is reextracted from the acidified solution with chloroform. If the solution is colored, the extraction procedures may be repeated.

(5) The chloroform is evaporated and the remaining residue is dissolved in a suitable volume of methyl alcohol for identification of the diethylstilbestrol, as follows:

(i) Impregnate Whatman No. 1 filter paper with a solution of 40 percent formamide in methyl alcohol, blot it lightly, and dry for 5 minutes.

(ii) Spot an aliquot of the methyl alcohol solution on the paper.

(iii) Similarly, spot an aliquot of a methyl alcohol solution of Reference Standard diethylstilbestrol for identification comparison.

(iv) Place the paper in a chromatographic tank and develop, using the continuous ascending technique, either with the solvent system heptane:toluene:: 1:4 for 2.5 hours, or the solvent system cyclohexene:cyclohexanol: 98:2 for 45 minutes.

(v) Remove the paper from the tank and, while still wet, irradiate it with ultraviolet light from a 15-watt germicidal lamp for 1 minute.

(vi) Observe fluorescence through a black-light viewing apparatus.

(Sec. 409(c)(1), 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C.A. 348(c)(1); sec. 104(f)(1), P.L. 87-781)

2. The Commissioner of Food and Drugs has further concluded that the following regulation should issue relative to residues of diethylstilbestrol in the edible portions of beef cattle after slaughter. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to subpart D the following new section:

§ 121.1118 Diethylstilbestrol.

A tolerance of zero is established for residues of diethylstilbestrol in the edible portions of beef cattle after slaughter, as determined by the methods of examination prescribed in § 121.241.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence

Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 409(c) (1), (4), 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C.A. 348(c)(1), (4); sec. 104(f)(1), Public Law 87-781)

Dated: February 12, 1963.

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

[F.R. Doc. 63-1718; Filed, Feb. 15, 1963; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

HYDROXYETHYL CELLULOSE FILM; CORRECTIONS

In F.R. Doc. 63-1316, published February 6, 1963 (28 F.R. 1140) the following corrections are made:

1. Section 121.2565 is renumbered as § 121.2567.

2. In paragraph (b)(4), the word "Dimitations" in the second column of the tabulation is corrected to read "Limitations."

Dated: February 13, 1963.

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

[F.R. Doc. 63-1719; Filed, Feb. 15, 1963; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption "January 1, 1963" and inserting in lieu thereof "January 1, 1964".

2. Paragraph (b) is further amended by deleting "January 1, 1963" and inserting in lieu thereof "January 1, 1964".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: February 13, 1963.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 63-1726; Filed, Feb. 15, 1963; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 17—PARCELS ADDRESSED TO MILITARY POST OFFICES OVERSEAS

I. In Part 17, amend the heading to read "Parcels addressed to Military Post Offices Overseas", and redesignate § 17.1 as § 17.2, and insert a new § 17.1 to read as follows:

§ 17.1 Mailing preparations.

(a) *Packaging requirements.* In addition to the packaging standards in part 11 of this chapter and the specific requirements for items mailable under the special rules in part 15 of this chapter, it is recommended that parcels addressed to overseas military post offices be packed in boxes or other containers of metal, wood, or good quality fiberboard (at least 275 pound test stock). Parcels containing mailable (nontoxic and nonflammable) liquids, oils, and substances which easily liquefy, must have sufficient absorbent material around the containers to take up contents in case of breakage.

(b) *Addressing.* See § 13.8 of this chapter.

(c) *Weight and size.* See § 25.3 of this chapter for parcels sent by surface mail and § 26.3 of this chapter for parcels sent by air, if there is no exception to the size or weight limitations listed in § 17.2.

§ 17.2 Amendment.

II. In redesignated § 17.2 *Conditions applicable to parcels addressed to certain military post offices overseas,* make the following changes:

A. Insert in proper numerical order the following military APO numbers with their accompanying data:

9				[7] X		[3] X
156 [11]						
661		X		[1] X		[3] X
663 [11]				[7] X		[3] X
666		X	X	[7] X		
697				[6,7] X		
959 [11]						
1034		X	X	[7] X		

B. Delete military APO numbers 196, 242, 349, 408, and 685.

C. Under the column headed "Weight for other than registered mail restricted to 50 pounds", and opposite military APO numbers "22, 116, 120, 125, 127, 129, 147, 167, 179, 190, 193, 194, 218, 232, 238, 241, 243, 327, 377, 378, 405, and 755" delete footnote "5".

NOTE: The corresponding Postal Manual Part is 127.

PART 49—STAR ROUTE SERVICE

§ 49.3 Amendment.

III. In § 49.3 *Box delivery and collection service,* make the following changes to, among other things, (1) provide for the delivery of registered, insured, COD, and certified mail on box delivery and collection routes without written request from the addressee; (2) delete the reference to the carrier as a representative of the addressee; (3) eliminate the prepayment of COD charges by the carrier before delivery is made; and (4) permit the deposit of collection mail in other than the next office where the carrier arrives, when directed by the Department.

A. In paragraph (b) amend subparagraphs (3) and (5) to read as follows:

(b) *Availability.* * * *

(3) Provide and erect a suitable box or provide a suitable sack or satchel with post upon which it may be hung. Where a box is newly installed or a present box is being replaced, an approved rural-type box must be used. The name and box number of the owner must be neatly inscribed in letters and numerals not less than 1 inch high on the side of the box visible to the carrier as he approaches, or on the door if boxes are grouped. (See § 46.5 of this chapter.)

(5) Where necessary advise carrier of signal to be used to indicate that mail is to be collected.

NOTE: The corresponding Postal Manual sections are 159.32 c and e.

B. Amend paragraphs (c) and (d) to read as follows:

(c) *Delivery of mail.* Mail matter addressed to a qualified patron of a star route will be taken by the carrier from the post office and deposited into the proper mail box. If required by the contract, the carrier will deliver registered, insured, certified, and COD mail. Delivery of this mail will be made only when patron meets the carrier at the box or along the route. Parcel post packages too large to go into mail boxes may be delivered outside of boxes, provided the addressee has filed with the postmaster a written request for delivery in that manner. Otherwise, notice will be left in patron's box to meet carrier on next trip. If proper delivery cannot be made by carrier, the mail will be held at the post office as described in Part 48 of this chapter.

(d) *Collection of mail.* Mail matter properly stamped and placed in a mail box for dispatch must be collected by the carrier and deposited in the next post office at which the carrier arrives unless otherwise directed by the Department. Mail collected on the route, addressed for delivery on that part of the route still to be covered before reaching the next post office, will be delivered on the day of collection. The carrier will cancel the stamps before

delivery by writing across them the name of the post office last served, the State, the date and the number of the route. Bulky mailable matter, properly prepared and stamped, will be collected by the carrier if placed on or near the mail box. Money left in mail boxes for the purchase of stamps will be at the risk of the patron.

NOTE: The corresponding Postal Manual sections are 159.33 and 159.34.

PART 51—REGISTRY

IV. In § 51.9, amend paragraph (f) to read as follows:

§ 51.9 Delivery.

* * * * *

(f) *Star route delivery.* Star route carriers will deliver registered mail if required by the contract, but delivery will be made only at the patron's box or along the route.

NOTE: The corresponding Postal Manual section is 161.96.

PART 52—INSURANCE

V. In § 52.5, amend paragraph (c) to read as follows:

§ 52.5 Delivery.

* * * * *

(c) *On star route affording delivery service.* Star route carriers will deliver insured parcels if required by the contract, but delivery will be made only at the patron's box or along the route.

NOTE: The corresponding Postal Manual section is 162.53.

PART 53—COD

VI. In § 53.5 amend paragraph (c) to read as follows:

§ 53.5 Delivery.

* * * * *

(c) Star route carriers will deliver COD mail if required by the contract. It is expected that the patron will present the exact amount of money needed to pay the COD charges and the money order fee.

NOTE: The corresponding Postal Manual section is 163.53.

PART 58—CERTIFIED MAIL

VII. In § 58.5, amend paragraphs (a) and (d) to read as follows:

§ 58.5 Delivery.

* * * * *

(a) *Procedure.* Mail for delivery by carriers is taken out on the first trip after it is received, unless the addressee has requested the postmaster to hold his mail at the post office. Certified mail not restricted in delivery will be delivered to the addressee or his authorized representative. Certified mail marked "Deliver to Addressee Only" will be delivered only to the person addressed. If marked "Deliver to Addressee or Order" delivery will be made to the addressee or to a person designated in writing by the addressee to receive the mail. Delivery rules are the same as for registered mail. See § 51.9 of this chapter.

* * * * *

(d) *Star route delivery.* Star route carriers will deliver certified mail if required by the contract, but delivery will be made only at the patron's box or along the route.

NOTE: The corresponding Postal Manual sections are 168.51 and 168.54.

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-1728; Filed, Feb. 15, 1963; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Railroad Annual Report Form A

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of February A.D. 1963.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class I being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.11 of the order of January 18, 1962, in the matter of Railroad Annual Report Form A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1962, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.11, be, and it is hereby, modified and amended to read as follows:

§ 120.11 Form prescribed for Class I railroads.

Commencing with reports for the year ended December 31, 1962, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class I, as described in § 126.1, viz, of this chapter, all carriers with average annual operating revenues of $3,000,000 or more, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

[1] Filed as part of the original document.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of Class I, subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-1711; Filed, Feb. 15, 1963; 8:48 a.m]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Lake Champlain, N.Y. and Vt.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.8 is hereby amended redesignating paragraph (d) as (e) and prescribing a new paragraph (d) designating a special anchorage area in Mallets Bay, Lake Champlain, Vermont, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.8 Lake Champlain, N.Y. and Vt.

* * * * *

(d) *Mallets Bay, Vt.* An area in the northwesterly portion of Mallets Bay, south of a line extending from the northeasterly end of Mallets Head to the northeasterly end of Marble Island, and west of a line extending from the northeasterly end of Marble Island to the northeasterly side of Cave Island, and southerly to the point on the lower east side of Mallets Head.

(e) *St. Albans Bay, Vt.* [Redesignated]

[Regs., Feb. 4, 1963, 285/111 (Lake Champlain, N.Y. and Vt.)—ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

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

[F.R. Doc. 63-1690; Filed, Feb. 15, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 30, 70, 90, 98, 146]

[CGFR 63-7]

INFLAMMABLE AND COMBUSTIBLE LIQUIDS AND COMPRESSED GASES

Public Hearing on Proposed Changes

1. This is a supplement to the Merchant Marine Council Public Hearing Agenda (CG-249) and the notice of proposed rule making published in the FEDERAL REGISTER of February 2, 1963 (28 F.R. 1052-1058).

2. The Merchant Marine Council will hold a Public Hearing on Monday, March 25, 1963, commencing at 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed changes in the vessel inspection and navigation rules and regulations as set forth in Items I to X, inclusive, of the aforementioned Agenda and Item XI as described in this notice and the Merchant Marine Council Public Hearing Supplemental Agenda (CG-249). These Agendas contain the specific changes proposed and, for certain items, the present and proposed regulations are set forth in comparison form together with the reasons for the changes.

3. This document contains a general description of the proposed changes in the Supplemental Agenda (CG-249), regarding the following:

Item XI—Inflammable and combustible liquids and compressed gases.
a. Bulk shipments.
b. Portable containers—interpretive rulings.
c. Inflammable liquids.
d. Combustible liquids.
e. Compressed gases.

This document also describes the statutory authorities for making such changes. The complete text of the proposals is set forth in the aforementioned Supplemental Agenda. Copies of all Agendas are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies will be furnished, upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D.C., so long as they are available. After the supply is exhausted copies will be available, for reading purposes only, in Room 4104, Coast Guard Headquarters, and at offices of the various Coast Guard District Commanders.

4. Comments on the proposed regulations are invited. Each person or organization who desires to submit written comments should submit them so that they will be received by the Commandant (CMC), United States Coast Guard Headquarters, Washington 25, D.C., prior to March 22, 1963. Comments, data or views may be also presented orally or in writing at the Public Hearing before the Merchant Marine Council on March 25, 1963. In order to insure consideration of written comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG-3287, showing the section number (if any), the proposed change, the reason or basis, and the name, business firm or organization (if any) and the address of the submitter. A small quantity of Form CG-3287 is attached to each copy of the Agendas. Additional copies may be reproduced by typewriter or otherwise, or may be obtained upon request from any Coast Guard District Commander.

5. The transportation of inflammable and combustible liquids presents special problems which necessitated the publishing in 1961 of interpretive rulings regarding the phrases "drums, barrels, or other packages," and "combustible liquid cargo in bulk," as used in sections 170 and 391a of Title 46, U.S. Code "Dangerous Cargo Act and Tanker Act). At the Merchant Marine Council Public Hearing held March 12, 1962, proposals were considered as a part of Item III, entitled "Portable containers for combustible liquid cargoes" (CG-249, pages 120-125). As a result of the study of comments and these proposals, new requirements were prescribed for "Portable Tanks for Combustible Liquid Cargoes" and designated 46 CFR 98.35-1 to 98.35-50 (Subchapter I—Cargo and Miscellaneous Vessels), and published in the FEDERAL REGISTER dated February 1, 1963 (28 F.R. 971-975).

6. The problems concerning inflammable liquids, combustible liquids, and compressed gases are not identical but do have certain common aspects. The statutory authority to control transportation of these dangerous commodities is in two laws, sections 170 and 391a of Title 46, U.S. Code. For inflammable and combustible liquids these two laws distinguish their requirements between what is considered to be shipments in "bulk" and shipments in "drums, barrels, or other packages." In order to provide adequate safety precautions and to have uniform administration of shipping requirements for inflammable and combustible liquids and compressed gases, it is considered desirable to establish and follow certain principles, which are:

a. The interpretive rulings now in 46 CFR 30.01-20, 90.05-30 and 146.02-30 pertaining to meaning of "package" and "bulk" shipments of combustible liquids subject to section 170 or 391a of Title 46, U.S. Code, would also apply to inflammable liquids. In effect this would define as "bulk" shipments, those shipments of inflammable and combustible liquids in portable tanks having capacities over 110 gallons and in ICC specification cylinders having a water capacity of more than 1,000 pounds. The "bulk" shipments of these liquids are subject to the provisions of section 391a of Title 46, U.S. Code (Tanker Act), and the application of the regulations described in 46 CFR 30.01-5.

b. The transportation of inflammable liquids in "bulk" containers would not be permitted on passenger vessels and passenger carrying ferries. This proposal would prohibit tank cars, motor vehicle tank trucks and portable tanks (ICC-51) containing inflammable liquids from being shipped via passenger vessels or passenger carrying ferries.

c. The transportation of inflammable liquids of Grades A, B, and C (flashpoint 80° F. and below) would be permitted on cargo vessels provided such liquid cargoes are carried in portable containers as described in the dangerous cargo regulations (46 CFR 146.21) and would be stowed "on deck in open" only; while "under deck" stowage for such cargoes on cargo vessels would be prohibited.

d. The transportation of combustible liquids in portable containers would be permitted on passenger vessels and passenger carrying ferries in accordance with the dangerous cargo regulations (46 CFR 146.26) and would be stowed "on deck in open" only on passenger vessels.

e. The transportation of combustible liquids in portable tanks on cargo vessels would be in accordance with requirements in 46 CFR 98.35-1 to 98.35-50 (Subchapter I—Cargo and Miscellaneous Vessels), published in the FEDERAL REGISTER dated February 1, 1963 (28 F.R. 971-975). These regulations would be referred to in the "tank vessel" regulations (46 CFR 30.01-5). The "portable tank" regulations in 46 CFR 98.35-1 to 98.35-50 are now consistent with the proposals described in this document; however, if changes are necessary in order for them to agree with changes adopted for other regulations, they will be altered accordingly.

f. When transporting combustible or inflammable liquids in "package" shipments, adequate firefighting equipment and safety precautions would be required. It is proposed to add additional special provisions to the dangerous cargo regulations (46 CFR Part 146), which are similar to the firefighting equipment and safety precautions prescribed in 46 CFR Subpart 98.35 for transportation of combustible liquids in portable tanks (Subchapter I—Cargo and Miscellaneous Vessels).

g. The transportation of: liquefied inflammable gases in "bulk" containers, such as large portable containers, tank cars and motor vehicle tank trucks, would not be permitted on passenger vessels and passenger carrying ferries. This prohibition would make the safety requirements for inflammable liquids and inflammable compressed gases equivalent.

7. The proposed amendment to 46 CFR 30.01–5(a), regarding the application of regulations under section 391a of Title 46, U.S. Code (Tanker Act) revises statements describing which bulk shipments of inflammable and/or combustible liquids may be carried on passenger and/or cargo vessels; and, where needed, references are made to applicable requirements.

8. The proposed amendments to the interpretive rulings concerning portable containers revise 46 CFR 30.01–20, 90.05–30, and 146.02–30 and will add 70.05–25, so that these rulings describing the meaning of phrases "inflammable or combustible liquid cargo in bulk," "liquid cargo," and "drums, barrels or other packages" as used in section 170 or 391a of Title 46, U.S. Code, will be the same in the various regulations. These rulings will govern both inflammable and combustible liquids and will establish, as a "bulk" shipment, the transportation of such commodities in integral tanks or portable containers having capacities over 110 gallons or ICC specification cylinders having water capacities of more than 1,000 pounds.

9. The detailed regulations governing inflammable liquids (46 CFR 146.21) are proposed to be amended by revising 46 CFR 146.21–15 to require portable tanks, tank cars and motor vehicle tank trucks containing such liquids to be stowed "on deck in open"; 146.21–20 to add requirements for specific firefighting equipment when vessels are transporting portable containers containing such liquids "on deck"; 146.21–50 to require "explosion proof" in lieu of "vapor proof" electrical apparatus in holds containing such liquids; and 146.21–100 to prohibit transportation of inflammable liquids in portable tanks, tank cars and motor vehicle tank trucks on passenger vessels and passenger carrying ferries, and to require that permitted portable tanks, tank cars and motor vehicle tank cars be stowed "on deck in open" only on cargo vessels.

10. The detailed regulations governing combustible liquids (46 CFR 146.26) applicable to passenger vessels are proposed to be amended by revising 46 CFR 146.-26—10 to add a requirement that portable tanks containing combustible liquids are to be stowed "on deck in open" only; 146.26–20 to add specific requirements for firefighting equipment when transporting portable containers containing such liquids; and 146.26–100 to permit certain combustible liquids to be transported in approved portable tanks on passenger vessels and passenger carrying ferries, and to clarify the text concerning the requirements applicable to cargo vessels when transporting combustible liquids in "bulk" shipments.

11. The detailed regulations governing compressed gases (46 CFR 146.24) are proposed to be amended by revising 46 CFR 146.24–100 (Table G—Classification: Compressed gases) (which presently permit certain inflammable compressed gases to be carried in large portable containers and tank cars on passenger vessels and passenger carrying railroad car ferries) to prohibit the transportation of these large containers of inflammable compressed gases on passenger vessels and passenger carrying ferries (in order to equate the safety requirements for inflammable liquids and inflammable compressed gases); and to permit railroad tank cars containing permitted inflammable compressed gases only on trainships, and motor vehicle tank trucks containing permitted inflammable compressed gases only on trailerships.

12. The authority to prescribe regulations governing the transportation of inflammable or combustible liquids in bulk is:

(R.S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U.S.C. 375, 416, 391a)

The authority to prescribe regulations governing the transportation of dangerous cargoes is:

(R.S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U.S.C. 375, 416, 170. These regulations also interpret or apply R.S. 4488, as amended, and section 3 of Act of August 9, 1954; 46 U.S.C. 481, 50 U.S.C. 198; and E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: February 13, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63–1727; Filed, Feb. 15, 1963; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1135, 1137]

[Docket Nos. AO–300–A6, AO–326–A3]

MILK IN THE COLORADO SPRINGS-PUEBLO AND EASTERN COLORADO MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hilton Hotel, 16th Street and Court Place, Denver, Colorado, beginning at 10:00 a.m., local time, on March 5, 1963, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Colorado Springs-Pueblo and Eastern Colorado marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed amendment to Eastern Colorado Order:

Proposed by the Denver Milk Producers, Inc.:

Proposal No. 1. Delete § 1137.51(a) and substitute therefor:

§ 1137.51 Class prices.

* * * * *

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest cent) plus $2.10, subject to a supply-demand adjustment of not more than 25 cents computed as follows:

(1) Calculate a utilization ratio for the 12-month period ending with the second preceding month by dividing the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this part and Parts 1134 and 1135 of this chapter regulating the handling of milk in the Eastern Colorado marketing area, the Colorado Springs-Pueblo marketing area and the Western Colorado marketing area, respectively, and multiply the results by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the 12-month period pursuant to subparagraph (1) of this paragraph exceeds 140, subtract from, or for each percentage by which it is less than 130, add to, the Class I price one cent.

Proposed amendment to Colorado Springs-Pueblo Order:

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 2. Amend § 1135.51(a) of the Colorado Springs-Pueblo order to tie the Colorado Springs-Pueblo Class I price directly to the Class I price established under the Eastern Colorado order.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, H. Alan Luke, 2765 South Colorado Boulevard, Denver 22, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on February 12, 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 63–1713; Filed, Feb. 15, 1963; 8:48 a.m.]

Notices

DEPARTMENT OF COMMERCE

Office of the Secretary

JAMES A. BRANDT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change since last Statement.

B. Additions: No change since last Statement.

This statement is made as of January 27, 1963.

JAMES A BRANDT.

JANUARY 27, 1963.

[F.R. Doc. 63-1707; Filed, Feb. 15, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

Vocational Rehabilitation Administration; Amendment

Part 12 of the Statement of Organization and Delegation of Authority of the Department (22 F.R. 1045), as amended, is hereby amended in the following respect:

1. Part 12 is amended to change the name of the Office of Vocational Rehabilitation to "Vocational Rehabilitation Administration" and the title of the Director, Office of Vocational Rehabilitation to "Commissioner of Vocational Rehabilitation".

2. Part 12 is republished, in full, as follows:

PART 12—VOCATIONAL REHABILITATION ADMINISTRATION

SEC. 12.10 *Organization.* The Vocational Rehabilitation Administration, which is under the supervision and direction of the Commissioner of Vocational Rehabilitation, consists of:

Office of the Commissioner

Assistant Commissioner, State Program Operations:
Division of State Program Development,
Division of State Plans and Grants,
Division of Services to the Blind,
Regional Representatives.

Assistant Commissioner, Research and Training:
Division of Research Grants and Demonstrations,
Division of Training.

Assistant Commissioner, Health and Medical Activities.

Assistant Commissioner, Management Services:
Division of Budget and Fiscal Operations,
Division of Personnel and Administrative Services,
Division of Statistics and Studies.

SEC. 12.20 *Assignment of responsibilities.* (a) Except as provided in Chapter 2 and section 12.30 the Commissioner of Vocational Rehabilitation shall exercise the:

(1) Functions under the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4), hereinafter referred to as the Act.

(2) Functions under section 9 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 759), retained in the Federal Security Administrator by Reorganization Plan No. 19 of 1950, and transferred to the Secretary by Reorganization Plan No. 1 of 1953.

(3) Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1959 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

(4) Authority vested in the Secretary under sections 637 and 654(a) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities.

(5) Functions as Chairman of the National Advisory Council on Vocational Rehabilitation established under the Act.

(6) Functions vested in the Secretary by amendments to the foregoing statutes enacted subsequent to Reorganization Plan No. 1 of 1953.

(7) Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of a program of international rehabilitation research under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(k)).

(8) Authority vested in the Secretary by section 4 of the International Health Research Act of 1960 (P.L. 86-610, 22 U.S.C. 2102), with respect to international rehabilitation research and research and training activities.

(9) Authority vested in the Secretary by Executive Order 11001 to prepare national emergency plans and develop preparedness programs covering rehabilitation of disabled survivors. In the performance of his emergency functions, the Commissioner shall coordinate his activities with the Surgeon General in order that pre-emergency plans shall be developed in consonance with post-attack organizational plans and structure of the Department for the Emergency Health Service.

SEC. 12.30 *Reservation of authority.* (a) The authority to appoint members to the National Advisory Council on Vocational Rehabilitation shall be exercised only by the Secretary.

(b) Authority to disapprove a State plan or an amendment to a State plan submitted pursuant to the Act shall be exercised only by the Secretary.

(c) Authority to disapprove an application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), or to revoke a designation made pursuant to that Act, shall be exercised only by the Secretary.

(d) Except as specifically authorized, only the Secretary shall exercise the authority conferred by section 5(c) of the Act.

SEC. 12.40 *Redelegation of authority.* Authority contained in 12.20 above may be redelegated by the Commissioner to such officials of the Vocational Rehabilitation Administration as he may deem appropriate. Such redelegations shall not be promulgated until the expiration of 10 work days after filing in the Office of the Administrative Assistant Secretary.

Dated: February 12, 1963.

[SEAL] ANTHONY J. CELEBREZZE, *Secretary.*

[F.R. Doc. 63-1717; Filed, Feb. 15, 1963; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF ARKANSAS

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

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

A resume, prepared by the State of Arkansas and summarizing the State's proposed program, was also submitted to the Commission and is attached as Appendix "A" to this notice. A copy of the Arkansas program, including proposed Arkansas regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of Radiation Protection Standards,

United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

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

Dated at Germantown, Md., this 6th day of February 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

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

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

Whereas the Governor of the State of Arkansas is authorized under Act 8 of 1961, Second Extraordinary Session, section 8, to enter into this Agreement with the Commission; and

Whereas the Governor of the State of Arkansas certified on January 25, 1963, that the State of Arkansas (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on ------, 1963, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

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

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

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

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

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

A. Byproduct materials;

B. Source materials; and

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX "A"

POLICIES AND PROCEDURES FOR THE CONTROL OF SOURCES OF IONIZING RADIATION INCLUDING BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIALS

Introduction—Foreword. It is the policy of the State of Arkansas in furtherance of its responsibility to protect the public health and safety and to encourage insofar as consistent with responsibility, the industrial and economic growth of the State:

(1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the federal government, (b) an effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states; and

(2) To institute and maintain a program to permit and encourage development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public.

Pursuant to section 274 of the Atomic Energy Act of 1954, as amended, which authorizes the Atomic Energy Commission to enter into an agreement with the Governor of a state and discontinue licensing and regulatory control over byproduct material, source material, and special nuclear material of less than a critical mass, and to the subsequent designation of the State Board of Health as State Radiation Control Agency by the Arkansas Legislature to become prepared to assume this responsibility, the Arkansas State Board of Health is hereby presenting its program for control of sources of ionizing radiation.

Authority. The Arkansas Legislature in its Second Extraordinary Session passed enabling legislation, Act 8 of Second Extraordinary Session of 1961, designating the Arkansas State Board of Health to administer the licensing and regulatory responsibilities.

The Radiation Control Program. Arkansas radiation control program started in 1948 with the survey and inspection of shoe fitting fluoroscopes and industrial X-rays in the Division of Industrial Hygiene. Regulations were adapted for control of shoe fitting fluoroscopes with the adoption in 1959 of legislation prohibiting their use in the State.

In January 1961, a dental radiological health course was held in cooperation with the U.S. Public Health Service at five locations within the state for the purpose of training members of the dental profession in safe use of dental X-rays. A pilot program will be undertaken in 1963, in cooperation with the U.S. Public Health Service, designed for the medical profession in the safe use of X-rays.

In April 1961, in meetings between the members of the State Health Department, Arkansas Dental Association, and U.S. Public Health Service, a program of inspection and survey of all dental X-ray units in the State was formulated. Since the start of the program approximately 500 dental units have been surveyed. This is approximately 91% of the units in the State. It is anticipated that this program will be completed by February 1, 1963. Also, during this period some medical X-ray installations were surveyed on request.

In September 1961, with the passage of enabling legislation, rules and regulations were proposed. Committees from the Arkansas Medical Association, Arkansas Dental

Association, Arkansas Veterinary Association and Arkansas Industrial Development Commission met with members of the State Board of Health and drafted rules and regulations for control of sources of ionizing radiation. These regulations were adopted at a regular session of the Arkansas State Board of Health on October 25, 1962. The registration of X-ray machines is effective January 1, 1963 and the licensing of radioactive material will become effective on the effective date of an agreement with the U.S. Atomic Energy Commission.

In addition to the activities described above, two members of the staff, the Director and one field inspector, received intensive training and experience at Oak Ridge Institute of Nuclear Studies and Oak Ridge National Laboratory which involved handling, using, surveying of, and radiation protection regarding high levels of various types of radioactive material. The training and experience included health physics work around reactors, hot laboratories, and sealed sources.

Members of the staff of the Health Department have accompanied AEC Compliance personnel on inspections of licensed user on various occasions within the State.

The environmental surveillance program started in 1954. Members of the State Health Department received training at U.S. Public Health Service installations and on the job training as members of the offsite monitoring group at the National Test Site, Camp Mercury, Nevada in all test series up to the present time. The environmental program now includes base line studies of all public water supplies, and the sampling of air, precipitation and food for isotopic analysis. A committee has been formed, consisting of members of the American Dairy Association, Arkansas Milk Producers, and Arkansas State Health Department to formulate plans for control of fluid milk during high fallout periods.

The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the United States Atomic Energy Commission. No agreement will be entered into for discontinuance of any authority or responsibility by the Commission with respect to regulation of:

(1) The construction and operation of any production or utilization facility;

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

(3) The disposal into the ocean or sea of byproduct, source, or special nuclear waste material as defined in regulations or orders of the Commission;

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

Sources of radiation are divided into two categories; radiation producing machines and radioactive material. Radiation machines are required to be registered. The right of inspection is granted the Agency. Radioactive materials are regulated under a licensing program patterned after that of the U.S. Atomic Energy Commission, requiring a license prior to acquisition or use of radioactive material.

On consummation of the agreement between the State of Arkansas and the U.S. Atomic Energy Commission an overall radiation program will have been established. The total program will cover:

(1) Licensing and regulation of byproduct, source, special nuclear materials, naturally occurring and machine produced radioisotopes.

(2) Registration and inspection of radiation machines.

(3) Environmental surveillance and monitoring.

The Division of Radiological Health has been established under the Bureau of Local Health Services to carry out the provisions of this program.

Licensing and Registration. Provision is made for the issuance of both specific and general licenses similar to those issued by the United States Atomic Energy Commission. Such licenses are required for the possession of radioactive materials above exempt amounts or concentrations, regardless of the form of such materials. Allowances have been made for exempt concentrations to the extent that any person may receive, possess, use, transfer, own or acquire products or materials containing radioactive material in concentrations not in excess of those listed in the schedule. The Agency may issue general licenses for source, byproduct, and naturally occurring radioactive materials in situations where more individualized control by specific licenses is not necessary. General licenses are effective without the filing of applications with the Agency or the issuance of licensing documents to a particular person. Specific licenses are issued to named persons upon application filed pursuant to the agency regulations. The agency is also authorized to exempt from the licensing requirement quantities and classes of source, byproduct and naturally occurring radioactive materials which are insignificant from a health and safety standpoint.

Persons who acquire radiation machines after the initial registration are required to register with the agency within 30 days of acquisition.

Basically, the regulations require that:

(a) Each licensee or his staff must be qualified by training and experience to possess and use the material safely for the purpose for which it is licensed.

(b) Equipment and facilities of each licensee must be appropriate to protect health and minimize danger to life and property.

(c) The location of the proposed activity must be suitable for the purpose.

(d) The material may be used only for a purpose authorized in the license.

(e) The material may not be transferred except to persons authorized to receive it.

The general health and safety regulation (section 3) applies to all persons who possess source, special nuclear, byproduct, other naturally occurring radioactive material, and radiation machines under registration or a general or specific license from the agency.

It establishes the maximum permissible limits for external exposure of employees to radiation and the maximum permissible concentrations of radioactive material in the air to which licensees may expose employees. It also establishes standards applicable to the amount of radiation and the concentrations of radioactive materials which a licensee may create or release in the environment. Other provisions prescribe requirements for personnel monitoring, protective equipment, caution signs, labels and signals, waste disposal, storage of licensed material, instruction of personnel on safe procedures for handling the material, and records and reports. These standards are based upon recommendations of recognized technical authorities, including the National Committee on Radiation Protection, the United States Atomic Energy Commission, and the United States Public Health Service.

When necessary, the Agency will include in a particular license specific requirement covering those matters not expressly defined in the applicable regulation. If, after a license is issued, the agency finds that some aspect of the licensee's activity has not been appropriately covered by the regulations or by the conditions in the license, the Agency may issue an order to the licensee imposing additional requirements upon him. The agency's regulatory program is designed to assure safety to licensees and their employees, and to the public, and also to avoid unnecessary restrictions.

The Agency will keep interested members of the public and public authorities informed as to its regulatory program by public announcements and personal correspondence. As provided in the enabling legislation, "Administrative Procedure and Judicial Review," and section 5 of the rules and regulations, interested parties are given an opportunity to participate in the issuance and amendments of the Agency's regulations.

Licensing procedures involve the evaluation of a variety of radiation hazards and determination of the adequacy of radiation controls proposed by applicants for licenses. Required controls vary greatly with the type of material and its proposed use. A principal purpose of the licensing requirement is to enable the Agency to determine that the applicant will be able to comply with the Agency's radiation safety regulations and other regulatory requirements. The information required of the applicant is designed to provide the Agency with sufficient knowledge of the proposed program to make this determination.

In connection with license applications a pre-licensing visit is made to the applicant's premises when it is necessary to make an on the spot evaluation of his facilities, equipment, and radiation safety program, and to discuss licensing procedures.

A license will be issued if the facilities and equipment, training and experience, and operating procedures of the applicant appear adequate from the radiation protection standpoint for types, levels of activity, and proposed uses of the radioactive materials.

If pre-evaluation establishes that the design of certain devices containing radioactive material provides a high degree of built-in safety and makes it safe for use by persons not trained in radiation protection, the devices can be made available under general rather than specific licenses. Where the devices are manufactured in accordance with specific licence, no further pre-evaluation notification to the Agency is necessary, on the part of the possessor and user of the device, but he is responsible for compliance with specified portions of the regulations, and is subject to sanctions in the event of misuse.

General licenses will also be issued with respect to limited quantities of the various source and byproduct materials with certain restrictions as to use. Large quantities require specific licenses. Special nuclear material in quantities not sufficient to form a critical mass are limited to specific licenses.

Staffing. The Arkansas Radiation Control Act of 1961 gives the State Health Officer, Dr. J. T. Herron, as Director of the State Radiation Control Agency, authority to designate a Director of the Radiological Health Program. Administratively, the Director is responsible to Dr. E. J. Easley, Director, Bureau of Local Health Services and assistant State Health officer. The Director of the Radiological Health Program is Mr. Edward F. Wilson, who will supervise the program and review and evaluate applications for licenses.

Mr. John Whitlow, Health Physicist, and one health physicist (position currently vacant) will be used primarily to conduct inspections and surveys and generally administer on site aspects of the licensing and regulatory program. One laboratory staff member will be designated a radiochemist for the environmental phases of the program. In addition to the above staff, arrangements have been made for a USPHS assignee to be designated for duty around July 1, 1963.

When replacement of present personnel or new personnel is necessary, they will be required to have equivalent capabilities as present employees. Personnel replacement

is through the State Merit Council which requires they meet minimum education and experience requirements as outlined under personnel job descriptions.

To assist the Agency, there has been established a medical radiation advisory committee composed of Robert L. McDonald, M.D., Joseph D. Calhoun, M.D., Joe A. Norton, M.D., radiologist and Fred Bolen, D.D.S., Dental X-rays. This committee will be utilized in the evaluation of applications for human use of radioisotopes.

In the event that additional personnel are needed for emergencies or for other purposes, Mr. John Blackwell and Mr. James Henry, chemists, with the chemical laboratory have had training and experience in radiation survey and inspection. In addition, Mr. G. T. Kellogg, Chief Engineer, Bureau of Sanitary Engineering, with experience and training in radiological health, is available for field work and consultation.

Inspection. Inspection for compliance with regulations and with license conditions will be carried out by the Division of Radiological Health.

Based upon the existing number and kind of licenses, a priority system will be established under which inspection of the most hazardous activities [will be] conducted once each 6 months, and the remainder on a less frequent basis depending on the relative hazard. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unannounced visit basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel and the methods and apparent effectiveness of maintaining control of people in the controlled area. The inspector reviews the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He examines records concerning disposal to the sewage system and burial in soil, if pertinent. He may make measurements of radiation levels. Prior to leaving the licensee's premises the inspector will meet with the management to discuss the results of his inspection. During this meeting, the inspector will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his supervisor of all the facts and circumstances that he gathered or observed during his inspection.

In addition there will be investigations of all incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was non-compliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and later by letter from the Agency.

Enforcement. Reports of inspections of licensee's activities will be evaluated to determine the status of compliance of the licensees with the Agency regulations and registration or license conditions. If no item of non-compliance was observed, the licensee is so informed. If only minor matters of non-compliance, such as improper signs, failure to label, etc. are involved which the licensee agrees to correct at the time of the inspection, the licensee will be informed by letter of the items of non-compliance and that corrective action will be reviewed during the next inspection. If the inspection revealed non-compliance of a more serious nature, the licensee is required to inform the Agency, in writing, usually within 15–30 days, as to the corrective action taken and the date completed. In these cases the Agency representative will either conduct a prompt follow-up inspection, or the matter is reviewed during a regular inspection to assure that corrective action has in fact been accomplished. If the reply does not satisfactorily explain the non-compliance and assure that further violations will be prevented, the Agency may issue an order to show cause why the license should not be terminated or otherwise modified. If the conditions observed during the inspection should constitute a serious potential or actual hazard, the Agency representative reports by telephone. Enforcement action, such as an injunction order or impounding order to take immediate corrective action, can then be taken without delay.

Provisions are made which entitle an opportunity for a hearing upon the request of any person whose interest may be affected by proceedings, and any person may be allowed as a party to such a hearing.

Waste disposal. Under the regulations there are four ways by which licensees may dispose of wastes: (1) By burial of small quantities in land, (2) by limited disposal in the sanitary sewer system, (3) by release of effluents in specified low concentrations, or (4) by transfer of the material to another licensee for subsequent disposal.

The Agency's regulations provide for consideration of methods such as incineration and for consideration of the disposal of higher levels of wastes on an individual basis. These alternative methods and levels are permitted only upon approval of the Agency of specific applications.

Reciprocal recognition of licenses. Rules and regulations have been adopted to provide for recognition of specific licenses or equivalent licensing documents issued by the U.S. Atomic Energy Commission or any agreement state.

Maintaining compatibility. It is the policy of the State of Arkansas to maintain a regulatory program which is compatible with the standards and regulatory programs of the Federal Government and consonant with those of other States. The State will use its best efforts to cooperate with the U.S. Atomic Energy Commission and other agreement states in the interest of continuing compatibility.

[F.R. Doc. 63-1482; Filed, Feb. 8, 1963; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BAINBRIDGE STOCKYARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
GEORGIA	
Bainbridge Stockyard, Bainbridge, May 13, 1959	Bainbridge Auction Market, Inc., Nov. 11, 1962.
Seminole Livestock Auction Market, Donalsonville, May 25, 1959.	Seminole Hog & Cattle Co., Inc., Oct. 30, 1962.
Thomson Stockyards, Thomson, June 2, 1959	Thomson Stockyards, Inc., Aug. 3, 1962.
IOWA	
Traer Sales Co., Traer, Mar. 11, 1957	Traer Sales Co., Inc., Oct. 26, 1962.
Marvel Livestock Market Center, Inc., Webster City, Feb. 10, 1941.	Marvel-Edge Livestock Market Center, Inc., Sept. 1, 1962.
NEBRASKA	
Lockwood Livestock Auction, South Sioux City, Apr. 30, 1959.	Farmers Livestock Auction, Dec. 10, 1962.
NEVADA	
Valley Livestock Marketing Association, Fallon, Oct. 1, 1959.	Gallagher Livestock Commission Co., Aug. 27, 1962.
NORTH CAROLINA	
Wake County Livestock Market, Raleigh, Jan. 5, 1960	Raleigh Stockyard, Jan. 7, 1963.
OHIO	
Scioto Live Stock Sales Co., Stock Yards, Chillicothe, Oct. 14, 1935.	Scioto Livestock Sales Co., Dec. 28, 1962.
The Marietta Livestock Market, Inc., Marietta, June 4, 1959.	Marietta Live Stock Market, Inc., June 4, 1959.
SOUTH CAROLINA	
Nichols Livestock Auction Market, Inc., Nichols, Oct. 19, 1960.	Nichols Livestock Auction Market, Feb. 1, 1963.
SOUTH DAKOTA	
Platte Livestock Auction Co., Platte, Oct. 13, 1951	Platte Livestock Sales Co., Oct. 24, 1962.
TEXAS	
Tulia Livestock Auction, Inc., Tulia, May 23, 1958	Tulia Livestock Auction, Nov. 15, 1962.
TENNESSEE	
Newport Livestock Auction Co., Newport, June 12, 1959.	Newport Livestock Auction Co., Nov. 1, 1962.

WASHINGTON

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
Wards Community Sale, Wapato, Sept. 26, 1959	Lateral A Community Sale, Jan. 1, 1963.

Done at Washington, D.C., this 12th day of February 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-1740; Filed, Feb. 15, 1963; 8:51 a.m.]

HEMLOCK AUCTION SALES, INC., AND WARWICK AUCTION MARKET

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and Location of Stockyard; Date of Posting

Hemlock Auction Sales, Inc., Hemlock, Mich.; May 14, 1959.

Warwick Auction Market, Warwick, New York; April 24, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 11th day of February 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-1741; Filed, Feb. 15, 1963; 8:51 a.m.]

K & R LIVESTOCK COMM. CO., INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were, therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

COLORADO

Name and Location of Stockyard; Date of Posting

K & R Livestock Comm. Co., Inc., Broomfield; Dec. 28, 1962.

ILLINOIS

Shannon Stockyards, Shannon; Dec. 11, 1962.

LOUISIANA

Roy Kirk Livestock Auction, Oakdale; Dec. 27, 1962.

TEXAS

El Paso Livestock Auction Co., Inc., El Paso; Jan. 15, 1963.

VIRGINIA

Bristol Horse & Mule Commission Co., Bristol; Jan. 25, 1963.

WISCONSIN

Granton Livestock Auction Market, Inc., Granton; Dec. 20, 1962.

Done at Washington, D.C., this 11th day of February 1963.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-1742; Filed, Feb. 15, 1963; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14303]

LOWER RIO GRANDE VALLEY AREA AIRPORT INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled investigation is assigned to be held on March 5, 1963, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., February 13, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-1723; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket 14248]

NORTH-SOUTH SERVICE AT SAVANNAH

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled investigation is assigned to be held on March 12, 1963, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., February 13, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-1724; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket 13752]

UNITED'S SERVICE TO PROVIDENCE, RHODE ISLAND

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on March 6, 1963, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Henry F. Martin, Jr.

Dated at Washington, D.C., February 13, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F.R. Doc. 63-1725; Filed, Feb. 15, 1963; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14748, 14749; FCC 63R-76]

CHARLES COUNTY BROADCASTING CO., INC. AND DORLEN BROADCASTERS, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Charles County Broadcasting Co., Inc., La Plata, Maryland, Docket No. 14748, File No. BP-14748; Dorlen Broadcasters, Inc., Waldorf, Maryland, Docket No. 14749, File No. BP-15287; for construction permits.

1. The Review Board has before it a petition to enlarge issues, filed by Dorlen Broadcasters, Inc. (Dorlen), and several other pleadings relating to Dorlen's petition.[1] Before proceeding to a determi-

[1] The following pleadings are under consideration: (1) Petition to Enlarge Issues, filed August 24, 1962, by Dorlen; (2) Opposition to Petition to Enlarge Issues and Request for Additional Issues, filed September 6, 1962, by Charles County Broadcasting Co., Inc. (as corrected by an Errata filed September 13, 1962); (3) Reply of Broadcast Bureau to Petition to Enlarge Issues, filed September 24, 1962; (4) Reply to Opposition to Petition to Enlarge Issues and Request for Additional Issues, filed October 5, 1962, by Dorlen; (5) Opposition to Request for Enlargement of Issues, filed September 24, 1962, by Dorlen; (6) Reply of Broadcast Bureau to Request for Additional Issues, filed September 24, 1962; (7) Reply to Opposition and "Reply" to Request for Additional Issues,

nation of the merits of Dorlen's petition and Charles County Broadcasting Co., Inc.'s (Charles County) "request for additional issues", we will dispose of a procedural matter raised by Dorlen and make several comments pertaining thereto.

2. As noted in footnote 1, on September 6, 1962, Charles County filed, in response to Dorlen's petition, a pleading entitled "Opposition to Petition to Enlarge Issues and Request for Additional Issues". On September 24, 1962, Dorlen filed a pleading opposing the request for additional issues on both procedural and substantive grounds, and on October 5, 1962, it filed a reply pleading, in response to Charles County's opposition to Dorlen's original petition, in which one aspect of Charles County's request for additional issues is discussed. Subsequently, on October 4, 1962, Charles County filed a reply pleading, which responds to the opposition of both Dorlen and the Broadcast Bureau relative to the September 6th request for additional issues. This reply pleading, is the subject of a motion to strike, which was filed by Dorlen on October 8, 1962.

3. Dorlen argues that the subject pleading should be stricken, because it is a "spurious" pleading not authorized by the Commission's rules. Dorlen's thesis is as follows: (1) Charles County's combined opposition and request for additional issues pleading violates § 1.12 of the rules regarding separate pleadings for separate requests; [2] (2) since the subject pleading is in violation of the rules, and since Charles County could have filed its request for additional issues in a separate pleading, it should now be bound by its decision to include the request in an oposition pleading; (3) § 1.13 of the Commission's rules [3] does not permit the filing of both an opposition and reply pleading by the same party, and, therefore, the subject pleading is "spurious" and should be stricken. Dorlen also contends that a pleading which takes six pages to support a one paragraph request merely clutters the record and should be stricken for that reason. The third point made is that a footnote in the subject pleading should be stricken because it alleges facts not supported by affidavit, as required by § 1.141 of the rules.

4. Charles County, in opposing the motion, states: "Although the Opposition and the Request for Additional Issues were to be acted upon by different offices of the Commission, Charles County believed it in the best interests of orderly procedure to file these separate requests for action in the same pleading since the request for the additional issue was based in part, upon newly discovered evidence contained in Dorlen's Petition to Enlarge Issues against which Charles County's Opposition was filed". Section 1.12, however, is not prohibitive, Charles County contends; it is merely suggestive, and this is confirmed by that part of the Rule which provides that additional copies may be required by the Commission where requests to be acted upon by different Offices or Bureaus are made in one pleading. Charles County also defends the length of its pleadings and points out further, that both Dorlen and the Broadcast Bureau must recognize the request for additional issues as valid, since each of them has filed a pleading responsive to its merits. The Broadcast Bureau has, in fact, filed a pleading which opposes the motion to strike and concedes that Charles County's reply pleading was properly filed and may be considered.

5. The Review Board believes that the content of the pleadings just summarized and the conduct of the parties filing them requires some comment in the interest of protecting and promoting the integrity and efficiency of our adjudicatory process. The foundation of Dorlen's motion is the premise that Charles County's pleading violates § 1.12 of the rules relating to separate pleadings for separate requests. A careful reading of this rule should have revealed to each of the parties, as the Broadcast Bureau has concluded, that this rule is not relevant to the filing of the type of combined pleading in question. This is true, since (1) no request for stay of a Commission Order or decision is involved, and (2) since both petitions for enlargement of issues and oppositions thereto are acted upon by only one Office of the Commission, the Review Board.[4] Charles County has forthrightly, but mistakenly, acceded to the argument that it filed a pleading within the terms of the rule. We find it unnecessary to decide whether § 1.12 is prohibitive or merely suggestive as Charles County argues, for it is clear that the rule is not applicable in any event. The rule which Dorlen should have relied upon, its basic premise being correct, is § 1.141. It is the clear intent of this section that requests such as Charles County's shall not be made in responsive pleadings. See Saul M. Miller, FCC 62R–122, — RR — (released November 14, 1962), for a discussion of this problem. Dorlen's motion to strike will be granted for the reasons set forth herein.

6. Having disposed of the procedural impediment, we will now consider the merits of Dorlen's petition to enlarge issues and Charles County's subsequent request for additional issues, dealing first with Dorlen's petition.

7. Dorlen seeks addition of the following issue to the proceeding: "Whether a grant of the application of Charles County Broadcasting Co., Inc. would be likely to cause economic injury to Station WSMD (FM), Waldorf, Maryland, licensed to Dorlen Broadcasters, Inc., and if so, whether such injury is likely to cause Station WSMD (FM) to cease operations and thus deprive Charles County, Maryland, of its only full-time local service."

Dorlen alleges that its Station WSMD (FM) is the only full-time broadcast service located in Charles County, Maryland, and that from the time it commenced operation in June 1961, its economic success has been moderate, with only small profits. Dorlen states that WSMD depends on revenues from Charles County, Maryland, and surrounding areas for its continued operation, and that the AM station proposed by Charles County would serve substantially the same area as that served by WSMD. Because of greater advertiser acceptance of AM, an FM station cannot compete with an AM station on equal terms, according to Dorlen, and were Charles County's Daytime only, AM station to be granted, Dorlen states that it is likely WSMD would be forced off the air, and the public in its service area would lose the service of its only local nighttime station.[5] Dorlen states that Charles County's proposed station would divert revenues from WSMD, and that a diversion of as little as 25 percent of its present revenues would adversely affect WSMD's marginal financial position to such an extent it would be forced to cease operations. Dorlen refers to the Commission's First Report and Order in Docket No. 14195, concerning FM allocations, and states that this document establishes that no new FM service on a local basis can be created in Charles County, Maryland. As precedent for addition of the requested issue, Dorlen cites Geoffrey A. Lapping, FCC 62–682, 23 RR 919 (1962) and William L. Ross, FCC 62–791, 23 RR 992 (1962). Both cases involved the designation of issues to inquire into the ability of a community to provide economic support for more than one broadcast station.

8. Charles County opposes the petition, stating that Dorlen has not satisfied the requirements of § 1.141 of the rules in that it has failed to allege facts sufficient to support the action requested. The "facts" Dorlen alleges, according to Charles County, are "incomplete, and in some respects, false, giving a distorted picture of the true economic situation."

filed October 4, 1962, by Charles County; (8) Motion to Strike, filed October 8, 1962, by Dorlen; (9) Opposition to Motion to Strike, filed October 12, 1962, by Broadcast Bureau; (10) Opposition to Motion to Strike, filed October 15, 1962, by Charles County; and (11) Reply to Opposition to Motion to Strike, filed November 8, 1962, by Dorlen.

[2] Section 1.12 reads, in pertinent part, as follows: "(a) A seperate pleading should be filed:

(1) For any request to stay the effectiveness of any decision or order issued by the Commission;

(2) For each request which, under Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information, will be acted upon by different Bureaus or Offices."

[3] Section 1.13 reads, in pertinent part, as follows: "Except as otherwise provided in this chapter, oppositions to motions, petitions, or other pleadings shall be filed within 10 days after such motions, petitions, or other pleadings are filed with the Commission, and replies to such oppositions shall be filed within 5 days after such oppositions are filed with the Commission . . . No further pleadings may be filed unless specifically requested or authorized by the Commission or by the Review Board."

[4] See section 0.207(b)(1) of the Commission's rules and regulations.

[5] This would not occur if its own application were to be granted, Dorlen asserts, because of the economies inherent in a joint AM–FM operation. While its application, as originally filed, did not indicate such an operation, on October 3, 1962, the Hearing Examiner accepted an amended Dorlen financial proposal based on a combined AM–FM operation with WSMD (FCC 62M–1308).

Charles County alleges that the combination of revenues shown for past operation of WSMD and those estimated for Dorlen's proposed station, amount to $120,000; it alleges that this potential is sufficient to support two stations in the market. Further reason for not adding the issue, Charles County contends, is that Dorlen has not "offered to prove" that a grant of Charles County's application would be harmful to the public interest; such an "offer of proof" is required by the decision in Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958). Since Dorlen has not stated that it would attempt to meet its burden of proof if the issue is added, Charles County argues, Dorlen's petition must be denied.

9. The Broadcast Bureau supports Dorlen's petition insofar as it requests inquiry into the economic effect of another broadcast service in Charles County, Maryland. However, the Bureau states that the issue framed by Dorlen is too narrow in scope to develop all the relevant facts, in that it emphasizes injury to WSMD rather than the public. The Bureau would also investigate the effect a grant to Dorlen will have on WSMD. Therefore, the Bureau urges, the issue it suggests[6] should be substituted for that offered by Dorlen. The Bureau's issue would also look to degradation of service as an effect of addition of a second station in Charles County, Maryland. The burden of proceeding with the evidence and the burden of proof on any issue added in response to these pleadings, the Bureau urges, should be assigned to Dorlen.

10. Charles County, in opposing Dorlen's petition, makes another argument which we shall now discuss. Charles County urges, that if Charles County, Maryland can provide financial support for only one broadcast station (WSMD), as Dorlen alleges, then an opportunity should be provided Charles County to compete for that station. Charles County alleges that it is better qualified than Dorlen to operate WSMD, and it urges that Dorlen be required to file early application for renewal of the license of WSMD, so that it may file a competing application in accordance with the procedure set out in Herbert P. Michels (WAUB), 17 RR 557 (1958). Both Dorlen and the Broadcast Bureau oppose institution of the Michels procedure, each on the ground that Michels can be distinguished on its facts from the present case. Thus, it is pointed out that the applications here are for separate communities, while in Michels, only one community was involved. Dorlen and the Bureau also note that the same class of service (AM) was involved in Michels, while here, the existing station is an FM operation and it is an AM station which is proposed. Dorlen further alleges that Charles County seeks merely to confuse the matter and to keep the Commission from considering the public interest questions it raises.

11. The Board is unable to conclude that the economic issue should be added, either in the form proposed by Dorlen or the modification supported by the Broadcast Bureau. However, our reasons for denying this request are not those articulated by Charles County, as the following discussion will make clear.

12. To begin with, it is basic to an understanding of this decision that the Board's jurisdiction and power are limited. The delegations of authority to the Board spell out in detail the limited scope of the Board's jurisdiction. That even within the scope of its jurisdiction the Board's powers are limited is made clear by the legislative history of Public Law 87–192 (75 Stat. 420), the Report and Order pursuant to which the Commission created the Board and delegated authority to it (FCC 62–612), and the specific provisions of section 0.206(d) which states: "The Review Board shall decide each matter before it by a majority vote in accordance with the Communication's Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission."

Unless the Board keeps these limitations at all times clearly in mind and governs its actions in strict accordance with them, its usefulness to the Commission in the handling of adjudicatory matters will be lessened. Thus, the Board cannot make new policy or change old policy; these functions are reserved unto the Commission, and properly so.

13. Turning now to consideration of the issue presented by the pleadings, the narrow question before the Board is whether, if a licensee offers to prove that its FM station will be forced off the air or its services degraded by the advent of an AM station nearby, with consequent injury to the listening public, the Commission is required to permit him the opportunity so to prove in an evidentiary hearing. Are there any case precedents on this precise question? Although, the parties have cited none nor have we discovered any, there are, however, several rulings on somewhat related questions, and we shall now examine some of them.

14. Dorlen calls attention to two relatively recent designation Orders of the Commission in William L. Ross, FCC 62–791, 23 RR 992 (1962), and Geoffrey A. Lapping, FCC 62–682, 23 RR 919 (1962). These cases are not dispositive, however, for in both of them the complaining station and the applicant were in the standard broadcast field. The Bureau refers to the decision of the Court of Appeals for the District of Columbia in Carroll Broadcasting Co. v. FCC, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958) in which the Court, in reversing the Commission's holdings (14 RR 275)[7] stated as follows: "This opinion is not to be construed or applied as a mandate to the Commission to hear and decide the economic effects of every new license grant. It has no such meaning. We hold that, when an existing licensee offers to prove that the economic effect of another station would be detrimental to the public interest, the Commission should afford an opportunity for presentation of such proof and, if the evidence is substantial (i.e., if the protestant does not fail entirely to meet his burden), should make a finding or findings."

Once again, however, the precise question now before the Board was not under consideration by the Court, for in Carroll only standard broadcast service was involved. Moreover, in the period of more than four years since that opinion was released by the Court, the Commission has not, with one possible exception to which we shall advert, construed that case as applying to situations where the alleged public injury would result from the impact of a station in one service on the existing station in another service.

15. The possible exception just referred to is that of Carter Mountain Transmission Corp., FCC 62–177, 32 FCC 459, 22 RR 193 (1962), in which the Commission denied an application for common carrier microwave relay facilities which would have been used for the purpose of supplying television programs to a CATV system. The Commission based its conclusion on the finding that the public interest would not be served by an action which would deprive the public of the only free television service in the area. It is possible that this decision signals the adoption of a policy by the Commission to consider the effect upon the public of the economic impact of a grant in one service upon another. That such is the necessary result is far from clear, however, despite broad language in the decision, for this case involves the use of common carrier facilities to assist a type of service over which the Commission does not have licensing jurisdiction to drive out the only television service in the area. Without going into detail, we think these differences are sufficient to preclude the Board from using Carter Mountain as authority for addition of the issue proposed here.

16. Lending weight to, if not confirming our conclusion are the various Commission's statements, in one context or another, of the separateness of AM and FM as broadcast media. A general statement to this effect is contained in the Commission's notice of proposed rulemaking proposing revision of the FM Rules, released July 5, 1961.[8] The Commission introduced its discussion of the relationship of the two media with the following summarization of past policy:[9] "To a large extent, in the past we have treated these media separately, looking to each and its problems and development without regard to the other."

That this has been so in the adjudicatory field, with minor exceptions, can be

[6] The issue recommended by the Broadcast Bureau is as follows: "To determine whether there are adequate revenues to support a standard broadcast station in Charles County, Maryland, without loss or degradation of FM or standard broadcast service to Charles County, Maryland, and surrounding areas."

[7] The Commission held that the Communication's Act does not confer upon the Commission, the power to consider the effect of legal competition except perhaps in 307(b) cases and that as a matter of policy the possible effects of illegal competition would be disregarded in passing upon applications for new broadcast stations.

[8] In the matter of revision of FM Broadcast Rules, Docket No. 14185, FCC 61–833, 21 RR 1655.

[9] Id., 1659.

illustrated by reference to several cases. The case most nearly in point is the Commission's Memorandum Opinion and Order in Suburban Broadcasters, Docket No. 13332, 20 RR 52 (1960). One of the designated issues in that FM case asked for a determination of areas and populations to be served by the proposal and of the availability of other such FM broadcast service to the area and population. An amendment of issues was sought to provide for a showing as to all broadcast service (FM, AM and TV) to the area, but the Commission rejected this request, stating: [10] "Each of these services is a separate and distinct class of broadcast service and the availability of one class of broadcast service to an area, we have held, is not a controlling factor in determining need for another class of broadcast service to the same area. See Tupelo Broadcasting Co., Inc., 12 RR 1233 (1956); Easton Publishing Co. v. FCC, 175 F. 2d 344, 4 RR 2147 (D.C.C.A. 1949)".

Tupelo did not involve FM service in any way; the issue there was whether the Examiner had erred in failing to consider the availability of television service to the area to which the AM applicant would render a first primary service. However, the disposition of the matter by the Commission has pertinence here. The exceptor argued that a television station would render service to the white area, and that this constitutes a distribution of frequency and power and a first broadcast service under section 307(b) of the Act. Said the Commission: [11] "[The exceptor] misconstrues section 307(b). That section contemplates an equitable distribution of broadcast service in each class of service. It cannot be contended that television is a substitute for a standard broadcast service for it is a separate, distinct and entirely different type of service."

In Easton Publishing, cited by the Commission in Suburban, supra, the Court gave judicial approval to the Commission's treatment of AM and FM as separate systems and held, among other things, that the provisions of section 307(b) of the Communications Act do not forbid the older service (AM) to be extended where the new has been installed and do not require that the existence of the FM be a "controlling factor" in the extension of AM.

17. Regardless of the foregoing, it certainly can be argued that addition of the issue requested here is nothing more than a logical and necessary extension of existing law and policy reflected in the decisions referred to in paragraphs 14 and 15 above. This argument, however, takes no account of the substantial effect such an extension is likely to have upon the licensing process. Hearings on economic injury to an existing station and the consequent adverse effect on the public can become very complex and lengthy, and it can be questioned whether the public does not suffer more from the delay in the licensing process than from some degradation in service. More important than this, however, is the possibility, indeed the probability, that to a very appreciable extent the development of the three systems of broadcasting will become intertwined and enmeshed by the need for hearings on economic injury issues, in partial frustration, at least, of the apparent policy of developing them separately. Thus, an FM station could block an AM grant and vice versa, an AM or an FM station could block a TV grant, etc. If this is to be done, it should be done after careful study and affirmative action in this direction by the Commission, not by the extension of somewhat related legal and policy doctrine by the Review Board. Therefore, the petition of Dorlen will be denied as being inconsistent with Commission policy.

18. There remains only one matter raised by the pleadings to be disposed of, and that is the request for additional issues made by Charles County, which would add a "strike" issue [12] with respect to Dorlen's application. Charles County alleges, and the facts are uncontroverted, that Dorlen filed its application for Waldorf subsequent to that of Charles County for La Plata, and that Dorlen's application, insofar as it may delay or prevent the granting of Charles County's application, is of economic benefit to Dorlen's Station WSMD. The request for additional issues is opposed by Dorlen and the Broadcast Bureau, each attacking Charles County's showing of "good cause" for filing its request later than 15 days after the publishing of the designation order in the FEDERAL REGISTER (27 CFR 7895; August 9, 1962) and stating that Charles County has failed to allege sufficient facts to support the action requested.

19. Charles County's request will be denied. As we have indicated earlier, this request should not have been made in a responsive pleading, and it will be denied for this reason. We are of the opinion, however, that investigation of this matter is required, and we will add an issue toward this end on our own motion. See Capitol Broadcasting Company, 20 RR 979 (1960). The issue we are adding is similar to that added in WIDU Broadcasting, Inc., FCC 62R-93,—RR—(released October 26, 1962). The facts of that case and this are substantially similar, and contrary to the Bureau's apparent position here, as we stated in WIDU, an intention to construct and operate may not be determinative of this issue.

Accordingly, it is ordered, This 8th day of February 1963, That the petition to enlarge issues, filed August 24, 1962, by Dorlen Broadcasters, Inc. is denied; and

It is further ordered, That the request for additional issues, filed September 6, 1962, by Charles County Broadcasting Co., Inc., is denied; and

It is further ordered, That the motion to strike, filed October 8, 1962, by Dorlen Broadcasters, Inc., is granted; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the application of Dorlen Broadcasters, Inc., was filed for the principal or incidental purpose of obstructing or delaying the establishment of a standard broadcast facility at La Plata, Maryland, and whether in the light of the facts adduced, a grant of the application of Dorlen Broadcasters, Inc. would serve the public interest, convenience and necessity.

Released: February 12, 1963.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-1730; Filed, Feb. 13, 1963; 8:50 a.m.]

[10] 20 RR 52, 53.
[11] 12 RR 1233, 1250.

[12] "To determine whether the application of Dorlen Broadcasters, Inc., was filed in good faith, or merely to impede, obstruct, or delay a determination on the application of Charles County Broadcasting Co., Inc., and, if so, to determine whether such bad faith filing adversely reflects upon the character qualifications of the principals of Dorlen Broadcasters, Inc., to hold an interest in a license of this Commission."

[13] Dissenting statement of Board Member Nelson filed as part of the original document.

[Docket Nos. 14957, 14958; FCC 63M-192]

CHISAGO COUNTY BROADCASTING CO. AND BRAINERD BROADCASTING CO. (KLIZ)

Order Scheduling Hearing

In re applications of Robert W. Koehn tr/as Chisago County Broadcasting Company, Lindstrom, Minnesota, Docket No. 14957, File No. BP-14522; Brainerd Broadcasting Company (KLIZ), Brainerd, Minnesota, Docket No. 14958, File No. BP-15140; for construction permits.

It is ordered, This 8th day of February 1963, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, March 12, 1963.

Released: February 11, 1963.

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

[F.R. Doc. 63-1731; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket No. 14953; FCC 63M-190]

CLINCH MOUNTAIN BROADCASTING CO.

Order Scheduling Hearing

In re application of Jack T. Helms, Jack J. DeLisi and William G. Stallard, d/b as Clinch Mountain Broadcasting Company, Lebanon, Virginia, Docket No. No. 14953, File No. BP-14969; for construction permit.

It is Ordered, This 8th day of February 1963, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on April 10, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, March 11, 1963.

Released: February 11, 1963.

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

[F.R. Doc. 63-1732; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket No. 14951; FCC 63M-188]

GOLDEN TRIANGLE BROADCASTING, INC. (WEEP)

Order Scheduling Hearing

In re application of Golden Triangle Broadcasting, Inc. (WEEP), Mt. Oliver, Pennsylvania, Docket No. 14951, File No. BP-14199; for construction permit.

It is ordered, This 8th day of February 1963, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 22, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, March 14, 1963.

Released: February 11, 1963.

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

[F.R. Doc. 63-1733; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket No. 14954; FCC 63M-191]

MAGIC CITY BROADCASTING CORP.

Order Scheduling Hearing

In re application of Magic City Broadcasting Corporation, Docket No. 14954, File No. BMP-10258; for additional time to construct radio station WBHM, Birmingham, Alabama.

It is ordered, This 8th day of February 1963, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 18, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, March 12, 1963.

Released: February 11, 1963.

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

[F.R. Doc. 63-1734; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket No. 14952; FCC 63M-189]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Scheduling Hearing

In re application of Norristown Broadcasting Company, Inc. (WNAR), Norristown, Pennsylvania, Docket No. 14952, File No. BP-12902; for construction permit.

It is ordered, This 8th day of February 1963, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, March 13, 1963.

Released: February 11, 1963.

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

[F.R. Doc. 63-1735; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket Nos. 14639, 14640; FCC 63M-199]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Continuing Hearing

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; for construction permits.

In view of the pendency of the application of Olney Broadcasting Company to dismiss its application in this proceeding: *It is ordered,* This 12th day of February 1963, that the hearing herein now scheduled for February 19, 1963, be, and the same is hereby rescheduled for April 11, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: February 12, 1963.

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

[F.R. Doc. 63-1736; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket No. 8342 etc.; FCC 63M-194]

PEKIN BROADCASTING CO. (WSIV) ET AL.

Order Scheduling Hearing

In re applications of Pekin Broadcasting Company (WSIV), Pekin, Illinois, Docket No. 8342, File No. BMP-2561; Tedesco, Inc. (KWKY), Des Moines, Iowa, Docket No. 14955, File No. BP-14183; Robert W. Sudbrink and Margareta S. Sudbrink d/b as Des Moines County Broadcasting Co., Burlington, Iowa, Docket No. 14956, File No. BP-14193; for construction permits.

It is ordered, This 8th day of February 1963, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 8, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, March 12, 1963.

Released: February 12, 1963.

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

[F.R. Doc. 63-1737; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket No. 14908; FCC 63M-202]

WARSAW-MOUNT OLIVE BROADCASTING CO.

Order Following Prehearing Conference

In re application of Onslow Broadcasting Corporation tr/as Warsaw-Mount Olive Broadcasting Company, Warsaw, North Carolina, Docket No. 14908, File No. BP-14364; for construction permit.

A prehearing conference in the above-entitled proceeding having been held this day, and it appearing that certain procedural agreements reached therein should be formalized and publicized in an order;

Accordingly, it is hereby ordered, This 12th day of February 1963, as follows:

(1) A preliminary exchange of applicant's proposed exhibits on the issues as now specified will be made by March 15, 1963;

(2) The final exchange of applicant's proposed exhibits will be made by April 5, 1963;

(3) Notification as to those witnesses for the applicant whose presence at the hearing is desired, will be given to counsel for applicant by April 15, 1963; and

(4) The hearing heretofore scheduled for March 5, 1963, is postponed until April 30, 1963, at 10:00 a.m., in the offices of the Commission in Washington, D.C.

Released: February 13, 1963.

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

[F.R. Doc. 63-1738; Filed, Feb. 15, 1963; 8:50 a.m.]

[Docket Nos. 14402, 14403; FCC 63M-198]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Continuing Prehearing Conference

In re applications of WNOW, Inc. (WNOW), York, Pennsylvania, Docket No. 14402, File No. BP-13793; Radio As-

sociates, Inc. (WEER), Warrenton, Virginia, Docket No. 14403, File No. BP-14802; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 11th day of February 1963, that the prehearing conference now scheduled for February 15, 1963, be and the same is hereby rescheduled for March 13, 1963, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: February 12, 1963.

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

[F.R. Doc. 63-1739; Filed, Feb. 15, 1963; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1561]

INTERNATIONAL BANK AND FINANCIAL GENERAL CORP.

Notice of and Order for Hearing on Application for Order Exempting Transactions Between Affiliated Persons

FEBRUARY 11, 1963.

Notice is hereby given that International Bank ("IB"), an Arizona corporation, and Financial General Corporation ("FGC"), a Virginia corporation, both of which have their principal offices in Washington, D.C., and which are affiliated persons, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed acquisition by FGC from IB of all of the capital stock of Hawkeye Interests Corporation ("Hawkeye Interests") and all of the capital stock of United Interests Corporation ("United Interests") in exchange for 373,228 shares of common stock of FGC. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicants' representations, which are summarized below.

IB has previously filed an application, which is currently the subject of proceedings before the Commission, for an order pursuant to section 3(b)(2) of the Act declaring that IB is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses (File No. 812-1372). The Commission has issued an order pursuant to sections 6 (c) and (e) of the Act exempting IB from certain provisions of the Act pending the determination of IB's status pursuant to that application and making other provisions of the Act, including section 17, applicable as though IB were a registered investment company (Investment Company Act Release No. 3297 (July 24, 1961)).

FGC's assets consist primarily of interests in majority-owned subsidiaries and other companies engaged in the banking and insurance businesses. At June 30, 1962 FGC had outstanding $15,000,000 principal amount of 6 percent Collateral Trust Bonds due 1976; $2,215,036 of other long-term debt; 60,030 shares of $2.25 dividend cumulative preferred stock, entitled upon voluntary liquidation or redemption to $52 per share plus accrued dividends; and 2,830,326 shares of common stock. IB is the beneficial owner of 508,272 shares of common stock of FGC (after a 5 percent stock dividend paid by FGC in December 1962), representing 17.14 percent of the outstanding shares of common stock of FGC.

IB is the owner of all of the outstanding capital stock of Hawkeye Interests and United Interests. The assets of Hawkeye Interests consist almost entirely of 16,000 shares, or 36 percent, of the common stock of Hawkeye-Security Insurance Company ("Hawkeye-Security"), of Des Moines, Iowa, a fire and casualty insurance company. The assets of United Interests consist almost entirely of 46,875 shares (increased from 37,500 shares by a 25 percent stock dividend in December 1962), or 4.7 percent, of the common stock of United Services Life Insurance Company ("United Services"), of Washington, D.C., a life insurance company. In addition, Hawkeye-Security owns 6.4 percent of the common stock of United Services. Majority-owned subsidiaries of FGC also own approximately 27 percent of the common stock of Hawkeye-Security and 14.7 percent of the common stock of United Services.

The application proposes that FGC acquire from IB all of the capital stock of Hawkeye Interests and United Interests in exchange for 373,228 shares of common stock to be issued by FGC. The values of the securities used in fixing the proposed ratio of exchange are said to be based upon the average of the daily closing sale prices of the FGC common stock on the American Stock Exchange over the four months period from July 1 to October 31, 1962 ($15.1584 per share, prior to giving effect to the 5 percent stock dividend); the average of the daily mean of the bid and asked quotations for the United Services common stock in the over-the-counter market over the same period ($76.218 per share, prior to giving effect to the 25 percent stock dividend); and the appraised value of the Hawkeye-Security Common stock at June 30, 1962, ($177.14 per share) as determined by Alfred M. Best Company, Inc., independent appraisers, in which neither of the applicants has any financial interest. The four months of July to October 1962, for which daily market quotations were used to value the common stocks of FGC and United Services for purposes of fixing the proposed ratio of exchange, were the four calendar months immediately preceding the approval of the proposed exchange by the respective Boards of Directors of IB and FGC at meetings on November 9, 1962.

On the basis of the values of the shares involved in the proposed exchange as so determined, the value of the 37,500 shares of United Services common stock owned by United Interests (prior to the increase by reason of the stock dividend) is $2,858,175, and the value of the 16,000 shares of Hawkeye-Security common stock owned by Hawkeye Interests is $2,834,240, or an aggregate value of $5,692,415. The basis for Federal income tax purposes of such stocks is $115,312 for the United Services stock and $493,028 for the Hawkeye-Security stock, or an aggregate tax basis of $608,340. It is expected that the proposed transaction will qualify as a "tax free reorganization" under the Internal Revenue Code of 1954, as amended, so that IB will not recognize any gain or loss on the transfer to FGC of the stocks of United Interests and Hawkeye Interests. In such event, FGC's tax basis of the shares of United Interests and Hawkeye Interests received by FGC in the exchange, as well as IB's tax basis of the shares of FGC received by IB in return, will be the same as the present tax basis of $608,340 of the stocks of United Interests and Hawkeye Interests in the hands of IB.

The value of the United Services and Hawkeye-Security stocks in the amount of $5,692,415 used in fixing the proposed ratio of exchange includes unrealized appreciation of $5,084,075 over the tax basis of $608,340. The potential Federal tax liability, at the current rate of 25 percent on long-term capital gains, upon the realization of such appreciation would be $1,271,019. However, the application states that full effect has not been given to the potential tax liability in arriving at the terms of the exchange, since the securities being acquired by FGC will be acquired by it for investment with no present view to their sale, so that no tax is expected to be paid in the immediate future. It is stated that prior to any sale FGC would have the full use of, and benefit fully from earnings on, such assets. In determining the value of the United Services and Hawkeye-Security stocks for purposes of the proposed exchange, allowance for a reserve for taxes on unrealized appreciation was made in the amount of $304,272, or 23.9392 percent of the potential tax liability, which represents the present value of the amount which would be required to pay such potential tax assuming payment 15 years from date and an average annual return on the retained tax reserve at a rate of 10 percent.

In summary of the above basis of exchange, the value of the United Services and Hawkeye-Security common stocks in the amount of $5,692,415, less the allowance for a tax reserve of $304,272, or a net value of $5,388,143, was divided by the value of $15.1584 per share of FGC common stock to arrive at 355,456 shares of FGC to be issued to IB, before giving effect to the 5 percent stock dividend paid by FGC in December 1962, which increased the number of FGC shares to be issued to IB under the proposal to 373,228.

The application asserts that the terms of the proposed exchange are reasonable and fair. It is also stated that the ex-

change will be advantageous to the applicants because, among other things, it will insure IB's control of FGC by increasing IB's ownership of the voting securities of FGC from approximately 17.1 percent to 26.4 percent; will concentrate under the ownership of FGC the security holdings of IB and its affiliated companies in Hawkeye-Security and United Services, thereby increasing the ownership by FGC and its majority-owned subsidiaries of the Hawkeye-Security stock from approximately 27 percent to 63 percent and of the United Services stock from 14.7 percent to 25.8 percent; and will increase the common stock equity of FGC and the assets and earnings coverages for its debt and preferred stock and place FGC in a better position to obtain additional working capital to finance the purchase of bank stocks under existing contracts and to permit additional expansion.

The proposed exchange is subject to the approval of the stockholders of IB and FGC, respectively.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company, or any company controlled by such registered company, any securities or other property, subject to certain exceptions not here pertinent. The Commission, upon application pursuant to section 17(b), is required to grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of any registered investment company concerned, as recited in its registration statement and reports filed under the Act, and are consistent with the general purposes of the Act. Since FGC is an affiliated person of IB, the proposed purchase of securities by FGC from, and sale of securities by FGC to, IB are prohibited by section 17(a) of the Act.

Section 12(d)(2) of the Act prohibits any registered investment company and any company or companies controlled by it from purchasing or otherwise acquiring any security issued by or any other interest in the business of any insurance company of which such registered company and any company or companies controlled by it shall not at the time of such purchase or acquisition own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate or as a result of such purchase or acquisition will own in the aggregate more than 10 per centum of the total outstanding voting stock of such insurance company, subject to certain exceptions not here pertinent. This section may prohibit the proposed acquisition by IB of stock of FGC, since the latter has substantial interests in voting stocks of various insurance companies. However, if IB controls FGC within the meaning of the Act, the proposed acquisition may be permitted, since it appears that in such event the acquiring company (IB) and a controlled company (FGC) would at the time of such proposed acquisition own in the aggregate more than 25 per centum of the voting stock of such insurance companies.

Section 2(a)(9) of the Act provides, among other things, that any person who does not own more than 25 per centum of the voting securities of any company shall be presumed not to control such company and that any such presumption may be rebutted by evidence, but except as therein provided, shall continue until a determination to the contrary made by the Commission by order either on its own motion or on application by an interested person. The application states that IB, as the owner of 17.14 percent of the common stock (voting securities) of FGC, is the largest single stockholder of FGC and exercises working control of FGC through mutual directors and officers. It further states that The Equity Corporation, a registered investment company and at one time the parent of FGC, owns approximately 15.88 percent of the common stock of FGC.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to the aforesaid Sections:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on March 4, 1963 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the Rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Sidney Gross, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination: whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any persons concerned; whether the proposed transaction is consistent with the policy of each registered investment company concerned; whether IB controls FGC within the meaning of section 2(a)(9) of the Act; whether the proposed transaction is lawful under section 12(d)(2) of the Act; and whether the proposed transaction is otherwise consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to IB and FGC; that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

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

[F.R. Doc. 63-1703; Filed, Feb. 15, 1963; 8:46 a.m.]

[File No. 24S-1873]

EASY-TOW RENTAL SYSTEM, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 7, 1963.

I. Easy-Tow Rental System, Inc. (issuer) incorporated in the State of Washington on November 9, 1961, filed with the Commission on July 31, 1962, a notification on Form 1-A relating to a proposed offering of trailer investment contracts in the aggregate amount of $256,000 (thereafter reduced by amendment to $230,000) for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Issuer's trailer investment contracts have been sold without the use of an offering circular containing the information specified in Schedule I of Form 1-A as required by Rule 256(a).

2. The notification on Form 1-A does not set forth under Item 2(b) thereof the name, address and nature of affiliation of all of issuer's affiliates.

3. Sales material consisting of circulars, newspaper advertisements and letters have not been filed prior to use thereof, in accordance with Rule 258.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the existence of affiliates;

2. The failure to disclose that the responsible authorities in Idaho and Montana had denied issuer (or its affiliates) the right to sell its trailer investment contracts in those States.

3. The statement that investors' funds would be deposited in a bank trust account pending disbursement in payment of trailer purchased.

C. The offering has been and is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 63-1704; Filed, Feb. 15, 1963; 8:46 a.m.]

[File No. 24SF-2986]

IMPERIAL MINING, INC.

Order Vacating Temporary Suspension Order

FEBRUARY 11, 1963.

The Commission has been advised by the Division of Corporation Finance that the issuer in the above matter has complied with the conditions of the Commission's order of October 25, 1962, granting the issuer an opportunity to amend its notification and offering circular, in that it has:

1. Filed an amended notification and offering circular effecting changes in the material previously filed necessary to complete and bring up to date the information and disclosure therein in a manner which, on its face and in the opinion of the Division of Corporation Finance, appears to comply with the terms and conditions of Regulation A;

2. Filed a printer's proof of a definitive offering circular conforming to the material as so amended prior to printing for use in connection with the offering; and

3. Provided the Division with satisfactory assurance that all known existing copies of the definitive offering circular dated March 10, 1962, other than file copies of the issuer, its counsel and the Commission, have been destroyed.

It is ordered, That the temporary suspension order dated May 31, 1962, in the above matter be, and it hereby is, vacated.

By the Commission.

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

[F.R. Doc. 63-1705; Filed, Feb. 15, 1963; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 409]

WASHINGTON

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Whitman County in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 3, 1963.

OFFICE

Small Business Administration Regional Office,
Smith Tower, Room 1206,
506 Second Avenue,
Seattle 4, Wash.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1963.

Dated: February 6, 1963.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 63-1714; Filed, Feb. 15, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 21, 1963.

Dated: January 21, 1963.

GLENN J. HALL.

[F.R. Doc. 63-1696; Filed, Feb. 15, 1963; 8:46 a.m.]

ROBERT R. REND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) General Motors.
DuPont.
The Montana Power Co.
American Telephone & Telegraph Co.
Investors Mutual Inc.
New York Life Ins. Co.
(3) None.
(4) None.

This statement is made as of January 23, 1963.

Dated: January 23, 1963.

ROBERT R. REND.

[F.R. Doc. 63-1697; Filed, Feb. 15, 1963; 8:46 a.m.]

RAYMOND V. SELANDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 21, 1963.

Dated: January 21, 1963.

RAYMOND V. SELANDER.

[F.R. Doc. 63-1698; Filed, Feb. 15, 1963; 8:46 a.m.]

JOHN S. BALDWIN

Report of Appointment and Statement of Financial Interests

DECEMBER 18, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: John S. Baldwin.
Name of employing agency: Department of the Interior, Office of Oil and Gas.
The title of the appointee's position: Consultant.
The name of the appointee's private employer or employers: Standard Oil Co. (N.J.), 30 Rockefeller Plaza, New York 20, N.Y.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 21, 1963, as Director, Esso Tankers (wholly owned affiliate of Standard Oil Co. (N.J.), an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Standard Oil Co. (N.J.).
Certain Teed Products Corp.
DuPont.
General Motors.
Southern Co.
Trans-Mountain Oil Pipeline Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: January 21, 1963.

J. S. BALDWIN.

[F.R. Doc. 63-1699; Filed, Feb. 15, 1963; 8:46 a.m.]

JOSEPH T. DICKERSON, JR.

Report of Appointment and Statement of Financial Interests

DECEMBER 18, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Joseph T. Dickerson, Jr.
Name of employing agency: Department of the Interior, Office of Oil and Gas.
The title of the appointee's position: Consultant.
The name of the appointee's private employer or employers: Mid-Continent Oil & Gas Assn., 1625 K Street NW., Washington 6, D.C.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 21, 1963 as Consultant, Office of Oil and Gas, an officer or director:

At present I am employed as Executive Vice President of the Mid-Continent Oil & Gas Association, an unincorporated, nonprofit trade association.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Ford Motor Co., Boeing Airplane Co., Hilton Hotels Corp., The Dayton Rubber Co., Howard Johnson Co., Southern California Edison Co., Tennessee Gas Transmission Co., The Fed-Mart Corp., Jos. Schlitz Brewing Co., Chesapeake and Potomac Telephone Co. of West Virginia.

Having been employed by Shell Oil Co. and its subsidiaries in the United States for more than 33 years, I have earned and am now receiving a pension for life which is paid by Shell Pension Trust, 1271 Avenue of the Americas, New York 20, N.Y.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: January 15, 1963.

JOSEPH T. DICKERSON, Jr.

F.R. Doc. 63-1700; Filed, Feb. 15, 1963; 8:46 a.m.]

CHARLES E. WEBBER

Report of Appointment and Statement of Financial Interests

DECEMBER 18, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles E. Webber.
Name of employing agency: Department of the Interior, Office of Oil and Gas.
The title of the appointee's position: Consultant.
The name of the appointee's private employer or employers: Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 21, 1963, as Consultant, Office of Oil and Gas, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, of other financial interests:

Sun Oil Co.
Standard Oil Co. (N.J.).
Gulf Oil Corp.
Transcontinental Gas Pipeline Co.
Ingersoll-Rand Corp.
Commercial Securities.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: January 15, 1963.

CHARLES E. WEBBER.

[F.R. Doc. 63-1701; Filed, Feb. 15, 1963; 8:46 a.m.]

ROLAND A. WHEALY

Report of Appointment and Statement of Financial Interests

DECEMBER 18, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Roland A. Whealy.
Name of employing agency: Department of the Interior, Office of Oil and Gas.
The title of the appointee's position: Consultant.
The name of the appointee's private employer or employers: Ashland Oil & Refining Co., 50 Rockefeller Plaza, New York 20, N.Y.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days

preceding my appointment, on January 21, 1963, as Consultant, Office of Oil and Gas, an officer or director:

Ashland Oil & Refining Co., Ashland, Ky.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Socony Mobil Oil Co., New York, N.Y.
Standard Oil Co. (Ohio), Cleveland, Ohio.
Gulf Oil Corp., Pittsburgh, Pa.
Murphy Corp., El Dorado, Ark.
Commonwealth Oil Refining Co., Inc., San Juan, P.R.
Second National Bank, Ashland, Ky.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: January 21, 1963.

ROLAND A. WHEALY.

[F.R. Doc. 63-1702; Filed, Feb. 15, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 756]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 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 65555. By order of February 5, 1963, the Transfer Board approved the transfer to Lloyd Morrison, Kenneth Morrison, and Milton L. Morrison, a partnership, doing business as Lloyd Morrison, Salina, Kans., of Certificates Nos. MC 36442 and MC 36442 Sub-4, issued January 13, 1959, and October 7, 1958, respectively, to Lloyd Morrison, Alta Morrison, Kenneth Morrison, and Milton L. Morrison, a partnership, doing business as Lloyd Morrison, Salina, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular route from Kansas City, Mo., to Salina, Kans., serving no intermediate points but serving the off-route point of North Kansas City, Mo., unrestricted, and off-route points of Durham, Ramona, McPherson, and Roxbury, Kans., restricted to westbound traffic only; general commodities, excluding household goods and commodities in bulk, over irregular routes, from Kansas City, Mo., to Junction City, Carlton, and Tampa, Kans.; agricultural implements and parts, hardware, building material, twine, and wire, filling station tanks and supplies, furniture, feed, seed, petroleum products, in containers, over irregular routes, from specified points in Missouri to points and/or areas in Kansas; agricultural implements and parts, from Pritchett, Colo., to Abilene, Kans., feed and grain, from Lincolnville, Kans., to St. Joseph, Mo., seed, from Lindsborg, and Roxbury, Kans., to St. Joseph, Mo., petroleum products, in containers, from Kansas City, Kans., to points in Kansas, livestock, from points in Kansas, to points in Kansas, Missouri, and Nebraska, between Roxbury, Kans., and points within 30 miles thereof, on the one hand, and, on the other, St. Joseph, and Kansas City, Mo., and Kansas City, Kans., and between La Cygne, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; grain, between points in Kansas, on the one hand, and, on the other, points in Nebraska; liquid grain fumigants, mill spray, and insecticides, in bulk, in tanks, from Velasco, Tex., to points in Oklahoma, Kansas, Missouri, Nebraska, and Colorado, and from Wichita, Kans., to points in Nebraska. Milton L. Morrison, Board of Trade Building, P.O. Box 748, Salina, Kans., partner, acting for applicants.

No. MC-FC 65594. By order of February 5, 1963, the Transfer Board approved the transfer to Arthur A. Freda, Pittsburgh, Pa., of a portion of Certificate No. MC 13026, issued November 5, 1959, to Herbert E. Brooks, doing business as Planet Trucking, Mars, Pa., authorizing the transportation of: Brick, from Bessemer, Pa., to points in West Virginia on and south of U.S. Highway 50; tile from West Darlington, Pa., to points in West Virginia on and south of U.S. Highway 50; damaged shipments of the above-specified commodities, from the destination points specified above to Bessemer and West Darlington, Pa., brick, face and common, from Baltimore, Md., to points in Allegheny, Beaver, Washington, Westmoreland, and Butler Counties, Pa., and stone from McDermott, Ohio, to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., attorney for applicants.

No. MC-FC 65614. By order of February 7, 1963, the Transfer Board approved the transfer to Earl R. Crowel and Kenneth L. Crowel, a partnership, doing business as Crowel Trucking, Almont, Mich., of Permit No. MC 123670, issued August 15, 1962, to Robert E. Crowel, Earl R. Crowel, and Kenneth L. Crowel, administrators, doing business as Crowel Trucking Co., Almont, Mich., authorizing the transportation of: Pickles and sauerkraut, in jars and barrels, from Imlay City, Mich., to points in Ohio. Eugene C. Ewald, 2150 Guardian Building, Detroit, Mich., attorney for applicants.

No. MC-FC 65629. By order of February 7, 1963, the Transfer Board approved the transfer to Price Bus Co., Inc., Scranton, Pa., of Certificate No. MC 17751, issued January 19, 1956, to Bert Price, doing business as Price Bus Co., Scranton, Pa., authorizing the transportation, over irregular routes, of passengers and their baggage, in charter operations, between Scranton, Pa., Hartford, Conn., and Springfield, Mass., and passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in Lackawanna County, Pa., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia, and return. Walter W. Kohler, 912 Northeastern National Bank Building, Scranton 2, Pa., attorney for applicants.

No. MC-FC 65633. By order of February 7, 1963, the Transfer Board approved the transfer to Stella P. Wieter, doing business as Mary's Freight Line, Breese, Ill., of Certificate No. MC 16067, issued December 20, 1940, to Conrad J. Wieter, doing business as Wieter Truck Service, Breese, Ill., authorizing the transportation, over a regular route, of: General commodities, excluding household goods, when transported as a separate and distinct service, and except commodities in bulk, and other specified commodities, between Carlyle, Ill., and St. Louis, Mo., over U.S. Highway 50, served specified intermediate and off-route points; and over irregular routes, milk, from Breese, Ill., and points within 15 miles to St. Louis, Mo. Mack Stephenson, 922 First National Bank Building, Springfield, Ill., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-1708; Filed, Feb. 15, 1963; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 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. 38161: *Returned shipments—Brick from and to official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2652), for interested rail carriers. Rates on brick, refractories, clay, and related articles, returned from original destination to original point of shipment, in carloads, from, to, and between points in official territory.

Grounds for relief: Carrier competition.

FSA No. 38162: *Cast iron pipe and fittings from points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-8347), for interested rail carriers. Rates on cast iron pipe and fittings, in carloads, from Swan, Tyler, and Fort Worth, Tex., to Huron, Mitchell, Rapid

City, Sioux Falls, Sturgis, and Watertown, S. Dak.

Grounds for relief: Market competition.

Tariff: Supplement 32 to Southwestern Freight Bureau tariff I.C.C. 4480.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-1709; Filed, Feb. 15, 1963; 8:47 a.m.]

[No. MC-C-4000]

MOTOR TRANSPORTATION OF PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

FEBRUARY 8, 1963.

The above-entitled proceeding, was instituted by the Commission by order entered December 26, 1962 (28 F.R. 198, 339) and the time within which interested persons might file written statements of facts, views, and arguments on the subjects herein involved was set as February 18, 1963.

At the request of an interested party, the National Bus Traffic Association, Inc., the time for filing such statements has been extended to March 18, 1963.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-1710; Filed, Feb. 15, 1963; 8:47 a.m.]

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