



# FEDERAL REGISTER

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3521

#### CENTENNIAL OF THE COMMERCIAL BANKING SYSTEM

By the President of the United States of America

#### A Proclamation

WHEREAS the year 1963 marks the centennial of the approval by President Abraham Lincoln of the Act of February 25, 1863, which provided for the establishment of a system of national banks chartered and supervised by the Comptroller of the Currency, under the general direction of the Secretary of the Treasury; and

WHEREAS the national banks and the State-chartered banks comprise a dual banking system which has beneficially served the public interest, provided credit and other financial assistance necessary for the economic growth of the United States, and played a leading role in keeping our economy competitive and vital; and

WHEREAS commercial banking, both Federal and State, has made great contributions to the Nation in times of crisis and continues to serve the Nation daily; and

WHEREAS the national banks and the State-chartered banks anticipate continued opportunities to contribute to the future growth and development of the economy of our country consistent with the changing needs of the public, industry, agriculture, and commerce:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the year 1963 as the Centennial of the Commercial Banking System; and I request the people of the United States to join with Federal and State authorities and representatives of the banking industry in activities and ceremonies designed to pay tribute to the contribution which commercial banking has made to the economic, social, and cultural lives of the people of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of February in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 63-2163; Filed, Feb. 26, 1963; 10:27 a.m.]

# Handwritten Document

18th Century

London, England

1750

*[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a formal document or letter.]*

# Rules and Regulations

## Title 41—PUBLIC CONTRACTS

### Chapter 9—Atomic Energy Commission

#### PART 9-1—GENERAL

The following subparts are added:

##### Subpart 9-1.2—Definition of Terms

Sec.	
9-1.201	Definitions.
9-1.250	Commission or AEC.
9-1.251	Division Director.
9-1.252	Subcontract.
9-1.253	Contractor.
9-1.254	Subcontractor.
9-1.255	Cost-type contractor and cost-type subcontractor.
9-1.256	Cost-type contractor Class A.
9-1.257	Cost-type contractor Class B.
9-1.258	Supplier.
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9-1.260	Services.

##### Subpart 9-1.3—General Policies

9-1.301	Methods of procurement.
9-1.302	Procurement sources.
9-1.302-1	General.
9-1.353	Procurement by cost-type contractors.
9-1.354	Prebidding and preproposal conferences.
9-1.355	Combinations of architect-engineer and construction contracts.

AUTHORITY: §§ 9-1.201 to 9-1.260 and 9-1.301 to 9-1.355 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

##### Subpart 9-1.2—Definition of Terms

###### § 9-1.201 Definitions.

This subpart contains definitions of terms used generally throughout the AECPR, in addition to those set forth in FPR 1-1.2. Additional definitions will be found in individual parts of FPR and AECPR covering terms used in those parts only.

###### § 9-1.250 Commission or AEC.

A distinction is made in AECPR between the term "Commission" and the abbreviation "AEC" in that the former is used to mean the Commissioners as a body and the latter to signify the United States Atomic Energy Commission. Many contract clauses make no distinction in these terms. Where practicable this distinction will be made in AECPR, except in contracts and contract clauses where the terms are used synonymously.

###### § 9-1.251 Division Director.

As used in AECPR, the term "Division Director" means the Director of a Division at the Headquarters level who is authorized to enter into contracts.

###### § 9-1.252 Subcontract.

Unless otherwise provided in FPR or AECPR, the term "subcontract" means any agreement with a contractor or higher tier subcontractor for the furnishing of supplies or services required for the performance of a contract. The term includes, by way of description and

without limitation, letter contracts and purchase orders, and any amendment or modification thereof or supplement thereto.

###### § 9-1.253 Contractor.

A "contractor" is any person, firm, association, or corporation entering into a contract with the Government.

###### § 9-1.254 Subcontractor.

A "subcontractor" is any person, firm, association, or corporation entering into a subcontract with a contractor or higher tier subcontractor.

###### § 9-1.255 Cost-type contractor and cost-type subcontractor.

The term "cost-type contractor" means a contractor who has a prime contract with the AEC on a cost basis. The term "cost-type subcontractor" means a subcontractor who has a subcontract on a cost basis under a cost-type prime contract provided all the preceding subcontracts, if any, in the contractual chain are also on a cost basis.

###### § 9-1.256 Cost-type contractor Class A.

The term "cost-type contractor Class A" means (1) a cost-type contractor who has a contract for the construction, operation, or maintenance of an AEC facility (including research and development facilities) which is segregated from the contractor's regular business, or (2) cost-type contractors with contracts which provide for procurement services incident to the construction of AEC facilities, or (3) any cost-type contractor who has set up a separate supply function for performance under AEC contracts or subcontracts.

###### § 9-1.257 Cost-type contractor Class B.

The term "cost-type contractor Class B" means a cost-type contractor with contracts under which substantially all work will be performed in the contractor's own facilities or at a location where the contractor's normal business is being conducted and for which a separate supply function is not maintained for such contract.

###### § 9-1.258 Supplier.

The term "supplier" means a manufacturer or producer, construction contractor, architect-engineer, regular dealer, or service establishment, and such other persons (or concerns) as may be found by the AEC to be qualified and responsible as sources of supplies or services.

###### § 9-1.259 Supplies.

The term "supplies" as used herein means all property except land or interests in land. It includes by way of description and without limitation, materials, supplies, equipment, public works, buildings, facilities, tools, and parts and accessories for such items.

###### § 9-1.260 Services.

The term "services" means services other than personal services including by way of description and without limitation, nonpersonal services; educational or training services; architectural or engineering services; maintenance or repair services; transportation services; utility services; operating and management services; experimental, developmental, or research work; and construction work.

#### PART 9-1—GENERAL

##### Subpart 9-1.3—General Policies

###### § 9-1.301 Methods of procurement.

(a) *General.* In promoting the primary objective of strengthening the common defense and security rapidly and effectively, there is a great responsibility to protect and preserve competitive enterprise. All practicable steps must be taken to provide for the equitable distribution of contracts among the maximum number of competent suppliers and to avoid the concentration of contracts among a relatively few suppliers.

(b) *Procurement by formal advertising.* Supplies and services shall generally be procured by formal advertising in accordance with FPR Part 1-2 and AECPR Part 9-2.

(c) *Procurement by negotiation.* Supplies and services may be procured without formal advertising in accordance with the requirements of FPR Part 1-3 and AECPR Part 9-3.

###### § 9-1.302 Procurement sources.

###### § 9-1.302-1 General.

*Procurement from Government sources.* Procurement of certain supplies and services may be effected by orders on Government sources referred to in FPR 1-1.302. It is the policy of the AEC that such methods of procurement be utilized to the fullest extent practicable, in accordance with applicable laws and regulations. Procurement by the AEC under the Economy Act of June 30, 1932, as amended (31 U.S.C. 686), shall conform to the requirements of that Act and applicable regulations of the General Accounting Office. Procedures to be followed in procuring from Government sources are set forth in AECPR 9-4 and 9-5 (until issued see AEC Manual 9108 and 9109).

###### § 9-1.353 Procurement by cost-type contractors.

In order to assure the expenditure of funds in the best interests of the Government, reasonable control shall be exercised over procurement activities of cost-type contractors with the objective of effecting the procurement of supplies and services in the manner most advantageous to the Government—price, quality, and other factors considered. This control shall be exercised in accordance

with the provisions of AECPR 9-1.104 as implemented herein. Nothing contained in this section shall be construed to abrogate or dispense with the requirements of any contract provision. The unilateral right to exercise such control over a cost-type contractor's procurement activities stems from a contract provision in the prime contract such as the standard article entitled "Subcontracts and Purchase Orders" (AECPR 9-7.5006-29). In the absence of an article of the type giving the Government the contractual right to establish controls and to review and approve the contractor's procurement and contracting procedures every effort should be made to accomplish this objective through mutual agreement with the contractor. In accomplishing this basic policy, practices set forth in the following paragraphs shall be observed:

(a) *Competition.* Procurement from sources other than Government sources shall be effected by methods calculated to assure such full and free competition as is consistent with securing the required supplies or services.

(b) *Government sources.* Requirements shall be met from Government sources if made available and if procurement from such sources is economically advantageous to the Government. Direct procurement by the AEC, rather than by a cost-type contractor, may be required where deemed necessary by the AEC or its authorized representative in order to carry out special requirements of appropriation acts or other applicable laws relating to particular items. Procedures to be followed by cost-type contractors are included in FPR Part 1-5 and AECPR Part 9-5 (until issued see AEC Manual 9108).

(c) *Contractor-controlled sources.* The Contracting Officer shall be notified sufficiently in advance of the proposed procurement of supplies or services from sources owned or controlled by a cost-type contractor to permit the AEC, at its option or by agreement with the cost-type contractor, to effect the procurement directly by competitive or other authorized methods.

(d) *Approval of subcontracts and purchase orders.* Specific limitations shall be placed on the authority of cost-type contractors to enter into subcontracts and purchase orders in accordance with the provisions of AECPR Part 9-51.

(e) *Small business.* A fair proportion of supplies and services shall be procured from small business concerns. Procedures applicable to cost-type contractors are included in AECPR subpart 9-1.7.

(f) *Types of subcontracts.* Types of subcontracts or purchase orders other than fixed-price (lump-sum or unit-price) type shall not be used unless procurement of the required supplies or services is impracticable without the use of the type selected, but the cost-plus-a-percentage-of-cost type shall not be used in any event.

(g) *Justifications.* Each cost-type contractor shall maintain, and make available for review by the AEC, justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures

used and the circumstance supporting particular transactions.

(h) *AEC review and approval of procurement practices and procedures.* Subject to AECPR 9-1.353(i), written statements of the detailed procurement practices and procedures used or proposed to be used by cost-type contractors shall be submitted at the earliest practicable date to Contracting Officers for review and written determination as to the acceptability of such practices and procedures. In approving contractor practices and procedures, Contracting Officers will be guided by the following:

(1) *Cost-type contractors Class A.* The Contracting Officer shall determine before approving such procedures that there has been compliance with the basic procurement policies of AECPR. Approval will be conditioned to the maximum practicable on conformance on the part of such contractors with all procurement requirements of the AECPR applicable to cost-type contractors.

(2) *Cost-type contractors Class B.* A cost-type contractors Class B's normal business practices will usually be accepted providing:

(i) The basic policies of AECPR 9-1.353 are complied with,

(ii) The contractor's procedures are well established, consistently applied and conform to good business practices, and

(iii) Acceptance of the contractor's normal business practices will not be disadvantageous to the Government.

(i) *Waiver.* In the case of a Class B contractor, the requirements of AECPR 9-1.353 (h) calling for submission and review of written statements of detailed procurement practices and procedures may be waived, when the quantity of procurement chargeable to AEC work is not deemed substantial by the Contracting Officer and the Contracting Officer is able to satisfy himself through other means that the procurement practices followed by the contractor are in the best interests of the Government.

#### § 9-1.354 Prebidding and preproposal conferences.

(a) Wherever considered advantageous, particularly for the more complex, unusual, or large projects, a prebidding or preproposal conference should be held with prospective contractors and their suppliers prior to receipt of bids or proposals in connection with formally advertised or negotiated procurements.

(b) The primary objectives of such conferences are to avoid production and construction problems and contingency items in bids or proposals by:

(1) Outlining principal features of the project.

(2) Answering questions and identifying any ambiguity or obscurity concerning the proposed work and the plans and specifications.

(3) Soliciting prospective contractors' opinions on matters such as feasibility of proposed production or construction techniques and tolerances.

(4) Soliciting prospective contractors' suggested changes in design or in provisions of the proposed contract which could result in more economical production or construction.

(c) Such conferences may also be held prior to the issuance of invitations for bids or requests for proposals when the main objective is to obtain the views of prospective contractors on matters such as production or construction techniques.

(d) Changes or clarifications found to be necessary as a result of a prebidding or preproposal conference shall be included in addenda to the invitation for bids or request for proposals.

#### § 9-1.355 Combinations of architect-engineer and construction contracts.

(a) It is the policy of AEC to avoid combinations of contracts for architect-engineer and construction services which may: (1) Result in self-inspection of construction work; (2) tend to prevent a contractor from furnishing its best architect-engineer services and from rendering unbiased decisions; or (3) create difficulties in segregating costs between contracts.

(b) Unless otherwise authorized by the Director, Division of Contracts, Headquarters, the following combinations of contracts shall not be awarded to the same firm or to affiliated companies:

(1) CPFF and fixed-price contracts for construction services, for on-site architect-engineer services, or for construction and on-site architect-engineer services on different construction projects, if the performance of any portion of the work under each contract is to be concurrent and in the same general location.

(2) A fixed-price contract, or contracts, for both architect-engineer and construction services on the same construction project, or a CPFF contract for architect-engineer services and a fixed-price contract for construction services on the same construction project. If a firm is to be responsible under such contractual arrangements for both design and construction services, Title III architect-engineer services shall be performed by another organization selected by the AEC.

(3) A CPFF contract for both architect-engineer and construction services on the same construction project (engineer-constructor contract). If this contractual arrangement is used, the contract shall provide for performance of the Title III architect-engineer services by contractor's engineering personnel who are not responsible to the contractor's construction personnel, or the Title III services shall be performed by another organization selected by the AEC.

*Effective date.* These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 18th day of February 1963.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,  
Director,  
Division of Contracts.

[F.R. Doc. 63-2023; Filed, Feb. 26, 1963; 8:45 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (a) of § 6.204 as set out below.

##### § 6.204 Department of Defense.

(a) *Office of the Secretary.* \* \* \*

(3) Professional positions at grades GS-16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(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. 63-2069; Filed, Feb. 26, 1963; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 615]

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Mediterranean Fruit Fly

##### ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR 301.78-2), 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 301.78-2a are hereby amended to read as follows:

§ 301.78-2a Administrative instructions designating regulated areas under the Mediterranean fruit fly quarantine and regulations.

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

#### FLORIDA

*Broward County.* That portion of the county bounded by a line beginning at the intersection of Powerline Road and Atlantic Boulevard and extending east along Atlantic Boulevard to its intersection with the shoreline of the Atlantic Ocean; thence southward along said shoreline to a point which would be intersected by a line projected east from Southeast 28th Street; thence west along said projected line, Southeast 28th Street, and Southwest 28th Street to its intersection with Southwest 9th Avenue; thence north along Southwest 9th Avenue, Northwest 9th Avenue, and Powerline Road to the point of beginning.

*Palm Beach County.* That portion of the county bounded by a line beginning at the intersection of Military Trail and Hypoluxo Road; thence east along Hypoluxo Road to a point where a line projected from the eastern terminus of said road intersects the shore line of the Atlantic Ocean (Manalapan); thence southward along said shore line to a point directly east of the eastern terminus of East Atlantic Avenue (Delray Beach); thence westward along East Atlantic Avenue, West Atlantic Avenue and Delray Road (Florida 806) to its intersection with Military Trail; thence northward along Military Trail to the point of beginning.

(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 301.78-2)

These administrative instructions shall become effective February 27, 1963, when they shall supersede P.P.C. 615, effective November 24, 1962 (7 CFR 301.78-2a).

This amendment adds to the regulated area a portion of Palm Beach County, Florida, in which a specimen of the Mediterranean fruit fly was recently trapped.

The amendment imposes restrictions supplementing Mediterranean fruit fly quarantine regulations already effective and must be made effective promptly in order to carry out the purposes of the regulations. 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 administrative instructions 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 21st day of February 1963.

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

[F.R. Doc. 63-2094; Filed, Feb. 26, 1963; 8:53 a.m.]

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

#### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amendment]

#### PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

*Basis and purpose and bases and considerations.* This amendment is issued

pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended). The purpose of this amendment is to make Federal Register Document 63-898 which was published at page 716 of the issue for January 26, 1963, effective when this amendment is filed for public inspection in the Office of the Federal Register, and to confirm and ratify all actions taken pursuant to the regulations set forth in Federal Register Document 63-898 from the time it was filed for public inspection in the Office of the Federal Register on January 25, 1963, at 8:50 a.m. Such document contained amendments of Part 817, Chapter VIII, Title 7 of the Code of Federal Regulations, setting forth expanded procedures designed to be promptly available for providing adequate and continuing supplies of sugar. Accordingly, Federal Register Document 63-898 appearing at page 716 of the issue for January 26, 1963, is hereby amended by adding the following paragraph as a third paragraph under the heading "Basis and purpose and bases and considerations" set forth at the beginning of such document:

*Effective date.* Under the procedures established by this amendment, an application for set-aside of quota covering sugar to be imported within the quota established for foreign countries as a group may be approved approximately three months earlier in relation to the date of shipment and date of importation of sugar than was previously permitted. It is essential that all persons importing sugar for consumption in the United States be permitted to submit such applications for approval without delay in order to aid in providing for adequate and continuing supplies of sugar, especially from distant sources. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendments set forth in this Federal Register Document 63-898 shall become effective when the amendment adding this "effective date" paragraph to such document is filed for public inspection in the Office of the Federal Register.

All actions heretofore taken pursuant to and in accordance with the provisions of regulations set forth in Part 817, Chapter VIII, Title 7, Code of Federal Regulations, and the amendments thereto set forth in Federal Register Document 63-898, appearing at page 716 of the issue for January 26, 1963, are hereby ratified, confirmed and approved with the same effect as if Federal Register Document 63-898 had become effective when it was filed for public inspection in the Office of the Federal Register on January 25, 1963, at 8:50 a.m.

On the basis of the reasons for and the findings made in the amendment to Federal Register Document 63-898 set forth above, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and

contrary to the public interest, and the amendment made herein and the ratification of actions stated herein shall become effective when filed for public inspection in the Office of the Federal Register.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153)

Issued at Washington, D.C., this 20th day of February 1963.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 63-2095; Filed, Feb. 26, 1963;  
8:53 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 214—NONIMMIGRANT CLASSES

##### Transit Ports

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The second sentence of subparagraph (1) of paragraph (c) of § 214.2 is amended by adding the ports of Buffalo and Rouses Point, New York, so that when taken with the introductory material, subparagraph (1) will read as follows:

§ 214.2 Special requirements for admission, extension and maintenance of status.

The general requirements in § 214.1 are modified for the following nonimmigrant classes:

(c) *Transits*—(1) *Without visas*. Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I-184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another

part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; San Juan, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The acceptance of the transit privilege constitutes an agreement by the alien and the carrier that he will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in this chapter and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director, provided that if admissibility is established only after exercise of the discretion contained in section 212(d)(3)(B) of the Act the alien shall be in the custody of the Service at carrier expense and must depart on the earliest and most direct foreign-destined plane or vessel.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency management.

Dated: February 19, 1963.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 63-2044; Filed, Feb. 26, 1963;  
8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

##### PART 74—SCABIES IN SHEEP

##### Designation of Eradication Areas

On December 22, 1962, there was published in the FEDERAL REGISTER (27 F.R. 12719), a notice with respect to a proposal to amend § 74.3 of Part 74, as amended, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-

126), § 74.3 of Part 74, as amended, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

##### § 74.3 Designation of eradication areas.

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

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

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

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

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

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

(6) The following Counties in Missouri: Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis, and all Counties in the State of Missouri lying south thereof;

(7) The following Counties in Michigan: Allegan, Arenac, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Eaton, Genesee, Gladwin, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lake, Lapeer, Lenawee, Livingston, Macomb, Mason, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Ottawa, Saginaw, Sanilac, Shiawassee, St. Clair, St. Joseph, Tuscola, Van Buren, Washtenaw, and Wayne;

(8) The following Counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster.

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

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

The amendment adds Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Poca-

hontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster Counties in the State of West Virginia to the list of areas designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such Counties. The entire State of West Virginia is presently included in the infested area as sheep scabies is known to exist in such State. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infested and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such Counties.

Done at Washington, D.C., this 21st day of February 1963.

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

[F.R. Doc. 63-2093; Filed, Feb. 26, 1963;  
8:52 a.m.]

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

**PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT**

**Deductions From Proceeds of Sale of Livestock for Meat Promotional Purposes**

On June 30, 1962, a notice of proposed rule-making was published in the FEDERAL REGISTER concerning the amendment of § 201.39 of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to specify the circumstances under which deductions may be made from the proceeds of the sale of livestock for meat promotional purposes. Interested persons were afforded the opportunity to submit written data, views, and arguments concerning the proposal. After full consideration of all material submitted pursuant to the notice of proposed rule-making, and pursuant to the authority contained in the said Packers and Stockyards Act, 1921, as amended, § 201.39 of the regulations under said act is amended as hereinafter provided.

*Statement of considerations.* The Packers and Stockyards Act makes it unlawful for any meat packer or livestock market agency or dealer to engage in any unfair, unjustly discriminatory, or deceptive practice or device in commerce. The act also requires market agencies to render just, reasonable, and non-discriminatory services. As part of their services as agents for the sellers of livestock, market agencies must account to their principals for the full proceeds of such sales.

During the last few years, a number of organizations have attempted to initiate meat promotional programs to be financed by deductions from the proceeds of the sale of livestock. The Department has received many complaints concerning the matter. It has been alleged that unfair and unjustly discriminatory practices have occurred with respect to such deductions.

To assure that livestock producers receive the full proceeds from the sale of their livestock to which they are entitled, and to prevent unfair and unjustly discriminatory practices in connection with the sale of livestock in commerce, it is considered necessary to amend § 201.39 of the regulations under the act to specify the conditions under which deductions from the proceeds of the sale of livestock for meat promotional purposes may be made.

The effective date of the amendment is being delayed to afford the livestock industry and promotional organizations an opportunity to adjust their operations to meet the requirements of the amendment, and to take such further action as they may deem appropriate.

Section 201.39 of Part 201, Chapter II, Title 9, Code of Federal Regulations, is amended as follows:

1. Paragraph (a) is amended by deleting the words "except as provided in paragraph (b) of this section," and inserting in lieu thereof "except as provided in paragraphs (b) and (c) of this section."

2. A new paragraph (c) is added to such section reading as follows:

(c) The following requirements shall be applicable to deductions by any packer, market agency, or dealer from the proceeds of the sale of livestock for payment to an organization for meat promotional purposes.

(1) The packer, market agency, or dealer, or the organization to which the payment is to be made, shall hold a written authorization for such deduction and payment, executed by the owner of the livestock, or his duly authorized agent, prior to the making of such deduction;

(2) A packer, market agency, or dealer may not make a deduction for a shipper or owner who wishes to contribute to one promotional agency selected by him or the packer, market agency, or dealer, and refuse to make a deduction for a shipper or owner who wishes to contribute to a different promotional agency: *Provided*, That a packer, market agency, or dealer who chooses to make such deductions may restrict the number of deductions to be made from the proceeds from any one consignment or purchase.

(3) Each packer, market agency, and dealer who makes any deductions for meat promotional purposes shall file a report concerning such deductions annually with the Division on prescribed forms not later than April 15 following the end of the calendar year or, if the records are kept on a fiscal year basis, not later than 90 days after the close of the fiscal year. Such reports shall include the following: (i) The names of the organizations for which deductions were made during the year; (ii) the total amounts withheld and paid to each such organization during the reporting period; and (iii) except in those instances in which the deductions are made pursuant to State law, a statement that, prior to making each such deduction, the packer, market agency, or dealer held, or ascertained that the or-

ganization to which the payment was to be made held, the written authorization specified in subparagraph (1) of this paragraph. If the packer, market agency, or dealer in any instance failed to comply with the provisions of this paragraph, the report shall include a full explanation of the reasons therefor, including the name of the shipper or owner, the date of the transaction, and any factors explaining the failure to comply with the specified requirements. Each such packer, market agency and dealer shall also file such special reports as may be required by the Director.

(4) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, packers, market agencies and dealers may make deductions from the proceeds of the sale of livestock in accordance with State statutes providing for such deductions for promotional purposes.

3. The headnote of § 201.39 is amended to read: § 201.39 *Payment of proceeds of sale.*

The language of the amendment is substantially the same as that included in the notice of proposed rule-making but certain changes have been made to clarify the purpose and intent of the amendment. In addition, deductions made pursuant to State laws have been exempted from the amendment, except for certain reporting requirements. All interested persons have been afforded full opportunity to submit their views with reference to the amendment. It is not believed that further rule-making procedure would make available any information not now in the possession of the Department. It is, therefore, found upon good cause that further notice and public procedure on the amendment are unnecessary and would serve no useful purpose.

This amendment shall become effective on July 1, 1963.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a). Interprets or applies secs. 202, 304, 307, 312, 401, 402, 42 Stat. 161 et seq., as amended; 7 U.S.C. 192, 205, 208, 213, 221, 222)

Done at Washington, D.C., this 20th day of February 1963.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 63-2092; Filed, Feb. 26, 1963;  
8:52 a.m.]

**PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT**

**Prohibition Regarding Service Charges; Postponement of Effective Date**

On December 28, 1962, notice was given in the FEDERAL REGISTER (27 F.R. 12810) that § 201.98 *Packers and dealers not to charge, demand, or collect commission, yardage, or other service charges*, of the regulations under the Packers and Stockyards Act, 1921, as amended, would become effective 60 days after December 28, 1962. The effective date

of said regulation is hereby postponed to March 25, 1963.

Done at Washington, D.C., this 21st day of February 1963.

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

[F.R. Doc. 63-2091; Filed, Feb. 26, 1963;  
8:52 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62—WE—146]

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

#### PART 73—SPECIAL USE AIRSPACE [NEW]

#### Alteration of Restricted Area, Federal Airway and Control Area Extension

The purpose of these amendments to §§ 71.143, 71.165, and 73.23 of the Federal Aviation Regulations is to alter the Yuma, Ariz., Restricted Area R-2307 by revoking the portion extending west of the Colorado River, alter the description of the Yuma, Ariz., control area extension by deleting the reference to R-2307 and to alter the description of Intermediate Altitude VOR Federal Airway No. 1617 by restoring it to a width of 16 miles.

The Department of the Army has advised that there is no longer a requirement for the portion of R-2307 extending west of the Colorado River. Therefore, a portion of R-2307 is unjustified as an assignment of airspace and the reduction in size will be in the public interest. Such action is taken herein. Additionally, the revocation of this portion of R-2307 will eliminate the encroachment upon R-2307 caused by the descriptions of the Yuma, Ariz., control area extension and V-1617. Therefore, action is being taken herein to restore V-1617 to its normal width and to delete the reference to R-2307 in the description of the Yuma control area extension.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

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

1. In § 73.23 Arizona, R-2307 Yuma, Ariz. (27 F.R. 7327, 10352) is amended to read:

R-2307 Yuma, Ariz.

*Boundaries.* Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N.,

longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.

*Designated altitudes.* Unlimited.  
*Time of designation.* Continuous.  
*Using agency.* Commanding Officer, Yuma Test Station, Yuma, Ariz.

2. Section 71.165 (27 F.R. 220-59, November 10, 1962) is amended as follows: In the Yuma, Ariz., control area extension "excluding the portions which coincide with R-2307 and R-2301 and the portion outside of the United States." is deleted and "excluding the portion within R-2301 and the portion outside of the United States." is substituted therefor.

3. Section 71.143 (27 F.R. 220-38, November 10, 1962), V-1617, "Yuma Ariz.; 10 miles wide INT Yuma 351°, Gila Bend, Ariz., 276° radials; thence" is deleted and "Yuma, Ariz.;" is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on February 15, 1963.

LEE E. WARREN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 63-2029; Filed, Feb. 26, 1963;  
8:46 a.m.]

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1616; Amdt. 539]

#### PART 507—AIRWORTHINESS DIRECTIVES

#### General Dynamics/Convair Model 22 Aircraft

Amendment 443, 27 F.R. 4865 (AD 62-12-3), requires an inspection of the inboard and outboard wing flap carriage support fittings on Convair Models 22 and 22M aircraft. Service experience now indicates that the cracking of the fittings has been confined to the inboard flaps of the Model 22 only. The manufacturer has developed a modification which when incorporated eliminates the need for the repetitive inspections of the inboard flaps. Amendment 443 is being revised accordingly.

Since this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

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

Amendment 443, 27 F.R. 4865 (AD 62-12-3), Convair Models 22 and 22M aircraft is amended by:

1. Revising the applicability statement to read:

Applies to all Model 22 aircraft with 3,000 hours or more time in service.

2. Deleting from the second sentence of the second paragraph the words "and fittings P/N's 22-18705-9 and -10, and 22-18706-9 and -10, and 22-18707-9 and -10 on the outboard flaps."

3. Adding a new paragraph after the second paragraph to read as follows:

When P/N's 22-18703-11 and -12 and 22-18702-11 and -12 on the inboard flaps are modified in accordance with General Dynamics Service Bulletin No. 27-63 or an FAA Western Region Engineering approved equivalent modification, the 150-hour repetitive inspections may be discontinued.

4. Revising the parenthetical reference statement to read:

(General Dynamics/Convair Telegraphic Alert Service Bulletin No. 27-58 and Service Bulletin No. 27-63 cover this same subject.)

This amendment shall become effective February 27, 1963.

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

Issued in Washington, D.C., on February 19, 1963.

GEORGE C. PRILL,  
Director,  
Flight Standards Service.

[F.R. Doc. 63-2027; Filed, Feb. 26, 1963;  
8:46 a.m.]

[Reg. Docket No. 1261; Amdt. 64]

#### PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

#### Airborne ILS Glide Slope Receiving Equipment (For Air Carrier Aircraft)—TSO-C34b

A proposed revision to § 514.60 establishing minimum performance standards for airborne ILS glide slope receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations, was published in 27 F.R. 5990, and circulated as Regulations of the Administrator Draft Release No. 62-31 dated June 19, 1962. The revision incorporates new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions. The only other change is to the emission of spurious radio frequency energy requirement which it is considered necessary to limit in order to prevent detrimental interference with other safety equipment.

Interested persons have been afforded an opportunity to participate in the making of this amendment by submitting comments in response to the Draft Release. One comment received suggested that the TSO standard may have to be revised in the not too distant future because of studies being made by the industry and the government. While such studies may establish the need to change the standards, the incorporation of new environmental requirements compatible with existing conditions is necessary at this time. Other changes can be made when the studies are completed. The general objection to making certain TSO's applicable only to equip-

ment for air carrier aircraft was again raised by one of the comments. Insofar as this objection applies to this TSO, the Agency is developing a separate standard of minimum performance requirements, for ILS glide slope receiving equipment to be used in general aviation aircraft. Such standards are scheduled to be issued early in 1964. The basic difference will be in the environmental tests for equipment used in aircraft operated under less stringent environmental conditions. These standards will be preceded by those for other equipment more urgently needed in controlled airspace.

Another comment stated that the degradation allowed during the low temperature, high short-time operating temperature and the high-operating temperature tests appear excessive in view of the present state of the art. The data available at the present time does not verify this from a safety standpoint. The matter will be investigated further and the findings reflected in later revisions of the TSO if warranted.

It was recommended that spot checks be made of other receiver characteristics in addition to those in the environmental tests outlined in paragraphs 3.1.1 through 3.5. The specified tests require measurements of those receiver characteristics which are most likely to fail during environmental tests. If the equipment performs adequately under these tests it is unlikely that other performance characteristics will not be adequate.

There was a comment recommending that the vibration requirements be made more severe than those specified in the proposal. The vibration requirements are considered to be sufficient and provide an adequate level of safety for airborne electronic equipment mounted in the locations specified. The TSO specifies only minimum required levels for safety. There was no substantiation furnished to show that the proposed vibration requirements would create an unsafe condition.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.60 is revised as follows:

**§ 514.60 Airborne ILS glide slope receiving equipment (for air carrier aircraft)—TSO-C34b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS glide slope receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS glide slope receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Glide

Slope Receiving Equipment",<sup>1</sup> dated May 9, 1962, and Radio Technical Commission for Aeronautics Paper 120-61/DO-108<sup>2</sup> entitled, "Environmental Test Procedures Airborne Electronic Equipment", dated July 13, 1961, with the exceptions to these standards as listed in subparagraph (2) of the paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120-61/DO-108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120-61/DO-108, is eligible under this order:

- (i) Temperature-Altitude Test—Categories A, B, C, or D.
- (ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120-61/DO-108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120-61/DO-108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

- (i) Temperature—Altitude Test Category.
- (ii) Humidity Test Category.
- (iii) Vibration Test Category.
- (iv) Audio-Frequency Magnetic Field Susceptibility Test Category.
- (v) Radio-Frequency Susceptibility Test Category.
- (vi) Emission of Spurious Radio-Frequency Energy Test Category.
- (vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a

<sup>1</sup> Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

<sup>2</sup> Copies of this paper may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. <sup>A</sup>DABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturers' name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* Six copies each of the following, except where noted, together with the statement of conformance, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

*Effective date.* May 28, 1963.

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

Issued in Washington, D.C., on February 19, 1963.

GEORGE C. PRILL,  
Director,

Flight Standards Service.

[F.R. Doc. 63-2026; Filed, Feb. 26, 1963; 8:45 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

#### Synthetic Glycerin Produced by the Hydrogenolysis of Carbohydrates

Within the 30-day period provided in the order published in the FEDERAL REGISTER of December 29, 1962 (27 F.R. 12913), the Dow Chemical Company, Midland, Michigan, filed an objection stating that the regulation contained in § 121.1111 may create the impression that a synthetic glycerin made by another process would be in conflict therewith. For the purpose of clarification, and since approvals for other processes for making synthetic glycerin were granted prior to the enactment of the Food Additives Amendments to the Federal Food, Drug, and Cosmetic Act, the Commissioner of Food and Drugs, pursuant to the provisions of the statute (secs. 409, 701, 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371) and under authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R.

8625), hereby amends § 121.1111 to read as follows:

**§ 121.1111 Synthetic glycerin produced by the hydrogenolysis of carbohydrates.**

Synthetic glycerin produced by the hydrogenolysis of carbohydrates may be safely used in food, subject to the provisions of this section:

(a) It shall contain not in excess of 0.2 percent by weight of a mixture of butanetriols.

(b) It is used or intended for use in an amount not to exceed that reasonably required to produce its intended effect.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order since the subject regulation is revised solely for the purpose of clarification.

**Effective date.** This order will be effective upon publication in the FEDERAL REGISTER.

(Secs. 409, 702, 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371)

Dated: February 20, 1963.

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

[F.R. Doc. 63-2057; Filed, Feb. 26, 1963; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

#### TRI(MIXED MONO- AND DINONYLPHENYL) PHOSPHITE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 758) filed by United States Rubber Company, Naugatuck, Connecticut, and other relevant material, has concluded that the following regulation should issue with respect to the safe use of the food additive tri (mixed mono- and dinonylphenyl) phosphite as an antioxidant or stabilizer in synthetic rubber and plastics used in the fabrication of articles for handling and packaging food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

#### § 121.2566 Tri(mixed mono- and dinonylphenyl) phosphite.

Tri(mixed mono- and dinonylphenyl) phosphite may be safely used as an antioxidant or stabilizer in polymers used in the fabrication of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food provided that the quantity used does not

exceed the amount reasonably required to accomplish the intended technical effect.

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), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: February 20, 1963.

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

[F.R. Doc. 63-2058; Filed, Feb. 26, 1963; 8:48 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER B—MILITARY AND CIVILIAN

### PART 42—USE OF RECORDS OF NON-JUDICIAL PUNISHMENT

The Secretary of Defense has approved the following policy on February 12, 1963:

- |      |                |
|------|----------------|
| Sec. |                |
| 42.1 | Purpose.       |
| 42.2 | Applicability. |
| 42.3 | Definitions.   |
| 42.4 | Policy.        |

**AUTHORITY:** §§ 42.1 to 42.4 issued under sec. 161 of the Revised Statutes (5 U.S.C. 22); sec. 1162 and chapters 361, 569, and 861 of title 10, United States Code.

#### § 42.1 Purpose.

This part prescribes uniform policies, in supplementation of part 41, governing the use of records of nonjudicial punishment administered under Article 15 of the Uniform Code of Military Justice (or comparable provisions of law superseded by the Act of 5 May 1950) in connection with the administrative separation of members of the armed forces of the United States.

#### § 42.2 Applicability.

The provisions of this part apply to the Army, Navy, Air Force, Marine Corps, and, by agreement with the Secretary of the Treasury, to the Coast Guard, and to all Reserve components thereof.

#### § 42.3 Definitions.

As used herein, the following definitions will apply:

(a) *Discharge.* Complete severance from all military status.

(b) *Release from active duty.* Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

(c) *Separation.* A general term which includes discharge or release from active duty.

(d) *Administrative separation.* Discharge or release from active duty upon expiration of appointment or enlistment, or prior to expiration of appointment or enlistment in the manner prescribed by the Secretary concerned or by law, but specifically excluding separation by sentence of a general or special court-martial.

(e) *Military record.* Includes an individual's behavior while a member of a military establishment, including general comportment and performance of duty, and reflects the character of the service he has rendered while a member of an armed service.

(f) *Prior enlistment or period of service.* Service in any component of an armed force, including the Coast Guard, which culminated in the award of a separation certificate or report attesting to the type and character of service rendered during that period.

#### § 42.4 Policy.

(a) *Type of discharge certificate.* The type and character of the certificate or report issued upon administrative separation from current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Secretary concerned, or effected with the consent of the member. Records of nonjudicial punishment imposed during a prior enlistment or period of service may not be considered.

(b) *Retention or separation.* (1) In determining whether a member should retain his current military status or be administratively separated, the member's entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service and any other factors which are material and relevant, shall be evaluated. However, Military Department instructions shall specify that commanding officers, investigating officers, duly constituted boards, and other agencies charged with making such determinations will consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishment would, under the particular circumstances of the case, have a direct and strong probative value in determining whether retention or administrative separation should be effected.

(i) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which would become

manifest only over an extended period of time.

(ii) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

(2) If a determination is made that a member should be administratively separated, paragraph (a) of this section applies.

MAURICE W. ROCHE,  
Administrative Secretary.

[F.R. Doc. 63-2071; Filed, Feb. 26, 1963;  
8:50 a.m.]

SUBCHAPTER F—TRANSPORTATION

PART 201—DEPARTMENT OF DEFENSE SHIPMENTS BY FOREIGN-FLAG VESSELS IN THE CUBAN TRADE

The Assistant Secretary of Defense (Installations and Logistics) approved the following on February 14, 1963:

- Sec.
- 201.1 Purpose.
- 201.2 Applicability.
- 201.3 Policy.
- 201.4 Responsibilities.

AUTHORITY: §§ 201.1 to 201.4 issued under Department of Defense Directive 5126.22, 26 F.R. 1922.

§ 201.1 Purpose.

This part implements the requirement of the National Security Action Memorandum #220 dated February 5, 1963, as to cargo shipped from the United States and financed by the Department of Defense.

§ 201.2 Applicability.

The provisions of this part apply to the Military Departments and the Defense Agencies.

§ 201.3 Policy.

No cargoes financed by the Department of Defense will be shipped from the United States on a foreign-flag vessel if such vessel has called at a Cuban port on or after January 1, 1963. The Secretary of Commerce, after consultation with the Secretary of State, may make an exception if the persons who control the vessel give satisfactory assurance that no vessels under their control will henceforth be employed in the Cuban trade so long as it remains the policy of the United States Government to discourage such trade.

§ 201.4 Responsibilities.

(a) *Shipments Made by the Department of Defense.* It will be the responsibility of the Commander, Military Sea Transportation Service to insure that the policy of § 201.3 is followed for all shipments made by the Military Departments and the Defense Agencies.

(b) *Foreign Aid Shipments.* If a recipient country is to arrange for ocean shipment of military assistance mate-

rials from the United States, it will be the responsibility of the Military Department or the Defense Agency having cognizance of the shipment to insure that the recipient government receives approval from the Commander, Military Sea Transportation Service for the use of any foreign-flag vessel in accordance with § 201.3.

(c) *Contractor Shipments.* The Military Department or Defense Agency entering into a contract which may require the contractor to make ocean shipment of material from the United States will insert in such contract a clause requiring the contractor to refrain from using a foreign-flag vessel which is listed in the FEDERAL REGISTER by the Maritime Administration as having called at a Cuban port on or after January 1, 1963, unless an exception has been made by the Secretary of Commerce.

MAURICE W. ROCHE,  
Administrative Secretary.

[F.R. Doc. 63-2072; Filed, Feb. 26, 1963;  
8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Shenandoah National Park, Virginia; Fishing, Wrecker Operators, Horses, and Quiet Hours

On page 39 of the FEDERAL REGISTER of January 1, 1963, there was published a notice and text of a proposed amendment to § 7.15 of Title 36, Code of Federal Regulations. The purpose of the amendment is to revise certain fishing regulations; to require wrecker operators to report vehicle accidents; to control horseback riding on certain trails and developed areas; and to establish hours of quiet in campgrounds and picnic areas.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Subparagraphs (4) and (5) of paragraph (a) are amended and new paragraphs (d), (e), and (f) are added to § 7.15 to read as follows:

§ 7.15 Shenandoah National Park.

(a) *Fishing.* \* \* \*

(4) *Size limit.* Trout under eight (8) inches in length shall not be retained. All undersized fish shall be immediately and carefully returned to the water.

(5) *Limit of catch.* The limit of catch per day, or possession by each person fishing, shall not exceed five (5) fish.

(d) *Report of accidents by wrecker operators.* Before the operator of a commercial wrecking car shall attempt to remove any vehicle involved in an accident within the Park, he shall take reasonable steps to ascertain whether any of the persons involved in the accident has reported it to the appropriate Park authority; and if he ascertains that a report of the accident has not been made, he shall report it to the nearest Park authority.

(e) *Horses.* (1) Horseback riding on the Appalachian Trail and Blue Blaze Trails, maintained and provided for foot hiking, is prohibited.

(2) The riding or hitching of horses shall not be allowed in campground or picnic areas, nor within the immediate vicinity of trail shelters, eating or sleeping establishments, or other areas of public gatherings, except where trails and facilities are designated for horse use.

(f) *Camping.* Quiet shall be maintained in all campground and picnic areas, between the hours of 10:00 p.m. and 6:00 a.m.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

R. TAYLOR HOSKINS,  
Superintendent,  
Shenandoah National Park.

[F.R. Doc. 63-2042; Filed, Feb. 26, 1963;  
8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2948]

[Fairbanks 030386]

ALASKA

Withdrawal of Lands for Use of the Department of the Army for Military Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Department of the Army for military purposes:

FAIRBANKS MERIDIAN (PROTRACTED)

Donnelly Flats Area

T. 13 S., R. 10 E.,

Secs. 2 and 11, those portions lying west of the centerline of the Richardson Highway exclusive of those lands withdrawn for the Department of the Army by Public Law 87-327, dated September 26, 1961.

Containing approximately 640 acres. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining and mineral leasing laws.

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

FEBRUARY 20, 1963.

[F.R. Doc. 63-2038; Filed, Feb. 26, 1963;  
8:47 a.m.]

[Public Land Order 2949]

[Los Angeles 0164980]

### CALIFORNIA

#### Opening Lands Formerly in Power Withdrawal Project No. 208

1. The Federal Power Commission has vacated the withdrawal created pursuant to filing of the application for preliminary permit for proposed Project No. 208, for the following-described lands:

##### SAN BERNARDINO MERIDIAN

- T. 5 N., R. 15 W.,  
Sec. 5, Lots 2, 3, 4, and  $W\frac{1}{2}$  of 5;  
Sec. 6, Lots 5, 6, 10, 11 and 12.
- T. 6 N., R. 15 W.,  
Sec. 2,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  
 $S\frac{1}{2}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 10,  $E\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 11,  $W\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 15,  $NE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 22,  $W\frac{1}{2}E\frac{1}{2}$ ;  
Sec. 27,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 33,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 34,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  
 $SW\frac{1}{4}SW\frac{1}{4}$ .
- T. 7 N., R. 15 W.,  
Sec. 13,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 14,  $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ,  
 $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 23,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 26,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 35,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ .
- T. 5 N., R. 16 W.,  
Sec. 1,  $E\frac{1}{2}$  Lot 7,  $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}$   
 $SW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $SW\frac{1}{4}$   
 $SE\frac{1}{4}$ ;  
Sec. 11,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  
 $SE\frac{1}{4}$ ;  
Sec. 12,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ .

The areas described, including the public, nonpublic, and national forest lands, aggregate approximately 3,613 acres, most of which are national forest lands in the Angeles National Forest. The Angeles National Forest is, for the most part, closed to location under the United States mining laws by the Act of May 29, 1928 (45 Stat. 956).

2. The following-described lands, which form a part of the lands described in paragraph 1 above, are public lands, and the national forest lands not in the closure made by the Act of May 29, 1928, supra:

##### SAN BERNARDINO MERIDIAN

- T. 5 N., R. 15 W.,  
Sec. 15, Lots 2, 3, 4, and  $W\frac{1}{2}$  of Lot 5.
- T. 6 N., R. 15 W.,  
Sec. 10,  $E\frac{1}{2}NE\frac{1}{4}$  and  $SE\frac{1}{4}$ ;  
Sec. 15,  $NE\frac{1}{4}$  and  $W\frac{1}{2}SE\frac{1}{4}$ .

- T. 7 N., R. 15 W.,  
Sec. 13,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 14,  $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ,  
and  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 35,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ , and  $W\frac{1}{2}$   
 $SE\frac{1}{4}$ .

The areas described aggregate approximately 1,035 acres, of which those described in sections 13 and 14, T. 7 N., R. 15 W., are the public lands.

3. Until 10:00 a.m. on August 21, 1963, the State of California shall have (1) a preferred right of application to select the public lands described in paragraph 2 of this order in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands described in paragraph 2 required for a right-of-way for a public highway, or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on August 21, 1963. At that time, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the national forest lands being open at that time to such forms of disposition as may by law be made of national forest lands.

4. The lands not subject to the Act of May 29, 1928, have been open to applications and offers under the mineral leasing laws, and to location under the mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

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

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

FEBRUARY 20, 1963.

[F.R. Doc. 63-2039; Filed, Feb. 26, 1963;  
8:47 a.m.]

[Public Land Order 2950]

[Los Angeles 0163730]

### CALIFORNIA

#### Opening Lands in Part Under Section 24 of the Federal Power Act

1. In DA-960 and DA-961, California, the Federal Power Commission (a) Vacated the withdrawal created pursuant to the filing of the application for preliminary permit for proposed Project No. 564 for the following-described lands:

##### MOUNT DIABLO MERIDIAN

- T. 25 S., R. 33 E.,  
Sec. 33, Lot 4 (now Lot 10), and Lot 6.

Aggregating 29.78 acres.

(b) Determined that the value of the following-described lands withdrawn wholly or in part by Projects Nos. 564 and 550, and Power Site Classification No. 45 approved July 7, 1922, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and subject to the condition that no improvements or structures shall be placed or erected upon said lands which will in any manner interfere with or increase the cost of the operation or maintenance of the Isabella Dam and Reservoir, or any of its appurtenant facilities:

##### MOUNT DIABLO MERIDIAN

- T. 26 S., R. 33 E.,  
Sec. 21,  $S\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 25, That part of  $NE\frac{1}{4}NW\frac{1}{4}$  lying  
above the 2,617-foot contour.

The areas described aggregate approximately 130 acres.

2. The lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided that until 10:00 a.m. on August 21, 1963, the State of California shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

4. Any disposals of the lands described in paragraph 1(b) of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the conditions specified by the Federal Power Commission in its determination.

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

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

FEBRUARY 20, 1963.

[F.R. Doc. 63-2040; Filed, Feb. 26, 1963;  
8:47 a.m.]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

**PART 0—COMMISSION ORGANIZATION**

**Authority Concerning Authorization To Own Stock in the Communications Satellite Corporation**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of February 1963;

The Commission having under consideration section 304(b) of the Communications Satellite Act of 1962, and Subpart H of Part 25 of its rules and regulations which pertain to the administration of applications from communications common carriers for authorization to own stock in the communications satellite corporation; and

It appearing, that the applications for authorization provided for therein may appropriately be acted upon by the Chief of the Common Carrier Bureau and that delegation of authority to him for this purpose will contribute to the expeditious handling of such applications and to more effective implementation of the Communications Satellite Act of 1962; and

It further appearing, that authority for adoption of the amendment herein is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendment adopted herein pertains to Commission organization and procedure and hence that the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective March 1, 1963, that Part 0 of the Commission's rules and regulations is amended as set forth below.

Released: February 21, 1963.

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

Section 0.263 is added to read as follows:

**§ 0.263. Authority concerning authorization to own stock in the communications satellite corporation.**

The Chief of the Common Carrier Bureau is delegated authority to act upon applications from communications common carriers for authorization to purchase stock in the communications satellite corporation, pursuant to the provisions of section 304(b) of the Communications Satellite Act of 1962 and of Subpart H of Part 25 of this chapter.

[F.R. Doc. 63-2075; Filed, Feb. 26, 1963; 8:51 a.m.]

[FCC 63-159]

**PART 1—PRACTICE AND PROCEDURE**

**PART 7—STATIONS ON LAND IN THE MARITIME SERVICES**

**PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES**

**PART 10—PUBLIC SAFETY RADIO SERVICES**

**Elimination of the Requirement That Certain Documents Be Signed Under Oath or Affirmation**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of February 1963;

The Commission having under consideration certain of its rules in Parts 1, 7, 8 and 10 which require that certain statements and documents are to be signed under oath or affirmation; and

It appearing that in view of the provisions of 18 U.S.C. 1001 such requirements serve no useful purpose and should be eliminated; and

It further appearing that the amendments adopted herein pertain to matters of procedure and hence that compliance with the public notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for the issuance of this order is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective March 1, 1963, that Parts 1, 7, 8 and 10 of the Commission's rules are amended as set forth below.

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

Released: February 21, 1963.

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

1. Sections 1.506(c) and 1.524(b) (2) (i) and (ii) are amended to read:

**§ 1.506 Dismissal of applications.**

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by a written and signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

**§ 1.524. Assignment or transfer of control, voluntary and involuntary.**

(b) \* \* \*  
(2) \* \* \*

(i) Except as provided in subdivision (ii) of this subparagraph, FCC Form 400 "Application for Radio Station Authorization in the Safety and Special Radio Services" may be used for application for assignment of station authorization in services under Parts 10, 11, and 16 of this chapter. Attached thereto shall be a signed letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

(ii) FCC Form 402 "Application for Microwave Station Authorization in the Safety and Special Radio Services" may be used for application for assignment of an authorization for fixed stations in the Safety and Special Radio Services using frequencies above 952 Mc/s (so-called Microwave Stations). Attached thereto shall be a signed letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

2. Sections 7.28, 7.29, and 7.136(b) are amended to read:

**§ 7.28 Amendment of applications.**

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. A petition which requests either a change in frequency or power must be accompanied by the signed statement of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the statement shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely pro forma in nature, such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Commission shall determine that the proposed amendment substantially affects the issues upon which the application has been desig-

nated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

#### § 7.29 Dismissal of applications.

Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Such petition to dismiss an application without prejudice will be granted only for good cause shown, but will, in no event, be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application.

#### § 7.136 Acceptance of transmitters for licensing.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) of this section shall be submitted in duplicate to the Commission at Washington 25, D.C. One copy of such showing of compliance shall be signed by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type-acceptance by the Commission.

3. The introduction text of § 8.544(a) (4) (i) and § 8.555(c) (4) (i) is amended to read:

#### § 8.554 Requirements for auto-alarm.

(a) \* \* \*

(4) *Requirements as to manufacturers' tests.* (i) The following tests shall be conducted by the manufacturer of the auto-alarm device, who shall submit data in a signed statement showing that such tests have been made as hereinafter required prior to submission of a working model for type tests: *Provided, however,* That data obtained from manufacturers of parts used in construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s).

#### § 8.555 Requirements for automatic-alarm-signal keying device.

(c) \* \* \*

(4) *Requirements as to manufacturers' test.* (i) Tests shall be con-

ducted by the manufacturer of the automatic-alarm-signal keying device, who shall submit proof in a signed statement that they have been made as required, together with supporting data: *Provided, however,* That data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device.

4. Sections 10.62(a), 10.462(f) (16) (ii), 10.555(g) (4) and (5) (iii) are amended to read:

#### § 10.62 Amendment or dismissal of applications.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for original application.

#### § 10.462 Frequencies available to the Special Emergency Radio Service.

(f) \* \* \*

(16) \* \* \*

(ii) The application is accompanied by a written and signed statement that the licensees of all stations, excluding Special Emergency licensees, located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc/s or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations, excluding Special Emergency stations, will not be caused, together with a written statement that the licensees of all stations, excluding Special Emergency stations, located within a radius of 75 miles of the proposed station and authorized to operate on frequencies 30 kc/s or less removed have been notified of the applicant's intention to request the assignment.

#### § 10.555 Frequencies available to the Local Government Radio Service.

(g) \* \* \*

(4) Available for assignment: *Provided,* That prior to November 1, 1963, application is accompanied by a written statement that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc/s or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused.

(iii) The application is accompanied by a written statement that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency

30 kc/s or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a written statement that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc/s or less removed have been notified of applicant's intention to request the assignment.

[F.R. Doc. 63-2074; Filed, Feb. 26, 1963; 8:51 a.m.]

[Docket No. 14356; FCC 63-160]

### PART 10—PUBLIC SAFETY RADIO SERVICES

#### Reallocation of Band 46.51-46.60 Mc/s from the Forestry-Conservation Radio Service to the Local Government Radio Service and to Provide 20 kc Channeling Therein

1. The notice of proposed rule making in the above-entitled matter was duly published in the FEDERAL REGISTER (26 F.R. 10572, Nov. 9, 1961) and sought comments on the proposals contained therein. The date for submitting comments has passed, and all such timely filings which were received have been considered by the Commission in arriving at its determinations.

2. Briefly, the frequencies involved were originally allocated to the Forestry-Conservation Radio Service. In 1957, they were withdrawn from this service and were made available to the Aeronautical Fixed and International Fixed Public Radio Services for use in international communications employing the technique of forward propagation by ionospheric scatter (FPIS). Subsequent re-evaluation indicated that this allocation was not necessary, and as a result one of the amendments adopted in the Commission's Report and Order in Docket No. 13616 was to amend Part 2 of the rules so as to return the 46.51-46.60 Mc/s band to the Public Safety Radio Services and to provide for 20 kc channeling therein.

3. The instant proceeding proposes to make these four frequencies available to the Local Government Radio Service rather than to restore them to the Forestry-Conservation Radio Service. The most serious impediment to potential applicants in the Local Government Radio Service has been the shortage of available frequencies. The Notice of Proposed Rule Making also stated that users in the Forestry-Conservation Radio Service were utilizing frequencies in the 150 Mc/s band, and hence their usage of the lower band frequencies would decrease. The comments of the Forestry-Conservation Communications Association (FCCA) agree with the Commission's proposed action to make these frequencies available to Local Government Radio Service. FCCA is also in accord with the Commission's proposal to permit forestry-conservation systems presently authorized on the frequencies 46.54 and 46.58 Mc/s to continue such

operations but that no new systems in this service will be authorized. Of course, these operations must be on a non-interference basis to any authorized Local Government Radio systems. Since the remaining comments also supported the Commission's proposal, it appears unnecessary to discuss their content.

4. The Commission recently issued a notice of proposed rule making in Docket No. 14932 (28 F.R. 872 Jan. 30, 1963) which would permit applicants in the Local Government Radio Service to satisfy the Commission's frequency coordination requirements by obtaining a letter from an appropriate Frequency Advisory Committee recommending that the applicant be assigned the requested frequency. Completion of this proceeding will be given priority by the Commission so that the efficient assignment of Local Government frequencies can be implemented as soon as possible. In order to aid this process, it is the Commission's judgment that the amendments herein should not become effective until May 1, 1963. This date is most likely to coincide with the Commission's proposed action in Docket No. 14932.

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

Therefore, it is ordered, This 20th day of February 1963, that effective May 1, 1963, Part 10 is amended as set forth below.

(Sec. 4, 48 Stat. 1086, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 21, 1963.

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

Part 10 of the Commission's rules is amended as follows:

§ 10.555 [Amendment]

The frequency table in § 10.555(f) is amended by deleting that portion beginning with the entry 45.64 Mc/s and ending with the entry 72.02 to 74.58 Mc/s and substituting therefor the following:

Frequency or band	Class of station(s)	Limitation
45.64 <i>Mc/s</i>	Base and mobile	4
46.52	do	4
46.54	do	4
46.56	do	4
46.58	do	4
72.02 to 74.58	Operational fixed	3

[F.R. Doc. 63-2030; Filed, Feb. 26, 1963; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[ 50 CFR Part 12 ]

### CERTAIN LANDS AND WATERS WITHIN AND ADJACENT TO MACKAY ISLAND NATIONAL WILDLIFE REFUGE, NORTH CAROLINA AND VIRGINIA

#### Proposed Designation of Closed Area Under Migratory Bird Treaty Act

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Mackay Island National Wildlife Refuge and to improve the effectiveness of the refuge for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431), and in accordance with Section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all that area of land and water in Currituck County, North Carolina, and Princess Anne County, Virginia, comprising lands and waters within and adjacent to part of the Mackay Island National Wildlife Refuge in the Great Marsh west of Knotts Island and within the boundary more particularly described as follows:

Beginning at the intersection of the centerline of North Carolina Road No. 1254, on a concrete bridge, with the centerline of Coreys Ditch; thence approximately N. 23°30' E. across Barleys Bay and The Broads, 6,170 feet to the intersection of the line of mean low water of The Broads with the center and at the south end of Buzzard Canal; thence Southerly with line of mean low water along the east side of The Broads and Barleys Bay, approximately 2,650 feet to the intersection of said line of mean low water of Barleys Bay with the line common to Virginia and North Carolina; thence East with said state line 3.0 feet to the intersection of said state line with the line of mean high water on the east side of Barleys Bay; thence passing within North Carolina, Southerly with said line of mean high water, approximately 4,400 feet to the intersection of said line of mean high water on the east side of Barleys Bay, with the mouth and on the right or north bank of Cedar Creek; thence Southeasterly, along the said north bank of Cedar Creek approximately 300 feet to the intersection of said north bank with the north edge of a borrow pit or canal on the north side of North Carolina Road No. 1254; thence Easterly, along said north edge of a borrow pit or canal, approximately 9,500 feet to the intersection of said north edge with the so called line of high land of Knotts Island, and also at the head or east end of said borrow pit or canal; thence with thirty-one lines along the said so called line of high land of Knotts Island, S. 11°25' E., crossing said Road No. 1254 at approximately 40 feet, a distance of approximately 546.3 feet to an iron pipe; S. 29°40' W., 393.3 feet to an iron pipe; S. 10°40' E., 331.0 feet to an iron pipe; S. 29°55' W., 479.0 feet to an iron pipe; S. 12°50' W., 428.4 feet to an iron pipe; S. 1°30' W., 370.0 feet to an iron pipe; S. 7°55' E., 389.4 feet to an iron pipe; N. 85°50' E., 340.8 feet to an iron pipe; S. 16°10' E., 279.4 feet to an iron pipe; S. 1°35' W., 311.5 feet to an iron pipe; S. 23°35' W., 453.2 feet to an iron pipe; S. 44°35' W., 561.7 feet to an iron pipe; S. 9°20' W., 363.2 feet to an iron pipe; S. 2°10' E., 449.3 feet to an iron pipe; S. 1°05' W., 334.1 feet to an iron pipe; S. 11°20' W., 339.0 feet to an iron pipe; S. 38°50' E., 339.0 feet to an iron pipe; S. 35°10' E., 290.6 feet to an iron pipe; S. 0°30' E., 334.1 feet to an iron pipe; S. 5°35' W., 263.4 feet to an iron pipe; S. 6°40' E., 302.2 feet to an iron pipe; S. 18°00' W., 251.7 feet to an iron pipe; S. 25°00' E., 155.0 feet to an iron pipe; S. 1°54' W., 208.6 feet to a 12" pine; S. 5°07' E., 313.2 feet to a 14" pine; S. 5°55' W., 372.1 feet to a 16" pine; S. 2°39' W., 313.1 feet to the center of the Mackay Island Road; S. 14°45' W., 141.6 feet to a 14" pine; S. 23°48' W., 600.2 feet to a 4" black gum; S. 8°27' W., 466.0 feet to a 9" black gum; S. 13°54' E., 147.7 feet to an iron pipe; thence leaving the so called line of high land of Knotts Island, N. 82°19' W., 426.7 feet to an iron pipe in the center of Indian Creek; thence southerly down the center of Indian Creek, 7,207.9 feet to the intersection of the mouth and at the center of Indian Creek, being a point from which a two inch iron pipe, set for a witness corner, bears West, 72.0 feet; thence due South 925 feet to a point; thence due West approximately 5,550 feet to a point that is due South 700 feet from an iron pipe set on Bellows Point; thence S. 70° W., approximately 6,330 feet to a point that is due South 650 feet from an iron pipe set

on Half Way Point; thence N. 48° W., approximately 6,200 feet to a point that is due West 700 feet from an iron pipe set on Live Oak Point; thence N. 22° E., approximately 6,730 feet to a point that is due West 700 feet from an iron pipe set on Bay Tree Point; thence N. 38° E., approximately 3,100 feet to a point that is due West 580 feet from a two inch iron pipe set on Steep Point; thence N. 36° E. across the mouth of Mack Creek, approximately 2,800 feet to the center of the mouth of Coreys Ditch; thence Northerly along the center of Coreys Ditch approximately 5,600 feet to the place of beginning.

STEWART L. UDALL,  
Secretary of the Interior.

FEBRUARY 19, 1963.

[F.R. Doc. 63-2036; Filed, Feb. 26, 1963; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 1005 ]

[Docket No. AO-177-A21]

### MILK IN TRI-STATE MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at the Daniel Boone Hotel, Charleston, West Virginia, on July 31, and August 1, 1962, pursuant to notice thereof issued on July 11, 1962 (27 F.R. 6717).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on February 5, 1963 (28 F.R. 1256; F.R. Doc. 63-1433) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

This decision relates only to that portion of material issue No. 2 with respect to changing the Class I price differentials for March and August and the supply-demand adjuster. The remainder of material issue No. 2 of the recommended decision (28 F.R. 1256; F.R. Doc. 63-1433) which is listed as "Class I prices and location differentials" is reserved for further decision on the record of this hearing as are the other material issues for which a recommended decision was issued.

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

**Class I price differentials.** The present Class I price differentials for March and August should be interchanged. The higher seasonal level of Class I price differential would more properly apply in March than August, since in recent years March Class I utilization of producer milk has been generally higher than in August. In 1960 the percentage of producer milk in Class I was 91.1 percent in March and 80.2 percent in August, and in 1961 the corresponding percentages were 84.9 for March and 77.2 for August. Production per farm also was 5 to 7 percent lower in March than in August for these years. Due to the seasonally higher level of Class I disposition in March than in August, the change in the Class I price differentials would normally result in a slight increase in producer returns. For the years 1960-61, the effect on the average annual returns would have been close to 0.7 cents per hundredweight.

Producers, in exceptions, requested that this change be made effective for March 1963. Otherwise the change would reduce the average of Class I prices for the year, since the August price would be reduced without a compensating change in the March price.

It is desirable that the change in the Class I differentials be made effective for March this year. Because of the time required to complete procedure on other issues, a separate decision is issued with respect to this seasonal change in the Class I price differentials. Since, in the recommended decision, a recommended change in the supply-demand adjustment was considered as related to the change in the March and August Class I differentials in terms of the effect of both on the level of Class I prices, the two matters should be dealt with concurrently.

**Supply-demand adjuster.** Changes in the supply-demand adjuster considered in the recommended decision and specifically designed to reduce the amount of undesirable fluctuations of the adjuster are considered herein. This limited decision does not deal, however, with the problem of the effects of the proposed expansion of the marketing area on the supply-demand adjuster, this matter being reserved for a further decision.

The present supply-demand adjuster has resulted in considerable fluctuation in the amount of price adjustment during brief periods. Certain changes in the method of computing the adjustment will reduce the amount of fluctuations. The adjustment should be based upon 3 two-month utilization percentages each computed in the same manner as presently provided in the order. Each one of these two-month utilization percentages should be compared with the corresponding base utilization percentages given in the table in § 1005.51(b) to determine the deviation from such base percentage. The amount of price adjustment for the deviation of the most recent two-month period would be at the rate of one cent for each whole percent of deviation. The price adjustment for the deviations based on the other two "two-month" utilization percentages for

the first and second preceding months, although computed at the same rate, would be limited by the more recent utilization percentages including that for the current month. In effect, the deviation of the two earlier "two-month" periods would be counted only to the extent that they do not exceed a more recent deviation. Deviations in the opposite direction from a more recent deviation would not be counted. The revised method of computation should also continue the present 38-cent limitation of the supply-demand adjustment. Using the revised method of computation for prior periods, the extent of fluctuations of the supply-demand adjustment in both directions would have been reduced from the actual adjustments which applied. During 1961 and 1962, the effect of the reduced adjustments, however, would have resulted in an annual average Class I price level 1.5 and 0.9 cents lower, respectively, or an average of 1.2 cents lower for both years.<sup>1</sup> Combined with the slight increase in returns which for the same period would have resulted from the inter-change of March and August seasonal Class I price differentials, the net effect of both changes is indicated to be a fraction of a cent per hundredweight.

**Rulings on proposed findings and conclusions.** Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

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

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

**Determination of representative period.** The month of November 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Tri-State marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 21, 1963.

ORVILLE L. FREEMAN,  
Secretary.

**Order<sup>2</sup> Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area**

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order

<sup>2</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

<sup>1</sup> Official notice is taken of monthly announcements of class prices published by the market administrator for the months of August through December 1962.

and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1005.51 is revised to read as follows:

§ 1005.51 Class I milk prices.

Subject to the provisions of §§ 1005.54 through 1005.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price determined pursuant to § 1005.50 adjusted as follows:

(a) Add the following amounts for the months indicated:

	Apr., May, June, July, and Aug.	Sept., Oct., Nov., Dec., Jan., Feb., and Mar.
Pikeville-Paintsville district plants.....	\$1.30	\$1.97
Huntington district plants.....	1.20	1.87
Gallipolis-Scioto district plants.....	1.10	1.77
Athens district plants.....	1.00	1.67

(b) Add or subtract a supply-demand adjustment of not more than 38 cents computed as follows:

(1) Compute a "current Class I utilization percentage" by dividing the total gross pounds of Class I milk at all fluid milk plants (except duplications between plants) for the second and third preceding months by the total pounds of milk received from producers at such plants during the same months, multiplying the result by 100, and rounding to the nearest whole number.

(2) Compute a "net deviation percentage" equal to any amount by which the current Class I utilization percentage exceeds the maximum standard utilization percentage specified below (to be designated a "plus net deviation percentage") and any amount by which the current Class I utilization percentage is less than the minimum standard utilization percentage specified below (to be designated a "minus net deviation percentage"): *Provided*, That if the current Class I utilization percentage is neither less than the minimum standard utilization percentage nor in excess of the maximum standard utilization percentage, the net deviation percentage is zero:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January.....	103	107
February.....	103	107
March.....	99	103
April.....	95	99
May.....	93	97
June.....	87	91
July.....	77	81
August.....	68	72
September.....	64	68
October.....	68	72
November.....	79	83
December.....	94	98

(3) For a "plus net deviation percentage" the Class I price shall be increased and for a "minus net deviation percentage" the Class I price shall be decreased as follows:

(i) One-cent times each such percentage point of net deviation; plus

(ii) One-cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the preceding month; plus

(iii) One-cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the preceding month, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

[F.R. Doc. 63-2089; Filed, Feb. 26, 1963; 8:52 a.m.]

[ 7 CFR Part 1005 ]

[Docket No. AO-177-A-21]

MILK IN TRI-STATE MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

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 that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area, which was issued February 5, 1963 (28 F.R. 1256), is hereby extended to February 25, 1963, except for the portions of material issue No. 2 dealing with changes in the Class I price differentials for March and August and the supply-demand adjuster.

Dated: February 21, 1963, Washington, D.C.

JOHN P. DUNCAN, Jr.,  
Assistant Secretary.

[F.R. Doc. 63-2090; Filed, Feb. 26, 1963; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[ 46 CFR Part 401 ]

GREAT LAKES PILOTAGE REGULATIONS

Proposals to Amend Rates and Charges on Undesignated Waters

Notice is hereby given that the Administrator of the Great Lakes Pilotage Administration is considering the desirability of amending § 401.410 of the Great Lakes Pilotage Regulations for the purpose of establishing uniform rates for pilotage services by United States and Canadian registered pilots on the undesignated waters of the Great Lakes.

The existing regulation provides a rate for services rendered and in addition the payment of travel expenses reasonably incurred by the pilot both in joining the vessel and returning to his base. Because pilots are dispatched from various locations there is considerable difference in the cost to vessels for identical pilotage service. This has resulted in a burden on shipping, since pilotage costs are unpredictable and determined by chance.

The Great Lakes Pilotage Administration desires to prescribe a rate which will be uniform as to all vessels and will provide sufficient additional revenue above the existing standard rate so as to compensate pilots for the actual expenses incurred traveling to and from the vessel on an average basis. The new rate would be higher than the present

\$50 per day rate in a sufficient amount to cover the pilots' average annual travel expenses per trip. The provision for expenses for each trip would be eliminated.

Notice is hereby given that a hearing will be held by the Administrator at 10:00 a.m. on March 13, 1963, in Room 5859, Commerce Building, 14th and E Streets NW., Washington, D.C., for the purpose of receiving from interested parties such data, views, and statements as they may desire to make concerning the need and desirability for amending § 401.410 Great Lakes Pilotage Regulations to provide a more uniform rate for pilotage services on the undesignated waters of the Great Lakes in lieu of additional payment for travel expenses reasonably incurred by the pilot both in joining the vessel and in returning to his base.

Persons desiring to present their views at the hearing are requested to notify the Administrator prior to the hearing.

Dated: February 11, 1963.

[SEAL] A. T. MESCHTER,  
Administrator.

[F.R. Doc. 63-2073; Filed, Feb. 26, 1963; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 42 ]

### EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

#### Dried Egg Yolks; Proposal to Amend Standard of Identity to Provide for Optional Anticaking Ingredient Sodium Silicoaluminate

Notice is given that Seymour Foods, Inc., Topeka, Kansas, has filed a petition proposing amendment of the standard of identity for dried egg yolks (21 CFR 42.60). The petitioner proposes that § 42.60 be amended to provide for the use of not more than 2 percent of sodium silicoaluminate as an optional anticaking agent and that the finished food, regardless of whether this anticaking agent is used, shall contain not less than 95 percent total solids. As amended, § 42.60 would read as follows:

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 3 percent by weight; however, if the optional anticaking ingredient is not used, the moisture content may exceed 3 percent but it does not

exceed 5 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960, sections 16.002 and 16.003, under "Total Solids."

(b) (1) When the optional anticaking ingredient sodium silicoaluminate is used, the label shall bear the statement, "Less than 2 percent sodium silicoaluminate added as an anticaking agent."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in subparagraph (1) of this paragraph, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 20, 1963.

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

[F.R. Doc. 63-2059; Filed, Feb. 26, 1963; 8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition FAP 1013 has been filed by Amercoat Corporation, 4809 Firestone Boulevard, South Gate, California, proposing the issuance of a regulation to provide for the safe use of bisphenol-epichlorohydrin epoxide resin cured with *m*-phenylenediamine or a mixture of 4,4'-methylene-dianiline, *m*-phenylenediamine, glyoxal, allyl glycidyl ethers, and bisphenol A, as articles or components of articles or equipment in contact with food.

Dated: February 20, 1963.

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

[F.R. Doc. 63-2052; Filed, Feb. 26, 1963; 8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1038) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, N.J., proposing the issuance of a regulation to provide for the safe use of hot-melt, strippable food coatings, consisting of a mixture of acetylated monoglycerides and cellulose acetate-butyrate in contact with food.

Dated: February 20, 1963.

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

[F.R. Doc. 63-2053; Filed, Feb. 26, 1963; 8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1020) has been filed by the Dow Chemical Company, P.O. Box 467, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of ethylene-ethyl acrylate copolymer in resinous and polymeric coatings contacting food. The petitioner proposes to amend § 121.2514 *Resinous and polymeric coatings* by adding this substance.

Dated: February 20, 1963.

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

[F.R. Doc. 63-2054; Filed, Feb. 26, 1963; 8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1027) has been filed by A. E. Staley Manufacturing Company, Decatur, Illinois, proposing the issuance of a regulation to provide for the safe use of *tert*-dodecyl thioether of polyethylene glycol for use as an emulsifier in surface sizings and coatings on paper and paperboard in contact with dry food.

Dated: February 20, 1963.

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

[F.R. Doc. 63-2055; Filed, Feb. 26, 1963; 8:48 a.m.]

**FEDERAL AVIATION AGENCY**

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-EA-2]

**CONTROLLED AIRSPACE**

**Proposed Alteration of Control Zone**

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Martha's Vineyard, Mass., control zone § 71.171 (27 F.R. 220-91, November 10, 1962) is currently designated as being effective during the hours 0800 to 1700 e.s.t., daily, September 5 through June 22, and 0630 to 2300 e.s.t., daily, June 23 through September 4, annually.

The Federal Aviation Agency has under consideration the alteration of the Martha's Vineyard Airport control zone by amending the hours this control zone will be effective September 5 through June 22, annually, to 0800 to 2100 local time, daily. Northeast Airlines, the weather reporting agency for Martha's Vineyard Airport, has advised the FAA that effective January 10, 1963, weather reporting service for Martha's Vineyard Airport will be provided between the hours of 0800 to 2100 local time, daily, September 5 through June 22, annually. From June 23 through September 4, annually, the period of time these observations are taken will revert to the hours currently established, 0630 to 2300 local time, daily. This expansion of weather reporting service provides the basis for the proposed change in the time of designation of the Martha's Vineyard control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 19, 1963.

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

[F.R. Doc. 63-2024; Filed, Feb. 26, 1963; 8:45 a.m.]

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-CE-22]

**CONTROLLED AIRSPACE**

**Proposed Designation of Control Zone**

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a part-time control zone at St. Paul, Minn. The proposed control zone would be designated within a 3-mile radius of St. Paul-Downtown Airport (Holman Field) (latitude 44°56'10" N., longitude 93°03'40" W.) from 0600 to 2200 hours, local time, daily. This control zone would provide protection for aircraft operating at St. Paul-Downtown Airport (Holman Field). Communications and weather reporting service will be provided aircraft operating within the proposed control zone by the FAA control tower scheduled to be commissioned at the St. Paul-Downtown Airport (Holman Field) approximately April 1, 1963.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1963.

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

[F.R. Doc. 63-2025; Filed, Feb. 26, 1963; 8:48 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[ 47 CFR Part 3 ]

[Docket No. 14979; FCC 63-180]

**TELEVISION BROADCAST STATIONS, HANOVER, NEW HAMPSHIRE**

**Table of Assignments**

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

2. The Commission invites comments on the following proposed changes in § 3.606 of the Commission's rules and regulations:

Proposal No. 1		
City	Channel No.	
	Present	Proposed
Hanover, N.H.-----	*20+	20+
Proposal No. 2		
Glen Falls, N.Y.-----	39+	-----
Littleton, N.H.-----	24	-----
Lebanon, N.H. <sup>1</sup> -----	-----	39+
Proposal No. 3		
Hanover, N.H.-----	*20+	*20+, 74

<sup>1</sup> Lebanon is approximately 7 miles from Hanover.

3. Prior to the adoption on September 25, 1962 of a Report and Order in Docket No. 14653 (State of Vermont Educational Network), the channels assigned to Hanover were \*20 and 26. No channel was assigned to Windsor, Vermont. In that Order we deleted Channel 26 from Hanover, assigned it to Windsor, and reserved it for noncommercial educational use. Recognizing the importance of Channel 26 as a key station in a Vermont statewide educational network, we have today denied a Petition for Reconsideration in that proceeding.

4. In the aforesaid Docket No. 14653, Upper Valley Broadcasters Inc. opposed the deletion of Channel 26 from Hanover and subsequently filed a Petition for Reconsideration requesting that the Commission reconsider its action or place another channel in Hanover for commercial operation. In support of its request, Upper Valley pointed to the application it had filed for Channel 26 in Hanover as evidence of interest in a commercial operation there and its intention to establish a local television outlet in Hanover.

5. The Commission is of the view that rule making proceedings should be instituted so that interested parties may submit their views and relevant data on the above alternative proposals.

6. Since Hanover is closer than 250 miles to the United States-Canadian boundary, assignment of the channels proposed would require the concurrence of Canadian authorities. No final action on this proposal would be taken until formal Canadian concurrence is obtained.

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

8. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before April 1, 1963, and reply comments on or before April 16, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by the notice.

9. In accordance with the provisions of section 1.215 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.215 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 20, 1963.

Released: February 21, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 63-2079; Filed, Feb. 26, 1963; 8:51 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 14980, RM-394; FCC 63-181]

TELEVISION BROADCAST STATIONS, GAITHERSBURG, MARYLAND

Table of Assignments

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

2. The Commission has before it for consideration a petition for rule making filed on December 12, 1962, by Dixon Industries, Inc., Gaithersburg, Maryland, RM-394, requesting an amendment of the Television Table of Assignments, § 3.606, to assign UHF Channel 18 to Gaithersburg for commercial use.

3. Gaithersburg has a population of 3,847 and the township 8,760. Petitioner

asserts that this is a rapidly growing community, citing a population estimate by the National Capital Regional Planning Council of 40,700 for the township in 1980, and also states that Montgomery County is experiencing a similar population and economic growth. The 1960 county population was 340,928, and among government agencies located in the Gaithersburg area are the Atomic Energy Commission and the National Bureau of Standards.

4. Dixon Industries, a manufacturing firm producing electrical equipment, is incorporated in Maryland, with its offices and plant in Gaithersburg. It states that it intends to file an application for a construction permit for the requested channel if this petition is granted.

5. The petitioner notes that there are no UHF station assignments presently made to Gaithersburg and asserts that sites are available from which a station on Channel 18 could meet the separation requirements of the Commission rules.

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

City	Channel
Gaithersburg, Md	18

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

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before April 1, 1963, and reply comments on or before April 16, 1963. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of section 1.215 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.215 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 20, 1963.

Released: February 21, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 63-2080; Filed, Feb. 26, 1963; 8:51 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 14981, RM-383; FCC 63-185]

TELEVISION BROADCAST STATIONS, ALLENTOWN, ALTOONA, CLEARFIELD, HARRISBURG, SCRANTON, AND SHAMOKIN, PENNSYLVANIA

Table of Assignments

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

2. The Commission has before it for consideration the Petition for Rule Making filed on November 8, 1962, by the Pennsylvania Educational Network Study on behalf of the Department of Public Instruction of the Commonwealth of Pennsylvania, requesting an amendment of § 3.606 of the Commission's rules and regulations to assign and reserve for non-commercial educational use five channels as follows:

City	Channel No.	
	Present	Proposed
Allentown	39, 67	*39, 67
Altoona	10-, 25-	10-, 25-, *36-
Clearfield	None	1 *3+
Harrisburg	21+, 27-, 33+	21+, 27-, 33+, *65
Scranton	16-, 22-, 44	16-, 22-, 44, *68-
Shamokin	65	71+

<sup>1</sup> In Docket No. 14232 there is a pending proposal to assign Channel 3 at short spacing to Johnstown-Altoona.

3. In support of its request, the Pennsylvania Department of Public Instruction (Department) demonstrates it has been directed by the General Assembly to establish television facilities in accordance with a formulated state plan for educational broadcasting. The Department requested assignments only in those geographic locations which it regards as prime prospects for broadcasting in the immediate future and which are so located as to be essential links in a proposed educational network for the Commonwealth.<sup>1</sup> The Department has established regional broadcasting councils and secured the support of public and private schools in the State.

4. In Docket No. 14229, the Commission is considering measures which would enhance the opportunities for successful use of the UHF television channels. Until the matter of overall allocation policy can be decided, it may be inappropriate to reserve large blocks of channels such as requested by the petitioner. We are, however, mindful of the need for additional channels for educational use in Pennsylvania and believe that a sufficient showing has been made to institute rule making. This will allow consideration of the request for reservation of channels in the communities

<sup>1</sup> The following channels are already reserved for educational use in Pennsylvania: 41 in Erie, 35- in Philadelphia (WHYY-TV operating there), 13- and 16 in Pittsburgh (Metropolitan Pittsburgh Educational Television operating on both channels), and 69+ in State College.

named in light of the judgments developed in the overall UHF proceeding.

5. Separations at less than 250 miles from the United States-Canadian boundary are here involved and assignment of the channels proposed would require the concurrence of Canadian authorities. No final action on this proposal would be taken until formal Canadian concurrence is obtained.

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

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before April 1, 1963, and reply comments on or before April 16, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.215 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.215 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 20, 1963.

Released: February 21, 1963.

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

[F.R. Doc. 63-2081; Filed, Feb. 26, 1963;  
8:51 a.m.]

#### [ 47 CFR Part 16 ]

[Docket No. 14970, RM-400; FCC 63-158]

### RAILROAD RADIO SERVICE

#### Transmission, in Certain Instances, of Public Telegrams, Over Railroad Radio Facilities

1. In many locations throughout the country, the only telegraph service available to the general public is that which may be obtained at the nearest railroad station. At many of these stations, railroad employees act as agents

for the telegraph company; moreover, the railroad's own communications facilities are oftentimes employed in the rendition of this telegraph service. Traditional and long standing contractual arrangements between the telegraph and railroad companies govern the division of message charges, the respective liabilities of the parties, and all other details of this joint use of facilities.

2. As communications systems and techniques have progressed, many railroad wireline circuits have been replaced by radio facilities. Thus, in many instances, telegrams handled by railroads would have to be handled *via* radio, rather than wireline circuits. But our Rules governing the authorization of radio facilities to railroads, proscribe the use of those facilities for the rendition of " \* \* \* a communications common carrier service."

3. The Association of American Railroads has petitioned the Commission to waive, interpret, or amend its Rules, " \* \* \* so that licensees of microwave radio systems in the Railroad Radio Service may transmit public telegrams over microwave circuits as is now done over railroad wire line systems." The subject petition was filed on December 19th, 1962; and has been assigned our Rule Making number 400.

4. The joint use of communications facilities by the telegraph and railroad companies, in order to provide telegram service to many parts of the nation, is a practice of long standing—a hundred years or more on some railroads. Now, by reason of the fact that American railroads have sought to keep pace with technological improvements in methods of communications, it appears that the public in those areas where no other telegraph service is available might be deprived of its telegraph service, solely because of the fortuitous circumstances that radio, rather than wire, is used for telegram transmissions.

5. The Western Union Telegraph Company and the American Telephone and Telegraph Company, on December 21st, 1962, and January 24th, 1963, respectively, filed statements, pursuant to § 1.204 of our rules, that generally endorse or commend the relief requested by the Association of American Railroads. A.T. & T. however, would have us afford relief by means of individual or case-by-case rule waivers, upon application therefor; while Western Union, if we construe its statement correctly, recommends that a general waiver, of those Rules that proscribe the use of Railroad Radio frequencies for telegraph service, be effected. As the title of the instant document would indicate, we have chosen the burden of a rule making pro-

ceeding rather than a piecemeal and perennial consideration of sundry waiver requests. Our conclusion in this regard is dictated in certain measure by the ultimate administrative convenience that attends regulation by rule rather than by waiver. If, however, in the views of Western Union and A.T. & T., the rule waiver approach to the problem posed by Petitioner is the most conducive to the public interest, their reasons for so believing should be enumerated in any comments they choose to file in this proceeding.

6. Our proposal in this proceeding is to amend our rules by adding a new paragraph (d) to § 16.357 of our Railroad Radio Service Rules, which would, in effect, permit railroads to continue their traditional telegram handling service for the public. The new § 16.357 would read as follows:

#### § 16.357 Scope of service.

\* \* \* \* \*

(d) Operational fixed stations licensed to operate in the Railroad Radio Service may be used to handle telegraph messages for telegraph common carriers in those instances where, were it not for the presence of railroad radio facilities, telegraph service could not be provided.

7. Notice of proposed rule making in this matter is hereby given.

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

9. Pursuant to the applicable procedures set forth in § 1.213 of the Commission's Rules, interested persons may file comments on or before April 1, 1963, and reply comments on or before April 16, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: February 20, 1963.

Released: February 21, 1963.

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

[F.R. Doc. 63-2031; Filed, Feb. 26, 1963;  
8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[AA 643.3-s]

### TITANIUM DIOXIDE FROM FRANCE

#### Purchase Price; Foreign Market Value

FEBRUARY 20, 1963.

Pursuant to section 201(b) of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of titanium dioxide imported from France is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of titanium dioxide from France pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the firm of Ford, Larson, Greene and Horan on behalf of the Titanium Pigment Corporation.

[SEAL]

PHILIP NICHOLS, Jr.,  
Commissioner of Customs.

[F.R. Doc. 63-2066; Filed, Feb. 26, 1963;  
8:50 a.m.]

### Coast Guard

[CGFR 63-5]

### EQUIPMENT, INSTALLATIONS, OR MATERIALS

#### Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval.

If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted, as described in this document, during the period from January 8 to January 11, 1963. These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

#### PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

##### WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/21/1, Container for emergency provisions, dwg. No. A-101-F, Sheet 1 dated March 11, 1957, and Sheet 2 dated January 4, 1963, manufactured by H & M Packing Corp., 913 Ruberta Avenue, Glendale 1, California, effective January 8, 1963. (It supersedes Approval No. 160.026/21/1

dated May 29, 1962, to show approval number on label.)

#### DAVITS

Approval No. 160.032/131/1, Mechanical davit, straight boom sheath screw, Type 22-25 MKII, approved for maximum working load of 7,500 pounds per set (3,750 pounds per arm) using not less than 2-part falls, identified by general arrangement dwg. DB-151, Alteration D dated January 8, 1963, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective January 11, 1963. (It supersedes Approval No. 160.032/131/0 dated May 1, 1962.)

Approval No. 160.032/132/1, Mechanical davit, straight boom sheath screw, Type 22-31 MKII, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm), using not less than 2-part falls, identified by general arrangement dwg. DB-111, alteration D dated January 3, 1963, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective January 8, 1963. (It supersedes Approval No. 160.032/132/0 dated May 1, 1962.)

#### FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/75/0, Model 4-5-200-6, backfire flame arrester for carburetors, dwg. No. 4-5-200-6, Marine Flame Arrester, dated 10-29-62, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective January 8, 1963.

Approval No. 162.015/76/0, Model 4-5-250-6, backfire flame arrester for carburetors, dwg. No. 4-5-250-6, Marine Flame Arrester, dated 10-29-62, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective January 8, 1963.

Approval No. 162.015/77/0, Model 4-4-200-6, backfire flame arrester for carburetors, dwg. No. 4-4-200-6, Marine Flame Arrester, undated, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective January 8, 1963.

Approval No. 162.015/78/0, Model 4-4-250-6, backfire flame arrester for carburetors, dwg. No. 4-4-250-6, Marine Flame Arrester, undated, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective January 8, 1963.

Approval No. 162.015/79/0, Model 2-3-200, backfire flame arrester for carburetors, dwg. No. 2-3-200, Marine Flame Arrester, undated, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective January 8, 1963.

#### GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/11/1, Figure ST-9400 high pressure automatic tank gauge for liquefied compressed gas serv-

ice, dwg. No. 2151-03, Rev. 2 dated August 9, 1962 (rated either 150 or 300 p.s.i. according to rating of flanges used), System Fig. Nos. 2151-03 and 2151-05 rated 150 p.s.i.; Fig. Nos. 2151-04 and 2151-06 rated 300 p.s.i., manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective January 8, 1963. (It supersedes Approval No. 162.019/11/0 dated June 20, 1959.)

Dated: February 18, 1963.

[SEAL] E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 63-2048; Filed, Feb. 26, 1963;  
8:48 a.m.]

### Office of the Secretary

[AA 643.3-C]

## CASHMERE YARN FROM ITALY

### Fair Value Determination

FEBRUARY 19, 1963.

A complaint was received that cashmere yarn from Italy was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cashmere yarn from Italy is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* During the period under consideration there was only one firm in Italy making sales of cashmere yarn to the United States. All sales to the United States were made to one unrelated firm on a c.i.f. basis. Purchase price was calculated by deducting from the selling price the actual amounts incurred for ocean freight, insurance, and inland freight and f.o.b. charges in Italy to arrive at a net, ex-factory, packed price.

The Italian firm made no sales to third countries and sales in the home market were minimal and not sufficient to form a basis for fair value comparison. Therefore, purchase price was compared with the constructed value of the cashmere yarn.

Constructed value was calculated in accordance with the statutory requirements of the Antidumping Act of 1921, as amended.

A potential dumping margin was found to exist only for the yarn exported during July and August of 1961. However, the margin and the volume of sales involved were deemed not more than insignificant and assurance has been given that future sales will not be made at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,  
Assistant Secretary of the Treasury.

[F.R. Doc. 63-2065; Filed, Feb. 26, 1963;  
8:49 a.m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### STATEMENT OF ORGANIZATION

#### Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. "International Falls, Minn., International Falls Municipal Airport" in District No. 10—St. Paul, Minn., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended to read as follows: "International Falls, Minn., Falls International Airport."

2. The list of airports in District No. 14—San Antonio, Tex., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by adding the following airport in alphabetical sequence: "Del Rio, Tex., Del Rio International Airport."

Dated: February 19, 1963.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 63-2048; Filed, Feb. 26, 1963;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 64; Offer No. 25]

### NEW MEXICO

#### Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby offer for sale at public auction under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, twenty-two tracts listed in Part 3 of this order.

2. The lands are located near the Village of Sombrillo, New Mexico, and about 1½ miles southeast of Espanola, New Mexico. Other closely integrated villages include Santa Cruz, Rancho Valle, Quarteles and Riverside. The lands are accessible by graded county roads which intersect U.S. Highway 285 and State Road 76. The topography is gently rolling to steep, and gully and arroyo erosion is moderate. The elevation is 5,750 feet above sea level, and precipitation amounts to about 10 inches annually. The average frost-free period is 152 days. Vegetation consists of desert grasses. Culinary well water may be obtained at about 100 to 200 feet, whereas, irrigation water is not available for the reason that the waters of the Santa Cruz River are fully appropriated and the lands are in a closed underground water basin. Electric power and natural gas are available

from nearby installations. The highest and best use for these lands is for home-site development.

3. The tracts vary in size from 1.24 acres to 4.98 acres. The land will be sold subject to existing rights-of-way for roads; electric transmission lines and other rights-of-way for streets, roads, and public utilities will be reserved as shown below. All minerals are reserved to the United States.

New Mexico Principal Meridian

[T. 20 N., R. 8 E., Sec. 12]

Unit	Lot	Acres	Rights-of-way	Value
*1	10	1.45	Existing road <sup>1</sup> -----	\$325.00

[T. 20 N., R. 9 E., Sec. 7]

2	7	3.39	Existing road <sup>1 2</sup> -----	\$350.00
3	8	2.74	do <sup>1 3 8</sup> -----	400.00
*4	9	1.66	do <sup>1 4 9</sup> -----	375.00
*5	10	1.50	do <sup>1 5 9</sup> -----	375.00
6	11	1.74	50' West <sup>7 9</sup> -----	375.00
7	12	1.24	33' North and East <sup>8</sup> -----	375.00
8	13	1.24	33' North and West <sup>8</sup> -----	325.00
9	14 and 15	3.45	None-----	325.00
10	16	2.49	33' South and West <sup>8</sup> -----	375.00
11	17	2.49	33' East <sup>9</sup> -----	425.00
12	18	3.52	50' West <sup>8 10</sup> -----	425.00
13	19	3.51	50' West, 33' South <sup>9</sup> -----	425.00
14	20	2.49	33' South and East-----	375.00
15	21	2.49	33' North and West <sup>8</sup> -----	350.00
16	22 and 23	4.98	None-----	275.00
17	24	2.49	33' West-----	400.00
18	25	2.49	33' North and East-----	425.00
19	26	3.51	33' North, 50' West <sup>9</sup> -----	400.00
20	27	3.52	50' West <sup>1</sup> -----	325.00
21	28	2.49	33' East-----	325.00
22	29 and 30	4.98	33' West (Lot 29) (Lots 29 and 30) <sup>8</sup> -----	300.00

\*Covered by applications from persons entitled to statutory preference rights as provided under 43 CFR 237.5.

<sup>1</sup> Existing county road 66' wide extends from southwest corner of Lot 10, Sec. 12, T. 20 N., R. 8 E., NMPM, along south boundary of said Lot 10; thence north-easterly across Lots 10, 9, 8, and 7, Sec. 7, T. 20 N., R. 9 E., NMPM; also an existing county road extends northwesterly from the aforesaid road along common boundaries of Lots 9 and 10.

<sup>2</sup> 33' Right-of-way: Beginning at northwest corner; thence southeasterly along north boundary to intersection of existing road and beginning at northwest corner; thence south along west boundary to intersection with existing road; and beginning at southwest corner; thence east along south boundary for a distance of 318.9'.

<sup>3</sup> 33' Right-of-way: Beginning at northwest corner; thence easterly along north boundary to northeast corner; thence south along east boundary to intersection with existing road and along entire south boundary.

<sup>4</sup> 33' Right-of-way: Beginning at southeast corner; thence westerly along south boundary to southwest corner; thence northwesterly along west boundary to intersection with existing road.

<sup>5</sup> 33' Right-of-way: Beginning at southeast corner; thence northwesterly along east boundary to intersection with existing road.

<sup>6</sup> 50' Right-of-way: Beginning at southwest corner; thence north along west boundary to intersection with existing road.

<sup>7</sup> 33' Right-of-way: Beginning at northeast corner; thence westerly along north boundary 213.51 feet.

<sup>8</sup> Powerline Right-of-way, NM-05496, traverses from north boundary of Lot 8, Sec. 7, T. 20 N., R. 9 E., NMPM, southeasterly through Lots 8, 12, 13, 16, 17, 21, 24, 29, 30.

<sup>9</sup> Telephone line Right-of-way, NM-023222, traverses along west boundary of Lot 9 and east boundary Lot 10, Sec. 7, T. 20 N., R. 9 E.; thence southerly through Lots 11, 18, 19, 26, 27.

<sup>10</sup> Telephone line Right-of-way, NM-023970, traverses from west boundary of Lot 18, Sec. 7, T. 20 N., R. 9 E.; thence easterly through Lot 18 to intersection with Right-of-way, NM-023222.

4. Classification of the above-described lands by this order segregates them from all forms of appropriations, including location under the mining laws, except as to applications under the mineral leasing laws.

5. Statutory preference right applicants will be offered the designated tracts

by direct sale at the appraised value, as soon as possible. Tracts not covered by statutory preference applications, and those not taken by statutory preference applicants, will be offered at public auction at a public sale to be held at the Bureau of Land Management, 113 Washington Avenue, Santa Fe, New Mexico, beginning at 10:30 a.m. on April 24, 1963. Bids may be made personally by the bidder or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office, Bureau of Land Management, prior to 10:00 a.m. on April 24, 1963 (see mailing address below). No sealed bid will be accepted if it is less than the appraised value of the tract. Oral bidding will be in increments to be announced at the sale. See Paragraph 3 above for appraised values.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Offer No. 25 and (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need accompany only the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Offer No. 25, April 24, 1963, (b) the unit number of the tract for which the bid is made, described in accordance with Paragraph 3 of this order.

8. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

9. Any tracts not sold when offered in the course of bidding (and on which no qualifying mailed bid has been received) will be reoffered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., May 1, 1963, at the Bureau of Land Management, Greer Building, 113 Washington Avenue, Santa Fe, New Mexico. The remaining tracts will continue to be subject to nomination and auction at that place each succeeding Wednesday at 10:30 a.m. (except holidays) until all tracts are sold or until the termination of the sale October 30, 1963.

10. Inquiries concerning these lands should be addressed to the Manager, Land

Office, Bureau of Land Management, Post Office Box 1251, Santa Fe, New Mexico.

Dated: February 15, 1963.

CHESLEY P. SEELY,  
State Director.

[F.R. Doc. 63-2037; Filed, Feb. 26, 1963;  
8:47 a.m.]

**National Park Service**

[Order No. 1]

**CERTAIN OFFICIALS**

**Delegation of Authority**

SECTION 1. The National Park Service Superintendents in the National Capital Region, whose positions are allocated to Civil Service grade GS-12 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in the same Civil Service grade as, or higher grades than, the Superintendent making appointments or status changes.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of permanent graded or ungraded positions.

(d) Establishment of wage rates.

(e) Approval of contracts for construction, supplies, or services in excess of \$50,000.

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed \$500, and (3) payment of the full amount of damages is offered.

(g) Approval of preliminary plans for concessioners' projects, plans which establish the architectural theme of newly-developed areas or a departure from a previously established theme in established areas, and plans for LP-gas installations which have not been recommended by the National Capital Office, Design and Construction.

(h) Approval of regularly scheduled overtime in excess of thirty days.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(j) Issuance of revocable special use permits having a term of more than three years.

(k) Acceptance of donations of personal property valued in excess of \$5,000, and acceptance of donations of money in excess of \$5,000.

(l) Reimbursement of employees and other owners for property lost, damaged, or destroyed.

(m) Hire, rental, or purchase of personal property from employees.

(n) Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3), when the fair market value of the timber involved in any single transaction exceeds \$5,000.

SEC. 2. Associate Regional Director and Assistant Regional Directors. The Associate Regional Director and Assistant Regional Directors, and officers designated by them to serve as Acting Associate Regional Director or Acting Assistant Regional Directors in their absence, may exercise all of the authority of the Regional Director with respect to any matter which may come before them.

SEC. 3. Associate Regional Director and Assistant Regional Director (Administration). The Associate Regional Director and Assistant Regional Director (Administration) may execute and approve contracts not in excess of \$200,000 for construction, supplies, equipment and services. This authority may be exercised by these officers in behalf of any area or office for which the National Capital Regional Office serves as the field finance office, except the National Capital Office, Design and Construction.

SEC. 4. Regional Chief, Division of Property Management and General Services, and Procurement Officer. The Regional Chief, Division of Property Management and General Services, and the Regional Procurement Officer may execute and approve contracts not in excess of \$50,000 for supplies, equipment, and services. This authority may be exercised by these officers in behalf of any office or area for which the National Capital Regional office serves as the field finance office, except the National Capital Office, Design and Construction.

SEC. 5. Redelegation. The Superintendents may, in writing, redelegate to any officer or employee the authority delegated to them by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 6. Appeal. Except in matters relating to contracts for construction, supplies, equipment, or services, any party aggrieved by any action or decision of any Superintendent or any of the officers mentioned herein shall have the right of appeal to the Regional Director. Any such appeal shall be in writing and shall be submitted to the Regional Director within thirty days after receipt by the aggrieved party of notice of the action taken or decision made by the Superintendent or other officer.

(National Park Service Order No. 14 (19 F.R. 8824) 39 Stat. 535; 16 U.S.C., sec. 2)

Dated: January 14, 1963.

T. SUTTON JETT,  
Regional Director,  
National Capital Region.

[F.R. Doc. 63-2041; Filed, Feb. 26, 1963;  
8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### PESTICIDE CHEMICAL N<sup>6</sup>-BENZYLADENINE

#### Notice of Extension of Permit for Temporary Use

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and in accordance with authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), has at the request of the Shell Chemical Company, a Division of Shell Oil Company, 110 West 51st Street, New York 20, New York, extended a temporary tolerance of 1 part per million for residues of the plant regulator N<sup>6</sup>-benzyladenine as a result of application just before or just after harvest on broccoli, brussels sprouts, cabbage, celery, endive (escarole), kale, lettuce (including head, leaf, and romaine), mustard greens, spinach, and turnip greens. Included in the conditions of extending the temporary tolerance are:

1. The total amount of pure N<sup>6</sup>-benzyladenine to be used under the experimental permit will not exceed 20 pounds.
2. The pesticide chemical will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

This temporary tolerance expires December 31, 1963, or on the date of publication of a tolerance under section 408(d) of the Federal Food, Drug, and Cosmetic Act, whichever occurs first.

Dated: February 20, 1963.

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

[F.R. Doc. 63-2060; Filed, Feb. 26, 1963;  
8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### BARTOW LIVESTOCK COMMISSION CO. ET AL.

#### 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, and Date of Posting*

Bartow Livestock Commission Co., Cartersville, Ga.; December 26, 1959.  
Franklin County Auction Sales Commission, Inc., Sesser, Ill.; November 18, 1959.  
Bassett Livestock Auction, Kanawha, Iowa; June 8, 1959.

Carroll East Sale Co., Carroll, Iowa; May 20, 1959.  
Central Iowa Livestock, Inc., Rippey, Iowa; September 18, 1959.  
Hampton Sales Co., Hampton, Iowa; June 1, 1959.  
Nesvik Livestock Auction Market, West Union, Iowa; June 4, 1959.  
Paullina Sale Co., Paullina, Iowa; June 10, 1959.  
Pocahontas Livestock Exchange, Pocahontas, Iowa; February 29, 1960.  
Westra Sales Co., Orange City, Iowa; November 5, 1957.  
Dawson Livestock Sales Pavilion, Dawson, Minn.; March 7, 1960.  
41st Street Stock Yards, New York, N.Y.; October 4, 1927.  
Cresbard Sales Co., Cresbard, S. Dak.; June 27, 1957.  
Murdo Sale Co., Inc., Murdo, S. Dak.; May 16, 1959.  
Newell Livestock Exchange, Newell, S. Dak.; October 10, 1951.  
Parker Dairy Cattle Exchange, Parker, S. Dak.; June 11, 1959.  
Coulee City Livestock Marketing Co-Op., Coulee City, Wash.; October 27, 1959.  
Tri-County Livestock Commission, Inc., Rochester, Wash.; May 5, 1960.

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 deposting 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 21st day of February 1963.

H. L. JONES,  
*Chief, Rates and Registrations  
Branch, Packers and Stock-  
yards Division, Agricultural  
Marketing Service.*

[F.R. Doc. 63-2088; Filed, Feb. 26, 1963;  
8:52 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 63-CE-1]

### WOLF POINT DEVELOPMENT CORP.

#### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace.

Wolf Point Development Corporation, Chicago, Illinois, proposes to construct an antenna structure on top of a new building being constructed in Chicago, Illinois, at latitude 41°53'15.16" north,

longitude 87°38'14.87" west. The overall height of the structure would be 1,943 feet above mean sea level (1,299 feet above ground).

The proposed structure would be located approximately 2.5 miles north/northwest of Meigs Field; 9.3 miles northeast of Chicago Midway Airport; 8 miles north of the centerline of VOR Federal airway No. 6; and within the boundaries of Victor 7, Victor 51 and Victor 10N-116-218.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would: require an increase from 2,500 feet to 2,900 feet in the minimum en route altitude on Victor 7 between Evanston Intersection and Beacon Intersection; require an increase from 2,000 feet to 2,900 feet in the MEA on Victor 10N-116-218 between Surf Intersection and Lyons Intersection; require an increase from 2,500 feet to 2,900 feet in the minimum obstruction clearance altitude on Victor 51 between Morton Intersection and City Intersection; require an increase from 2,500 feet to 2,900 feet in the minimum transition altitude from Beacon Intersection to the Chicago VORTAC for instrument approach procedures AL-166-VOR-RWY 14, VOR-RWY 22, ADF-1, ADF-2, ADF-3, ILS-RWY 14R and 14L, ILS-RWY 27; require an increase from 2,500 feet to 2,900 feet over Fairview Intersection for inbound aircraft on AL-166-VOR-RWY 32R; require an increase from 2,500 feet to 2,900 feet in the minimum transition altitude from Surf Intersection to the instrument landing system outer marker compass locator for IAP-81-ADF-1 and ILS-3; and require a minimum radar vector altitude of 2,900 feet within an area of three nautical miles and 2,400 feet within an area of three to five nautical miles of the proposed structure.

The study disclosed that the above increases in minimum flight altitudes would have no substantial adverse effect upon instrument flight rules operations since the minimum altitude normally assigned by air traffic control for IFR flight over the route segments affected is 3,000 feet and this altitude would remain undisturbed.

The study also disclosed that the proposed structure would be located outside of the Meigs Airport control zone, away from the traffic pattern and would not require a change in the aeronautical operations, procedures or flight altitudes associated with the Meigs Airport, which is currently used for Visual Flight Rules helicopter and general aviation operations. The Agency finds that in the event IFR procedures were to be implemented for this airport in the future the proposed structure would have no greater adverse effect upon the procedures than would existing obstructions located in this area.

No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of airspace and it is

hereby determined that the proposed structure would not be a hazard to air navigation; *Provided*, That it is obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on February 14, 1963.

JOSEPH VIVARI,  
*Acting Chief,*  
*Obstruction Evaluation Branch.*

[F.R. Doc. 63-2028; Filed, Feb. 26, 1963; 8:46 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 14969]

JOSEPH JOHN BRENNAN

**Order To Show Cause**

In the matter of Joseph John Brennan, Miami, Florida, Docket No. 14969; order to show cause why there should not be revoked the license for Radio Station WA4DMN in the Amateur Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 20, 1962, alleging violation of § 12.111 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 20, 1962, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

*It is ordered*, This 19th day of February 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291 (b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Acting Secretary send a copy of this Order by

Certified Mail—Return Receipt Requested to the said licensee at his last known address of 2935 West Flagler Street, Miami, Florida.

Released: February 21, 1963.

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

[F.R. Doc. 63-2076; Filed, Feb. 26, 1963; 8:51 a.m.]

[Docket Nos. 13067, 13068; FCC 63M-228]

**NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.**

**Order Scheduling Hearing**

In re applications of Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; for construction permits.

The Hearing Examiner having under consideration request of Transcript Press, Inc., for continuance of hearing due to illness of Frank W. Massey and agreements relating thereto as discussed on the record at hearing sessions held February 18 and 19, 1963;

*It is ordered*, This 19th day of February 1963, that the request is granted to the extent that the hearing is continued to March 11, 1963, at 10:00 a.m., subject to the limitations and agreements stated on the record on February 19, 1963;

*It is further ordered*, That a second hearing session is also scheduled herein to commence on March 21, 1963, at 10:00 a.m., for the purposes stated on the record on February 19, 1963.

Released: February 20, 1963.

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

[F.R. Doc. 63-2077; Filed, Feb. 26, 1963; 8:51 a.m.]

[Docket Nos. 14829, 14830; FCC 63M-232]

**GARO W. RAY AND CONNECTICUT COAST BROADCASTING CO.**

**Order Continuing Hearing**

In re applications of Garo W. Ray, Seymour, Connecticut, Docket No. 14829, File No. BP-15462; Salvatore Bontempo and Daniel J. Fericola d/b as Connecticut Coast Broadcasting Company, Bridgeport, Connecticut, Docket No. 14830, File No. BP-15463; for construction permits.

*It is ordered*, This 20th day of February 1963, on the Chief Hearing Examiner's own motion, that, in light of correspondence received from counsel for Connecticut Coast Broadcasting Company regarding procedures in the above-entitled proceeding, that a further pre-hearing conference herein will be held February 25, 1963, commencing at 9:00

a.m.; and that the hearing, now scheduled for February 25, 1963, will be convened on February 26, 1963, at 10:00 a.m.

Released: February 20, 1963.

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

[F.R. Doc. 63-2078; Filed, Feb. 26, 1963; 8:51 a.m.]

**FEDERAL MARITIME COMMISSION**

**STATE OF HAWAII AND MATSON NAVIGATION CO.**

**Notice of Agreement Filed for Approval**

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

Agreement No. 9055, between the State of Hawaii (Hawaii) and Matson Navigation Company (Matson), provides for a forty-year lease of certain terminal property at Hilo, Hawaii, to Matson for the operation of a bulk sugar loading facility. Rental will be at a fixed annual sum for each ten year period. Matson will pay dockage and wharfage to Hawaii at published tariff rates and will charge for handling sugar in accordance with Matson's tariff.

Agreement No. 9055-A, and amendments thereto, between Matson Navigation Company (Matson), and Hilo Transportation and Terminal Company (Hilo), provides for a twenty-five-year agreement granting Hilo the right to occupy and use terminal property at Hilo, Hawaii, for the purpose of loading sugar on vessels operated by or approved by Matson. Hilo agrees to operate the facility without discrimination between shippers. As rental, Hilo will pay Matson a specified sum each year and will pay to the State of Hawaii the rent payable by Matson under Agreement No. 9055, plus all operating expenses, license fees and other charges in connection with ownership or operation of the facility.

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

Dated: February 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 63-2083; Filed, Feb. 26, 1963; 8:52 a.m.]

**FURNESS, WITHY & CO., LTD. AND  
BLUE STAR LINE, LTD.**

**Notice of Filing of Agreement**

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

Agreement 8970, between Furness, Withy & Co., Ltd., and Blue Star Line, Ltd., covers a joint sailing agreement under which there will be established an agreed schedule of sailings in the trade from Glasgow, Scotland to Pacific Coast ports of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 20, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-2084; Filed, Feb. 26, 1963;  
8:52 a.m.]

[Agreement 7980]

**NORTH ATLANTIC MEDITERRANEAN  
FREIGHT CONFERENCE**

**Notice of Extension of Exclusive Patronage (Dual Rate) Contract System**

Notice is hereby given that the North Atlantic Mediterranean Freight Conference has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, an application for permission to extend the geographic scope of its existing Exclusive Patronage (Dual Rate) Contract system to include the trade from ports in the Portland/Eastport, Maine range to all ports in the Mediterranean except those of Spain and Israel.

Interested parties may inspect a copy of the contract and application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and application and their position as to approval, disapproval, modification or cancellation,

together with a request for hearing, should such hearing be desired.

Dated: February 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-2085; Filed, Feb. 26, 1963;  
8:52 a.m.]

[Agreement 7100]

**NORTH ATLANTIC UNITED KINGDOM  
FREIGHT CONFERENCE**

**Notice of Extension of Exclusive Patronage (Dual Rate) Contract System**

Notice is hereby given that the North Atlantic United Kingdom Freight Conference has filed with the Commission, pursuant to section 14b of the Shipping Act, 1916, an application for permission to extend the geographic scope of its existing Exclusive Patronage (Dual Rate) Contract system to include the trade from ports in the Portland/Eastport, Maine Range to ports in England, Scotland, Wales, Northern Ireland and the Irish Free State.

Interested parties may inspect a copy of the contract and application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., and at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and application and their position as to approval, disapproval, modification or cancellation, together with a request for hearing, should such hearing be desired.

Dated: February 21, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-2086; Filed, Feb. 26, 1963;  
8:52 a.m.]

**FEDERAL POWER COMMISSION**

[Docket No. CP63-184]

**SOUTHERN NATURAL GAS CO.**

**Notice of Application and Date of Hearing**

FEBRUARY 19, 1963.

Take notice that on December 27, 1962, Southern Natural Gas Company, a Delaware corporation with its principal place of business in the Wyatts Building, Birmingham, Alabama, filed in Docket No. CP63-184, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on an interruptible basis to David C. Crow, d.b.a. Bayou Meadow Farm, for use in operating gas engines for the propulsion of irrigation pumps on Meadow

Farm located near Epps, East Carroll Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a line tap in addition to a metering and regulating station on its north main line at Milepost 38.0. The annual and peak day requirements are estimated to be 8,750 Mcf and 70 Mcf respectively. Such requirement represents a fraction of one percent of the total reserves and demands no additional gas supplies.

The total cost of the proposed facilities will not exceed \$1,160 to be financed from cash on hand by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 26, 1963, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-2035; Filed, Feb. 26, 1963;  
8:47 a.m.]

[Docket Nos. RI63-346—RI63-352]

**SUN OIL CO., ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

FEBRUARY 19, 1963.

Sun Oil Company, Docket No. RI63-346; Texaco Inc., Docket No. RI63-347; Phillips Petroleum Company, Docket No. RI63-348; Texaco Inc. (Operator), et al., Docket No. RI63-349; Continental Oil Company, Docket No. RI63-350; Sunray DX Oil Company, Docket No. RI63-351; Edwin L. Cox, et al., Docket No. RI63-352.

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for

sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65

psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI63-346...	Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa., Attn: Mr. C. E. Webber.	151	2	El Paso Natural Gas Co. (Pandale Field, Crockett County, Tex.) (R.R. District No. 7-c).	\$3,650	1-23-63	12-24-63	7-24-63	\$ 16.0	\$ 17.0	-----
RI63-347...	Texaco Inc., P.O. Box 2100, Denver 1, Colo., Attn: Roy Whisenhunt.	288	2	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	3,610	1-28-63	1-28-63	7-28-63	15.0	\$ 12.7	-----
	Texaco Inc.-----	195	3	Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas County, Okla.) (Oklahoma Panhandle area).	16	2- 1-63	13-21-63	8-21-63	\$ 17.2	\$ 17.4	RI62-347
	Do-----	229	2	Natural Gas Pipeline Co. of America (NW. Dower Field, Beaver County, Okla.) (Oklahoma Panhandle area).	109	2- 1-63	13-21-63	8-21-63	\$ 17.2	\$ 17.4	RI62-347
	Do-----	198	3	Natural Gas Pipeline Co. of America (Camrick SE. Field, Beaver County, Okla.) (Oklahoma Panhandle area).	220	2- 1-63	13-21-63	8-21-63	\$ 17.2	\$ 17.4	RI62-347
RI63-348...	Phillips Petroleum Co., Bartlesville, Okla.	313	2	Panhandle Eastern Pipe Line Co. (Hugoton Field, Seward County, Kans.).	109	1-31-63	43- 3-63	8- 3-63	15.0	\$ 16.0	-----
RI63-349...	Texaco Inc. (Operator), et al., P.O. Box 2332, Houston 1, Tex.	133	35	Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas and Beaver Counties, Okla.) (Oklahoma Panhandle area).	308	2- 1-63	13-21-63	8-21-63	\$ 17.2	\$ 17.4	RI62-346
RI63-350...	Continental Oil Co., P.O. Box 2197, Houston 1, Tex.	231	-----	Lone Star Gas Co. (Katie Field, Garvin County, Okla.) (other Oklahoma area).	-----	1-28-63	12-28-63	7-28-63	-----	-----	-----
		231	1	do-----	485	1-28-63	12-28-63	7-28-63	4.914	\$ 12.35	-----
		231	2	do-----	25,526	1-29-63	13- 1-63	8- 1-63	14.6	\$ 15.6	RI62-196
RI63-351...	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	20	16	United Gas Pipe Line Co. (North McFaddin Field, Victoria County, Tex.) (R.R. District No. 2).	585	1-29-63	13- 1-63	8- 1-63	14.6	\$ 15.6	RI62-196
	Sunray DX Oil Co.---	53	15	United Gas Pipe Line Co. (Keeran and North Keeran Fields, Victoria County, Tex.) (R.R. District No. 2).	-----	-----	-----	-----	-----	-----	-----
RI63-352...	Edwin L. Cox, et al., 2100 Adolphus Tower, Dallas 2, Tex.	1	10	Texas Eastern Transmission Corp. (Rhode Ranch Field, McMullen County, Tex.) (R.R. District No. 1).	2,452	2- 4-63	43- 7-63	8- 7-63	\$ 13.8733	\$ 14.3733	-----

<sup>1</sup> The stated effective date is the effective date proposed by respondent.  
<sup>2</sup> Periodic rate increase.  
<sup>3</sup> Subject to a 9.663 cents per Mcf adjustment for diluent content and processing charge deducted by buyer.  
<sup>4</sup> The stated effective date is the first day after expiration of the required statutory notice.  
<sup>5</sup> Subject to a downward Btu adjustment for gas containing less than 1000 Btu's per cubic foot.

<sup>6</sup> Supersedes Continental Oil Co.'s FPC Gas Rate Schedule No. 90.  
<sup>7</sup> Favored-nation rate increase.  
<sup>8</sup> Based on buyer's rate of 16.8 cents per Mcf to others from the Warren-Maysville Gas Plant.  
<sup>9</sup> This rate resulted from an Offer of Settlement which was approved prior to the Second Amendment to Statement of General Policy No. 61-1.  
<sup>10</sup> This rate is equivalent to 14.8733 cents per Mcf when the cost to the buyer of 0.5 cent for dehydration and handling is taken into consideration.

The proposed increased rates and charges of all the Respondents named herein exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from

the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in Continental Oil Company's FPC Gas Rate Schedule No. 231 and supplements thereto, and the rate supplements filed by the other Respondents listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 10, 1963.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-2032; Filed, Feb. 26, 1963; 8:47 a.m.]

[Docket Nos. G-17771 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Severance

FEBRUARY 19, 1963.

The Atlantic Refining Company, et al., Docket Nos. G-17771 et al.; Anadarko Production Company, Docket No. CI62-1535; Anadarko Production Company, Docket No. CI62-1546; St. Helens Petroleum Corporation, Docket No. CI63-194.

Notice is hereby given that the matters of the applications in Docket Nos. CI62-1535, CI62-1546 and CI63-194, heretofore scheduled for a hearing in Washington, D.C., on February 26, 1963, in the consolidated proceeding entitled The Atlantic Refining Company, Docket Nos. G-17771,

et al. are severed therefrom for such further disposition as may be appropriate.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-2033; Filed, Feb. 26, 1963;  
8:47 a.m.]

[Docket No. CP63-28]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application To Amend

FEBRUARY 19, 1963.

Take notice that on January 18, 1963, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Hastings, Nebraska, filed in Docket No. CP63-28 an application to amend the Commission's order, issued December 10, 1962, in Docket No. CP63-28 wherein Applicant was authorized, among other things, to install an additional 2,500 horsepower compressor at its Scott City, Kansas, compressor station, to reclaim two 500 horsepower compressors at Scott City and to install one of said 500 horsepower compressors at its Colby, Kansas, compressor station.

Applicant proposes herein to amend the subject order to authorize Applicant to supercharge the two units which were to have been reclaimed at the Scott City station and to convert the cylinder heads to high compression on four other units at said station, and to install a 1,000 horsepower gas turbine unit at the Colby station, all in lieu of the authorizations set forth in the foregoing paragraph.

Applicant states that, after making a thorough investigation of compressor engines and other methods of increasing horsepower at the aforementioned stations, the proposals set forth in the application to amend were found to be more economical than the operations heretofore authorized in the subject order.

Applicant further states that as a result of the requested changes in the original authorization, the total cost of facilities will be reduced by \$213,900.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1963.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-2034; Filed, Feb. 26, 1963;  
8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1569]

### INVESTORS DIVERSIFIED SERVICES, INC.

#### Notice of and Order for Hearing on Application

FEBRUARY 20, 1963.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), a registered investment company and in-

vestment adviser to and principal underwriter for Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., and Investors Inter-Continental Fund, Ltd. (the "Funds"), registered, diversified open-end investment companies, has filed an application pursuant to section 2(a)(9) of the Investment Company Act of 1940 (the "Act") for a determination by order:

(a) That the presumption that John D. Murchison and Clint W. Murchison, doing business as Murchison Brothers, a partnership, do not have the power to exercise a controlling influence over the management or policies of Alleghany Corporation ("Alleghany") within the meaning of section 2(a)(9) of the Act is rebutted and that Murchison Brothers do control Alleghany within the meaning of section 2(a)(9);

(b) That the presumption that Allan P. Kirby, Sr., has the power to exercise a controlling influence over the management or policies of Alleghany within the meaning of section 2(a)(9) of the Act is confirmed;

(c) That the presumption that the organized group of persons consisting of Allan P. Kirby, Sr., Allan P. Kirby, Jr., Fred M. Kirby and Charles T. Ireland, Jr., have the power to exercise a controlling influence over the management or policies of Alleghany within the meaning of section 2(a)(9) of the Act is confirmed;

(d) That the presumption that Murray D. Lincoln and/or companies controlled by or associated with him do not have the power to exercise a controlling influence over the management or policies of Alleghany within the meaning of section 2(a)(9) of the Act is rebutted and that the said Murray D. Lincoln and/or companies controlled by or associated with him do control Alleghany within the meaning of section 2(a)(9) of the Act; and

(e) That the presumption that Alleghany has the power to exercise a controlling influence over the management or policies of IDS within the meaning of section 2(a)(9) of the Act is confirmed.

All interested persons are referred to the application on file with the Commission for a complete statement of the allegations of IDS, some of which are summarized as follows:

(1) IDS acts as investment adviser of and principal underwriter for the five registered open-end investment companies pursuant to contracts entered into on April 6, 1960 which have been extended by action of the respective boards of directors. The total outstanding capital stock of IDS consists of 574,540 shares of Common (voting) Stock and 879,181 shares of Common Class A (non-voting) Stock. Alleghany is the owner of 274,768 shares of Common Stock, constituting approximately 47.8 percent thereof and 89,163 shares of Common Class A Stock, constituting approximately 10 percent thereof, which together represent approximately 25 percent of the equity of IDS.

(2) The total outstanding capital stock of Alleghany consists of approximately 9,812,261 shares of Common Stock, the holders of which are entitled

to elect eight out of ten directors, and approximately 518,677 shares of Preferred Stock, the holders of which are entitled to elect two directors.

(3) On the application of Randolph Phillips, the Commission ordered that a hearing be held commencing on January 16, 1963, for consideration of the question whether Bertin C. Gamble, Gamble-Skogmo, Inc. and General Outdoor Advertising Company collectively and/or in concert with Murchison Brothers and others control Alleghany or IDS or both. Motions to dismiss the proceeding were denied by the Hearing Examiner. Motions to stay the proceedings pending review of the Hearing Examiner's decision by the Commission have been denied. The Hearings on the application reconvened on February 19, 1963.

(4) The Phillips application alleges that IDS' contracts with four of the Funds were terminated by assignment and that the Funds have a cause of action for recovery of a portion of the fees paid to IDS after such termination.

(5) IDS contends that a determination of control under section 2(a)(9) does not determine and is irrelevant to the question whether there has been an assignment of the investment advisory and underwriting contracts between IDS and the Funds. However, the allegations made in the Phillips application and statements made in the course of the proceedings thereon have resulted in confusion and apprehension among the shareholders of IDS and the Funds.

(6) IDS submits that any determination by the Commission of the control of Alleghany must be made in an appropriate proceeding in which all the issues with respect to all the persons or groups of persons who may control Alleghany are before the Commission.

(7) Certain facts which have been publicly disclosed, some since the filing of the Phillips application, give rise to the conclusion that the number of persons or groups of persons who control Alleghany has increased. Among the facts alleged in this regard are: The Murchison victory in a proxy contest for control of Alleghany in 1961; the ownership by Allan P. Kirby of in excess of 3,000,000 shares of Alleghany Common Stock; the ownership by Kirby's sons of over 65,000 shares of Alleghany Common Stock; the special relationship of trust and confidence of Charles Ireland to Allan P. Kirby; the reported acquisition by Murry D. Lincoln or companies controlled by or associated with him of approximately 1,000,000 shares of Alleghany Common Stock.

IDS requests that a hearing be held with respect to its application and that the instant application be consolidated for purposes only of hearing with the application of Randolph Phillips, File No. 812-1550.

It appearing to the Commission that it would be conducive to the orderly determination of all the issues raised by the instant application and the application in File No. 812-1550 and that it is appropriate in the public interest and in the interests of investors that the proceedings be consolidated for hearing;

It is therefore ordered, That as of March 5, 1963 the proceeding in File No.

812-1569 be consolidated for hearing with the proceeding in File No. 812-1550 without prejudice to the rights of any person in the consolidated proceedings to examine any witness.

It is further ordered, That hearings on the matters and questions presented in the consolidated proceedings be held on the 5th day of March 1963 at 10:00 a.m. in the office 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 to participate in the consolidated proceedings is directed to file with the Secretary of the Commission his application as provided by Rule 9 of the Commission's Rules of Practice, on or before March 4, 1963, setting forth any issue 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. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon IDS at its address, 800 Investors Building, Minneapolis, Minnesota. Proof of such service (by affidavit or in case of attorney-at-law by certificate) shall be filed contemporaneously with the request.

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 in the consolidated proceedings in addition to those already specified without prejudice to its specifying additional matters and questions upon further examination:

- (1) Whether a proceeding pursuant to section 2(a)(9) may be instituted seeking an order of the Commission confirming, rather than rebutting a presumption of control;
  - (2) Whether John D. Murchison and Clint W. Murchison, doing business as Murchison Brothers, control Alleghany;
  - (3) Whether Allan P. Kirby, Sr. controls Alleghany;
  - (4) Whether Allan P. Kirby, Sr., Allan P. Kirby, Jr., Fred M. Kirby and Charles T. Ireland, Jr., as a group, control Alleghany;
  - (5) Whether Murry D. Lincoln and/or companies controlled by or associated with him control Alleghany;
  - (6) Whether Alleghany controls IDS.
- 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 registered mail to John D. Murchison and Clint W. Murchison, doing business as Murchison Brothers; Allan P. Kirby, Sr.; Allan P. Kirby, Jr.; Fred M. Kirby; Charles T. Ireland, Jr.; Murry D. Lincoln; Randolph Phillips; Gamble-Skogmo, Inc.; General Outdoor Advertising Company; Bertin C. Gamble; Alleghany Corporation; Investors Diversified Services, Inc.; Investors Mutual, Inc.; Investors Stock

Fund, Inc.; Investors Selective Fund, Inc.; Investors Variable Payment Fund, Inc.; Investors Inter-Continental Fund, Ltd.; R. Walter Graham, Jr.; Louis J. Kocurek; Frank E. McKinney; A. M. Sonnabend; Edgar T. Rigg; and Anthony A. Smith; and that notice to all other persons shall be given by publication of this Notice and Order for hearing in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order for hearing be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 63-2046; Filed, Feb. 26, 1963; 8:47 a.m.]

[File No. 2-18313]

**JACKSON-COMMERCE REALTY CO.**

**Notice of Application for Exemption**

FEBRUARY 19, 1963.

Notice is hereby given that Jackson-Commerce Realty Company, a limited partnership (the "Applicant"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. The applicant has outstanding 580 limited partnership interests of which 579 interests are owned by Furman-Wolfson Corporation. These interests were acquired by Furman-Wolfson Corporation pursuant to an exchange offer in which shares of stock of Furman-Wolfson Corporation were issued under a registration statement (File No. 2-20604) pursuant to the Securities Act of 1933 (which became effective on October 9, 1962).

2. As a result of the foregoing transaction, the securities of the applicant are now held by only two security holders, one of whom holds only a 1/580th limited partnership interest.

3. Furman-Wolfson Corporation is subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934 and will include in its reports filed with the Securities and Exchange Commission appropriate financial statements of Jackson-Commerce Realty Company as its subsidiary.

Notice is further given that an order granting the application upon such terms

and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 19, 1963, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 15, 1963, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 63-2047; Filed, Feb. 26, 1963; 8:48 a.m.]

**SMALL BUSINESS ADMINISTRATION**

**RELATED INDUSTRIES, INC.**

**Approval to Operate as a Small Business Research and Development Pool, Request to Operate as a Defense Production Pool, and Request to Certain Companies to Participate in the Operations of Such Pool**

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394) and section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint programs of Related Industries, Inc., to operate as a small business research and development pool and as a defense production pool are in the public interest as contributing to the national defense, will maintain and strengthen the free enterprise system and economy of the United States, and will further the objectives of the Small Business Act.

Having received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of Related Industries, Inc. as a research and development pool and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to Related Industries, Inc.

## REQUEST TO RELATED INDUSTRIES, INC. HAVER-TOWN, PA.

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of Related Industries, Inc. to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agreement and proposed joint program and request the pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust law.

Please inform me as to whether the pool will act in accordance with my request. The pool cannot begin operation until the pool and each of its members has individually accepted this request.

With kindest regards, I am  
Sincerely,

JOHN E. HORNE,  
Administrator.

In accordance with the requirements of sections 9(d) and 11 of the Small Business Act, there is set forth herewith a copy of the request sent to the following members of Related Industries, Inc.

1. John A. Baldinger, DeVal Aerodynamics, Inc., 7341 Tulip Street, Philadelphia, Pa.
2. J. S. Fetteroff, Fetteroff Machine Co., 134 Adams Street, Royersford, Pa.
3. Clyde D. Keaton, Liberty Plastics Co., 50 Grant Street, Woodstown, N.J.
4. James A. Quaid, Rodman H. Hartin Co., Inc., Dak and Carson Streets, Norristown, Pa.
5. Henry J. Droege, Sanatoga Metal Co., Inc., P.O. Box 506, Sanatoga, Pa.
6. Kelly A. Showers, Spring-Ford Foundry & Machine Co., First Avenue, Royersford, Pa.
7. Herbert G. Johnson, Johnson Engineering Co., 17 North Drexel Avenue, Havertown, Pa.

## REQUEST TO MEMBERS OF RELATED INDUSTRIES, INC.

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission I find that the voluntary agreement and proposed joint program of Related Industries, Inc. to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agreement and proposed joint program and request the pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether you will become a member of and participate in the joint program of the pool.

With kindest regards, I am  
Sincerely,

JOHN E. HORNE,  
Administrator.

The immunity from the prohibitions of the antitrust laws or the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or requests.

The pool and the above seven members accepted the requests to participate.

Dated: February 15, 1963.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 63-2051; Filed, Feb. 26, 1963;  
8:48 a.m.]

## TARIFF COMMISSION

[87-456-4]

## U.S. TARIFF SCHEDULES

Proposed Changes in Provisions;  
Correction

Notice of additional item to be included, and corrections to be made, in Annex I to Public Notice of February 21, 1963:

Notice is hereby given that the following additional item will be considered as included in Annex I to the Commission's public notice issued February 21, 1963:

11a. Item 355.45—*Fish netting and fishing nets* (including sections thereof). Further consideration is being given to determine whether a rate adjustment is necessary.

The item number references to the Tariff Schedules of the United States set forth in Annex I of the aforementioned notice are hereby corrected as follows:

In paragraph 11, change items 358.24-.60 to 358.25-.60 and item 360.30 to 360.35.

In paragraph 24, change item 642.96 to 642.95.

In paragraph 25, change items 655.55-.57 to 650.55-.57 and item 653.60 to items 653.60-.65.

In paragraph 35, immediately after "35." insert the following: Items 932.10 through 935.—*Watch movements*.

Issued February 25, 1963.

By order of the Commission, February 25, 1963.

[SEAL]

DONN N. BENT,  
Secretary.

[F.R. Doc. 63-2134; Filed, Feb. 26, 1963;  
8:52 a.m.]

INTERSTATE COMMERCE  
COMMISSION

[Notice 244]

MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES

FEBRUARY 21, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

## MOTOR CARRIERS OF PROPERTY

No. MC 239 (Deviation No. 3), ECKLAR-MOORE EXPRESS, INC., Lexington, Ky., filed February 14, 1963. Attorney Harry McChesney, Jr., McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Cincinnati, Ohio, over Interstate Highway 75 to Lexington, Ky., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Cincinnati over Kentucky Highway 17 to junction U.S. Highway 27 and thence over U.S. Highway 27 via Cynthiana and Paris, Ky., to Lexington, and return over the same route.

No. MC 1124 (Deviation No. 11), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., filed February 14, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: from junction Louisiana Highway 97 and U.S. Highway 190, over

U.S. Highway 190 to junction Louisiana Highway 26, and thence over Louisiana Highway 26 to Jennings, La. and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities from junction Louisiana Highway 97 and U.S. Highway 190 over Louisiana Highway 97 to Jennings, and return over the same route.

No. MC 6894 (Deviation No. 7), MELVIN TRUCKING COMPANY, 1818 Southwest Washington Street, Peoria, Ill., filed February 8, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: from Peoria, Ill., over U.S. Highway 150 to junction Illinois Highway 8, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Peoria over Illinois Highway 8 to junction U.S. Highway 150, thence over U.S. Highway 150 to Galesburg, Ill., and return over the same route.

No. MC 17481 (Sub No. 2) (Deviation No. 4), MOORE FREIGHT, INC., 2091 Kasota Avenue, St. Paul 14, Minn., filed February 11, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from the Minnesota-Wisconsin State line over Interstate Highway 94 or Interstate Highway 90, to the Illinois-Wisconsin State line, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from the Minnesota-Wisconsin State line over U.S. Highway 12, or U.S. Highways 12, 18 and 41, to the Illinois-Wisconsin State line, and return over the same routes.

No. MC 30204 (Deviation No. 6), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed February 15, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 301 and Interstate Highway 95, approximately one-half mile north of Richmond, Va., over Interstate Highway 95 to junction Virginia Highway 54, and thence over Virginia Highway 54 east to junction U.S. Highway 301 or west to junction U.S. Highway 1, and return over the same routes for operating convenience only. The notice indicates that this carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Richmond over U.S. Highway 1 via Baltimore, Md., to New York, N.Y., and return over the same route.

No. MC 107475 (Deviation No. 9) (CORRECTION), DANCE FREIGHT LINES, INC., 286 NEW CIRCLE ROAD, Lexington, Ky., filed January 31, 1963.

NOTE: Previous notice published in FEDERAL REGISTER issue of February 13, 1963, stated that carrier proposes to operate as a

common carrier, by motor vehicle, of grease, tallow, white lead, turpentine and linseed oil, over a specific deviation route, in error. Correctly set forth carrier proposes to transport *general commodities*, with certain exceptions.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Deviation No. 25), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed February 11, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, over a deviation route as follows: from Council Bluffs, Iowa, over Interstate Highway 29, to Sioux City, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to conduct the same operations over a pertinent service route as follows: from Council Bluffs over U.S. Highway 6 to Omaha, Nebr., thence over U.S. Highway 73 to Winnebago, Nebr., and thence over U.S. Highway 77 to Sioux City, Iowa, and return over the same route.

No. MC 50959 (Deviation No. 1), THE CINCINNATI, NEWPORT AND COVINGTON TRANSPORTATION COMPANY, 11th and Lowell Streets, Newport, Ky., filed February 12, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (1) from the junction of unnumbered highway (Commonwealth Avenue), Airport Road and Interstate Highway 75 at a point northwest of Erlanger, Ky., over Interstate Highway 75 to Covington, Ky., and (2) from South Fort Mitchell junction of Interstate Highway 75 and U.S. Highways 25 and 42, over Interstate Highway 75 to Covington, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their baggage over pertinent service routes as follows: from Florence, Ky., over U.S. Highways 25 and 42 via Elsmere, Erlanger, Lakeside Park, South Fort Mitchell, Fort Mitchell, and Park Hills, Ky., to Covington, Ky., thence across the Ohio River to Cincinnati, and return over the same route; and from Erlanger over unnumbered highway to Boone County airport site, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-2063; Filed, Feb. 26, 1963; 8:49 a.m.]

[Notice 509]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 21, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications

by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 8989 (Sub-No. 203), filed January 25, 1963. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing 4, Mich. Applicant's attorney: Albert F. Beasley, 15th and K Streets NW., Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, and parts thereof*, in secondary movements, in truckaway service, from Framingham, Mass., to points in Maine.

NOTE: Applicant states the proposed service will be restricted to handling shipments having an immediately prior movement by rail and originating at General Motors plants.

HEARING: April 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 19986 (Sub-No. 1), filed February 4, 1963. Applicant: ASCO, INC., 15 Wagaraw Road, Hawthorne, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dodecyl benzene sulfonic acid*, liquid, in tank vehicles, from the plant site of the Ultra Chemical Company located at Paterson, N.J., to the plant site of the Purex Company, located at Bristol, Pa.

HEARING: April 3, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 29130 (Sub-No. 94) (AMENDMENT), filed November 3, 1961, published issue December 6, 1961, amended February 16, 1962, and republished as amended this issue. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, Plymouth Building, 10th and Walnut Streets, Des Moines, Iowa. Applicant's attorneys: A. B. Howland, B. A. Webster, Jr., 500 Bankers Trust Building, Des Moines, Iowa, and Clayton Davis, Topeka, Kans. Notice of the filing of the application was published in the FEDERAL REGISTER, issue December 6, 1961. Paragraph 15 should be changed to read as follows: Between Wichita, Kans., and Dalhart, Tex. From Wichita over U.S. Highway 54 through the States of Kansas and Oklahoma to Dalhart, Tex., and return over the same route, serving no intermediate points between Wichita and Pratt, Kans., but serving Pratt, Kans., and all points intermediate, Pratt to Dalhart, Tex., and the intermediate points of Tyrone, Hooker, Guymon, and Texhoma, Okla., and Texhoma, Strat-

ford, and Chamberlin, Tex., the off-route point of Missler, Kans., with rights of joinder at Pratt and Wichita, Kans.

NOTE: The amendment broadens the scope of authority.

HEARING: April 20, 1963, at the Baker Hotel, Hutchinson, Kansas, before Examiner C. Evans Brooks.

No. MC 30844 (Sub-No. 96), filed February 6, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs*, from Springdale, Ark., to points in Kansas, Kentucky, Louisiana, Missouri, and Oklahoma.

HEARING: April 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 30844 (Sub-No. 97), filed February 6, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs*, from Lawton, Mich., to points in Kentucky.

HEARING: April 5, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 41098 (Sub-No. 12), filed February 18, 1963. Applicant: GLOBAL VAN LINES, INC., 9100 East Garvey Avenue., P.O. Box 3313—Terminal Annex, Los Angeles 54, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, requiring padded van service, from points in California, to points in Arizona, Colorado, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Wyoming, and *damaged and defective commodities*, on return.

HEARING: March 11, 1963, at Room 228, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52793 (Sub-No. 15), filed February 13, 1963. Applicant: BEKINS VAN LINES CO., a corporation, 333 South Center Street, Hillside, Ill. Applicant's attorneys: Eldon R. Clawson, Lloyd Ownbey, Jr., 1335 South Figueroa Street, Los Angeles 15, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from points in California, to points in Arizona, Colorado, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Wyoming, and Missouri, and *damaged and defective shipments of the above described commodity*, on return.

NOTE: Common control may be involved.

HEARING: March 11, 1963, at Room 228, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 59396 (Sub-No. 12), filed January 31, 1963. Applicant: BUILDERS EXPRESS, INC., R.D., Lafayette, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags*, from New Hope, Pa., to Limecrest, N.J., (2) *chemicals*, in containers, from Bomanstown, Pa., to Limecrest, N.J., (3) *clay*, in bulk, in dump trucks, from Sayreville, N.J., to Palmerton, Pa., and (4) *lime, limestone and limestone products*, in bags and in bulk, from points in Sussex County, N.J., to points in Queens, Nassau, and Suffolk Counties, N.Y.

NOTE: Applicant states it "presently holds authority to transport lime, except agricultural and industrial lime from Newton, N.J., and points within 5 miles, to points in Queens, Nassau, and Suffolk Counties, N.Y."

HEARING: April 2, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 66562 (Sub-No. 1734) (RE-PUBLICATION), filed October 17, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, New York, N.Y. By application filed October 17, 1960, applicant seeks authority to operate as a *common carrier* by motor vehicle, of general commodities moving in express service, between Atlanta and Macon, Ga., over a described route, serving the intermediate points of Stockbridge, McDonough, and Jackson, Ga., subject to auxiliary and supplemental, lading, rail haul, and future limitation restrictions. The joint board recommended that the application be granted substantially as sought. No timely exceptions were filed, and the board's recommended order became effective as the order of the Commission by operation of law. Joint petitions, and applicant's reply thereto were filed and the proceeding was reopened for reconsideration. A report of the Commission on reconsideration, division 1, decided February 1, 1963, and served February 11, 1963, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, of *general commodities moving in express service*, between Atlanta and Macon, Ga., from Atlanta over U.S. Highway 23 to junction Georgia Highway 87 (approximately 4 miles southeast of Jackson, Ga.), thence over Georgia Highway 87 to Macon, and return over the same route, serving the intermediate points of Stockbridge, McDonough, and Jackson, Ga., and the off-route point of Robins Air Force Base, at Warner Robins, Ga., subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of the Railway Express Agency. (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor-carrier movement by applicant, an immediately prior or an immediately subsequent movement in express service of the Rail-

way Express Agency. (3) The authority granted herein to the extent it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of the certificate. (4) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency. Prior to the issuance of an appropriate certificate, a proper notice of the complete scope of the authority granted herein should be republished in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, with respect to the notice of the application as previously filed, may file an appropriate pleading.

No. MC 95540 (Sub-No. 478), filed November 12, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from points in Louisiana and Mobile, Ala., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

HEARING: April 11, 1963, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Raymond V. Sar.

No. MC 95540 (Sub-No. 501), filed January 28, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph J. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from points in Nueces, San Patricio, Maverick, and Webb Counties, Tex., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Mississippi, Tennessee, Virginia, West Virginia, District of Columbia, New Jersey, Pennsylvania, Maryland, New York, Rhode Island, Connecticut, Massachusetts, Vermont, Maine, New Hampshire, Delaware, and Kentucky.

HEARING: April 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 95540 (Sub-No. 502), filed January 28, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, grape juice, wine, brandy and vinegar*, from points in New York and Pennsylvania on and west of U.S. Highway 11, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas,

Utah, Virginia, Washington, Wisconsin, and Wyoming.

**HEARING:** April 2, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 105461 (Sub-No. 50), filed February 5, 1963. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used old empty containers, 5 gallons or over in capacity, made of metal, fiberboard and metal and fiberboard combined*, from points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, and points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, to Paulsboro, N.J.

**HEARING:** April 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 105813 (Sub-No. 73) (AMENDMENT), filed August 3, 1962, published issue of August 15, 1962, amended August 13, 1962, republished as amended August 22, 1962, and republished as further amended October 25, 1962, this issue. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from Charleston, S.C., and points in Florida, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**NOTE:** The purpose of this republication is to include all points in Florida as points of origin, and set new hearing date and location as shown below.

**HEARING:** March 18, 1963, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner James O'D. Moran.

No. MC 106760 (Sub-No. 46), filed February 1, 1963. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies and fixtures, and, when shipped with such buildings, accessories used in the erection, construction and completion thereof, between Hanover, Pa., on the one hand, and, on the other, points in Maryland, and the District of Columbia.

**HEARING:** April 8, 1963, at the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 200.

No. MC 107107 (Sub-No. 254), filed February 4, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Lancaster, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas, and (2) *Mushrooms*, from Kennett Square, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.

**HEARING:** March 8, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 107496 (Sub-No. 269), filed February 1, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Bartonville and Joppa, Ill., and points within five (5) miles of each, to points in Indiana, Iowa, Arkansas, Illinois, Kentucky, Missouri, and Tennessee.

**NOTE:** Common control may be involved.

**HEARING:** April 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 108449 (Sub-No. 162), filed February 6, 1963. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, "C", St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *vegetable oils, blends containing vegetable oils, and products of vegetable oils or blends thereof*, in bulk, from Mankato, Minn., to points in Iowa, Wisconsin, Illinois (including points in the Chicago, Ill., Commercial Zone), and points in the Kansas City, Mo., Commercial Zone, and (2) *hexane*, in bulk, from points in the Chicago, Ill., Commercial Zone and Lemont, Ill., to the plant site of Honey-mead Products Company, located at Mankato, Minn., and the plant site of the Minnesota Linseed Oil Company, located at Minneapolis, Minn.

**NOTE:** Common control may be involved.

**HEARING:** March 6, 1963, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lacy W. Hinely.

No. MC 109708 (Sub-No. 27), filed January 24, 1963. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION COMPANY, 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh orange juice*, in bulk, in tank vehicles, from DeLand, Fla., to Glen Roy, Pa.

**HEARING:** April 1, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110420 (Sub-No. 317) (AMENDMENT), filed August 16, 1962, published in the FEDERAL REGISTER issue of January 30, 1963, amended February 15, 1963 and republished as amended this issue. Applicant: QUALITY CARRIERS, INC., Calumet, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1903 N Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar and products of corn* (except starch), dry, in bulk, in tank and hopper type vehicles, from Clinton, Iowa, to points in Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Wisconsin, Illinois, Oklahoma, Nebraska, Arkansas, and Kansas; (2) *chemicals*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Florida, Indiana, Maryland, Michigan, Minnesota, Missouri, New York, New Jersey, Ohio, Pennsylvania, and Wisconsin; (3) *malt syrup*, in bulk, in tank vehicles, from Villa Park, Ill., to points in Kentucky; (4) *acids and chemicals*, in bulk, in tank vehicles, from Janesville, Wis., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio; (5) *papermaker's compounds*, in bulk, in tank vehicles, from Harrison, N.J., to points in Wisconsin; (6) *chemicals*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Tennessee; (7) *chocolate and chocolate coating*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Kentucky and Minnesota; (8) *paint*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Arkansas; and (9) *corn syrup, liquid sugar, and blends or mixtures thereof*, in bulk, in tank vehicles, from Pekin, Ill., to points in Alabama, Georgia, Louisiana, Mississippi, Oklahoma, New York, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, North Carolina, and South Carolina.

**NOTE:** The purpose of this republication is to add North and South Carolina as destination States in (9) above.

**HEARING:** Remains as assigned March 4, 1963, at the U.S. Customs House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 111069 (Sub-No. 26) (RE-PUBLICATION), filed April 13, 1962. Applicant: COLDWAY CARRIERS, INC., Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. By application filed April 18, 1962, applicant seeks a permit as a contract carrier by motor vehicle, over irregular routes of foodstuffs, frozen and requiring refrigeration, from Allentown, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The District of Columbia was added as a destination

by amendment at the hearing. The examiner recommended that applicant be granted authority to transport frozen waffles, frozen pancakes, frozen french toast, frozen muffin batters, and frozen cake batters, from Allentown to points in the destination area named in the application, except Florida, Georgia, South Carolina, North Carolina, Pennsylvania, Ohio, Indiana, Illinois, Kentucky, and Tennessee, under contract with the supporting shipper. Exceptions, and replies thereto were filed, to the Examiner's report. A Report of the Commission, Operating Rights Review Board, decided February 4, 1963, served February 8, 1963, finds that the operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of frozen foodstuffs, from Allentown, Pa., to points in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, limited to a transportation service to be performed under a continuing contract or contracts with Downy Flake Foods, Inc., will be consistent with the public interest, and that an appropriate permit should be granted, after the elapse of 30 days following the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, and provided that no protest or petition for further hearing is received during such period. The application as originally filed and published in the FEDERAL REGISTER did not seek authority to serve the District of Columbia.

No. MC 112020 (Sub-No. 180) (AMENDMENT), filed September 23, 1962, published in the FEDERAL REGISTER issue of February 6, 1963, amended February 11, and republished as amended, this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends and products of vegetable oils and animal fats, fatty acid esters and glycerides*, in bulk, from Memphis, Tenn., to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: Common control may be involved. The purpose of this republication is to specify commodities as above, and add destination states of Illinois and Kentucky.

HEARING: Remains as assigned March 21, 1963, at the Claridge Hotel, Memphis, Tenn., before Examiner Edith H. Cockrill.

No. MC 112020 (Sub-No. 181) (AMENDMENT), filed September 25, 1962, published in FEDERAL REGISTER issue of February 6, 1963, amended February 18, 1963, and republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton,

Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, feed and feed ingredients*, in bulk and in bags, from Chicago, Ill., to points in Wisconsin, Iowa, Missouri, Indiana, Michigan, Tennessee, Kentucky, and Kansas, (2) *fertilizer*, in bulk and bags, from East St. Louis, Ill., to points in Missouri, Iowa, Kansas, and Kentucky, (3) *fertilizer*, in bags, from East St. Louis, Ill., to points in Michigan, Indiana, Arkansas, and Tennessee, and (4) *fertilizer*, in bulk, and bags, from Cairo, Ill., to points in Missouri, Arkansas, Tennessee, Kentucky, and Indiana.

NOTE: Common control may be involved. The purpose of this republication is to add (4) above.

HEARING: Remains as assigned March 20, 1963, at the Palmer House, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 112617 (Sub-No. 137), filed January 28, 1963. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, in bulk, in bags, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, and Tennessee.

HEARING: April 5, 1963, at the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 114569 (Sub-No. 56), filed February 1, 1963. Applicant: SHAFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal grass stops (in rolls), metal shovels, and building materials made of sheet metal* (no single piece of the above commodities to weigh more than 2,000 pounds), from the sites of the plants of Penn Supply & Metal Corporation at Philadelphia, Pa., to points in Georgia, on and west of a line beginning at the Tennessee-Georgia State line, thence along Georgia Highway 5 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 19 to the Georgia-Florida State line, and to points in Florida on and west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 19 to junction Florida Highway 51, thence along Florida Highway 51 to the Gulf of Mexico at Steinkatchee, Fla., and points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 33 to junction U.S. Highway 220, thence on and south along U.S. Highway 220 to the West Virginia-Virginia State line.

HEARING: April 3, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 115841 (Sub-No. 118), filed November 9, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from points in Louisiana and Mobile, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Wyoming, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Colorado.

HEARING: April 11 1963, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Raymond V. Sar.

No. MC 116273 (Sub-No. 10) (AMENDMENT), filed September 4, 1962, published in the FEDERAL REGISTER issue of February 6, 1963, amended February 13, and republished as amended this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, from Lemont, Ill., and points within 5 miles thereof to points in Indiana, Michigan, Ohio, Wisconsin, Iowa, Minnesota, and Missouri.

NOTE: The purpose of this republication is to change the commodity description to that above, to delete reference to Tennessee, add origin points within 5 miles of Lemont, Ill., and add destination States of Iowa, Minnesota, and Missouri.

HEARING: Remains as assigned March 22, 1963, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 124796 (Sub-No. 6), filed February 5, 1963. Applicant: CONTINENTAL CONTRACT CARRIER CORPORATION, 300 Avery Street, Los Angeles 13, Calif., Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Toilet preparations and toilet articles and germicides, and advertising matter* moving with such commodities, from the plant sites and warehouses of the Alberto-Culver Company located at Melrose Park and Carpentersville, Ill., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: Applicant states all service to be performed will be limited to a transportation service under a continuing contract with Alberto-Culver Company, located at Melrose Park, Ill.

HEARING: April 4, 1963, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 124991 (AMENDMENT), filed December 26, 1962, published in FEDERAL REGISTER issue of February 13, 1963, amended February 11, 1963, and republished as amended this issue. Ap-

licant: BARNEY A. HUDSON, doing business as L & M TRAILER REPAIR, 5239 Mission Boulevard, Riverside, Calif. Applicant's attorney: Walter E. Scarborough, Suite 6, Mile Square Building, 4333 Orange Street, Riverside, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, new and used, between Riverside, Calif., and points within 15 miles thereof, Hemet, Calif., and points within 10 miles thereof, Corona, Calif., and points within 10 miles thereof, Elsinore, Calif., and points within 10 miles thereof, on the one hand, and, on the other, points in Arizona, Nevada, and Oregon.

NOTE: The purpose of this republication is to include Arizona, Nevada, and Oregon in the territorial description, and to change the trade name from L & M TRAILER REPAIRING to L & M TRAILER REPAIR.

HEARING: Remains as assigned April 1, 1963, at the Los Angeles Statler Hilton, Los Angeles, Calif., before Examiner Walter R. Lee.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 48957 (Sub-No. 23), filed February 8, 1963. Applicant: CROWN MOTOR FREIGHT CO., a corporation, 832 East 28th Street, Paterson 3, N.J. Applicant's attorney: Sidney S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Warp beams*, in cradles and racks, from Meadville, Pa., to Lewistown, Pa.

NOTE: Applicant states the proposed operation will be restricted to traffic having a prior movement by Crown Motor Freight Co.

No. MC 117244 (Sub-No. 1), filed February 4, 1963. Applicant: RICHARD STOIK, doing business as STOIK TRANSFER, 320 Reuter Street, Rice Lake, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods and commodities in bulk), between Rice Lake, Wis., and Birchwood, Wis.; from Rice Lake over Wisconsin Highway 48 to Birchwood, and return over the same route, serving the intermediate points of Mikana, Angus, and Campia and the off-route points of Haugen, Sarona, and Tuscobia.

NOTE: Applicant states this service shall be restricted to prior or subsequent movement by other line haul motor carriers.

NOTICE OF FILING OF PETITION

No. MC 109538 (PETITION FOR MODIFICATION OF CERTIFICATE), filed January 16, 1963. Petitioner: CHIPPEWA MOTOR FREIGHT, INC., Eau Claire, Wis. Petitioner's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. By petition filed January 16, 1963, petitioner requests the Commission to modify its certificate issued March 17, 1950, to specifically name certain communities, in the general area of Minneapolis-St. Paul, Minn. Petitioner is successor to A. G. Henneman,

doing business as A. G. Henneman Transfer, No. MC 56169, pursuant to successive finance applications in MC-FC 22238 and MC-FC 27175. In MC-56169 Sub No. 2 a certificate was recommended to be issued to A. G. Henneman Transfer to serve the following communities in Minnesota: Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, in intermediate or off-route service in connection with its authorized operations. Subsequent to the purchase petitioner was authorized to serve the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission. As a result of this latter authorization, and it appearing that the specifically named points above were included in the Minneapolis-St. Paul, Minn., commercial zone, a certificate was issued to petitioner in which it merely authorized service to the Minneapolis-St. Paul, Minn., commercial zone. By the instant petition, petitioner respectfully requests that the Commission modify the certificate to the end that the following communities be specifically named in Certificate No. MC 109538: Invergrove, West St. Paul, Newport, North St. Paul, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, and Fort Snelling, Minn. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8257 (NATIONWIDE TOURS, INC.—PURCHASE—BOHL TOURS, INC.), published in the October 17, 1962, issue of the FEDERAL REGISTER on page 10197. Petition filed February 15, 1963, to amend the applications under sections 5 and 210a(b), (1) to substitute SCHENECTADY TRANSPORTATION CORPORATION, 1344 Albany Street, Schenectady, N.Y., as vendee in lieu of NATIONWIDE TOURS, INC., (2) joinder as party applicant of T. MILEN RHODES, 1475 Broadway, New York, N.Y., majority stockholder of SCHENECTADY TRANSPORTATION CORPORATION, and (3) for reopening of the section 5 proceeding and modification and extension of the outstanding temporary authority under section 210a(b).

No. MC-F-8274 (FRENCH INTERSTATE TRANSPORTATION CO.—CONTROL AND MERGER—MORRIS MOTOR EXPRESS, INC.), published in the November 7, 1962, issue of the FEDERAL REGISTER, on page 10879. Second

application filed February 20, 1963, for temporary authority under section 210a(b).

No. MC-F-8352 (MURPHY MOTOR FREIGHT LINES, INC.—PURCHASE—DAKOTA TRANSFER & STORAGE CO.), published in the February 13, 1963, issue of the FEDERAL REGISTER, on page 1393. Application filed February 18, 1963, for temporary authority under section 210a(b).

No. MC-F-8362. Authority sought for purchase by CENTRAL TRANSPORT, INC., 6445 Marcus Street, Detroit, Mich., of a portion of the operating rights of JAMES E. WARNER and IRENE C. WARNER, doing business as WARNER & SONS TRUCKING CO., Route No. 1, Adrian, Mich., and for acquisition by THOMAS J. MOROUN and MANWELL J. MOROUN, 1007 Bishop, Grosse Pointe, Mich., of control of such rights through the purchase. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: Form BMC-75 Statement covering the transportation of *general commodities*, as a *common carrier* over regular routes between Adrian, Mich., and Lansing, Mich., between Tecumseh, Mich., and Adrian, Mich., and between Adrian, Mich., and Morenci, Mich., serving no intermediate points, serving the site of the Oldsmobile Parts Warehouse at or near the junction of Mount Hope Road and U.S. Highway 27, 1.8 miles west of the city limits of Lansing, Mich., as an off-route point; alternate routes for operating convenience only between Adrian, Mich., and Tecumseh, Mich. Vendee is authorized to operate as a *common carrier* in Michigan and under Form BMC-75 Statement as more specifically described in Docket No. MC-19311 Sub-2 in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8363. Authority sought for purchase by H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J., of a portion of the operating rights of UNITED PETROLEUM CARRIERS, INC., 501 Riverside Avenue, Lyndhurst, N.J., and for acquisition by HERBERT R. RITTER, 260 The Byway, Ridgewood, N.J., of control of such rights through the purchase. Applicants' attorneys: John R. Mahoney, 26 Broadway, New York 4, N.Y., and LeRoy Danziger, 334 King Road, North Brunswick, N.J. Operating rights sought to be transferred: *Lacquer solvents*, in containers, as a *common carrier* over irregular routes, from Lyndhurst, N.J., to points in that part of Connecticut on and west of U.S. Highway 5; *empty lacquer solvent containers*, from points in that part of Connecticut on and west of U.S. Highway 5, to Lyndhurst, N.J.; *chemicals, chemical products*, together with *empty containers*, between North Arlington, N.J., and points in New Jersey within 15 miles thereof, on the one hand, and, on the other, New York, N.Y.; *chemicals and empty drums and tanks*, between Carlstadt, N.J., and points in New Jersey within 10 miles thereof, on the one hand, and, on the other, Boston and New Bedford, Mass., and Providence,

R.I., and points within 10 miles of each, New York, N.Y., Philadelphia, Pa., and points in Rockland and Westchester Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, New Hampshire, Vermont, Pennsylvania, and Maine. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8364. Authority sought for control by RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., of INTERSTATE FREIGHT LINES, INC., 2201 Sixth Avenue South, Seattle 4, Wash., and for acquisition by J. W. RINGSBY, also of Denver, Colo., of control of INTERSTATE FREIGHT LINES, INC., through the acquisition by RINGSBY TRUCK LINES, INC. Applicants' attorneys: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif., and Henry T. Ivers, 1114 Norton Building, Seattle 4, Wash. Operating rights sought to be controlled; *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Portland, Oreg., and Seattle, Wash., serving the intermediate points of Chehalis, Centralia, Olympia, and Tacoma, Wash., on northbound traffic and Tacoma and Vancouver, Wash., on southbound traffic, and the intermediate point of Grand Mound, Wash., restricted to the transportation of Classes A, B, and C explosives, and also restricted to traffic received from or delivered to connecting motor carriers at Grand Mound; over an alternate route for operating convenience only; *frozen berries*, over irregular routes, from points in Clark, King, Skagit, and Pierce Counties, Wash., to Portland, Oreg., and points in Marion and Washington Counties, Oreg., and to ports of entry on the United States-Canada boundary line at, near, and between Point Roberts and Sumas, Wash., and from points in Marion and Washington Counties, Oreg., to ports of entry on the United States-Canada boundary line at, near, and between Point Roberts and Sumas, Wash. RINGSBY TRUCK LINES, INC., is authorized to operate as a *common carrier* in Arizona, California, Colorado, Illinois, Indiana, Kansas, Iowa, Missouri, Nebraska, Nevada, Wyoming, and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8365. Authority sought for purchase by DAILY EXPRESS, INC., P.O. Box 434, M.R. No. 3, Carlisle, Pa., of the operating rights and property of MANOR TRUCKING CO., INC., R.D. No. 3, Fort Wayne, Ind., and for acquisition by D. E. LUTZ, 330 Washington Lane, Carlisle, Pa., of control of such rights and property through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Bldg., 1111 E Street NW., Washington, D.C. Operating rights sought to be transferred: *Steel fence posts*, as a *common carrier* over irregular routes, from Chicago, and Chicago Heights, Ill., to Columbia City, Ind.; *fertilizer*, from Calumet City, Ill., to Columbia City, Ind., and from Chicago, and Chicago Heights, Ill.,

to points in Adams, Allen, De Kalb, Huntington, Lagrange, Noble, Steuben, Wells, and Whitley Counties, Ind.; *fertilizer*, in quantities of not less than 20,000 pounds, from Sandusky, Ohio, to points in Allen, Huntington, Noble, and Whitley Counties, Ind.; *wine*, from Chicago, Ill., to Columbia City, Ind.; *feed*, from Chicago, Ill., to points in Adams, Allen, De Kalb, Huntington, Noble, Wells, and Whitley Counties, Ind., except Fort Wayne, Ind., and from Riverdale, Ill., to points in Adams, De Kalb, Huntington, Noble, Wells, Whitley, Lagrange, and Steuben Counties, Ind.; *farm implements and machinery and parts therefore*, from Sandwich, Ill., to points in Adams, Allen, De Kalb, Huntington, Noble, Wells, and Whitley Counties, Ind.; *farm implements, and farm machinery*, from Chicago, Argo, Moline, and Rock Island, Ill., to points in Elkhart, Fulton, Huntington, Noble, Wabash, and Whitley Counties, Ind.; *farm tractors*, from Rock Island, Ill., to points in Allen, Marshall, and De Kalb Counties, Ind.; *lumber*, from Columbia City, Ind., to Chicago, Ill., and Cleveland, Toledo, Celina, Mansfield, and Cincinnati, Ohio; *brick*, from Columbus, Ohio, and Streator, Ill., to Columbia City, Ind.; *brick and clay products*, from Findlay, Ohio, to Columbia City, Ind.; *vegetables*, from points in Whitley, and Noble Counties, Ind., to Chicago, Ill., and Cleveland, Columbus, and Cincinnati, Ohio; *roofing materials and insulating materials*, from Chicago, and Chicago Heights, Ill., to points in Whitley County, Ind.; *livestock*, between points in Whitley, Noble, and Allen Counties, Ind., on the one hand, and, on the other, Chicago, Ill.; and *household goods*, as defined by the Commission, between points in Whitley County, Ind., on the one hand, and, on the other, points in Ohio, and Illinois, and between points in Whitley County, Ind., on the one hand, and, on the other, Louisville, Ky., and points in Michigan. Vendee is authorized to operate as a *common carrier* in all States in the United States, except Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8368. Authority sought for purchase by SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., P.O. Box 1000, Staunton, Augusta County, Va., of the operating rights of FRANK A. JUNOD, HARRY J. JUNOD, AND JOSEPH J. JUNOD, doing business as JUNOD BROTHERS FREIGHT LINE, 3431 Weymouth Street, Philadelphia 34, Pa., and for acquisition by R. R. SMITH and R. P. HARRISON, both of Staunton, Va., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerney, 602 Solar Building, 1000 16th Street NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called household movings), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common*

*carrier*, over irregular routes, between Philadelphia, Pa., and points in Pennsylvania within 25 miles of City Hall, Philadelphia, and between Philadelphia, Pa., on the one hand, and, on the other, Camden and Trenton, N.J. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, New York, West Virginia, Delaware, New Jersey, North Carolina, South Carolina, Kentucky, Connecticut, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ✓ HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-2064; Filed, Feb. 26, 1963;  
8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 150;  
Amdt. 1]

## FLORIDA EAST COAST RAILWAY CO.

### Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 150 (Florida East Coast Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 150 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1963, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 15, 1963, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 15, 1963.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[SEAL]

[F.R. Doc. 63-2070; Filed, Feb. 26, 1963;  
8:50 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 21, 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. 38171: *Bituminous coal trainloads to trunk line and New England territories*. Filed by The Baltimore and Ohio Railroad Company (No. 117), for itself and interested rail carriers. Rates on bituminous steam coal, in carloads, subject to aggregate minimum weights

of 4,500 and 9,000 tons of 2,000 pounds each, per shipment, from mine origins in Maryland, Pennsylvania, and West Virginia, to points in trunk-line and New England territories.

Grounds for relief: Market competition.

Tariff: Baltimore and Ohio Railroad Company tariff, Coal and Coke I.C.C. 3281.

FSA No. 38172: *Iron or steel scrap to Ashland, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2655), for interested rail carriers. Rates on iron or steel scrap (not copper clad), having value for remelting purposes only, from Pittsburgh, Pa., and points on the Union Railroad Company in the Pittsburgh, Pa., District, to Ashland, Ky.

Grounds for relief: Truck-water competition.

Tariff: Baltimore and Ohio Railroad Company tariff I.C.C. 24355, Supplement 125 thereto.

FSA No. 38173: *Bituminous coal trainloads to trunkline and New Eng-*

*land territories.* Filed by Western Maryland Railway Company (No. 1), for itself and interested rail carriers. Rates on bituminous steam coal, in carloads, subject to aggregate minimum weights of 4,500 and 9,000 tons of 2,000 pounds each, per shipment, from mines in Maryland, Pennsylvania, and West Virginia, to points in trunkline and New England territories, also Canada.

Grounds for relief: Market competition.

Tariff: Western Maryland Railway Company tariff I.C.C. 9241.

FSA No. 38174: *Commodities between points n Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 461), for interested rail carriers. Rates on silica gel, spent, or silica gel catalyst, spent or partially spent (used), in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Interstate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 42 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38175: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 462), for interested rail carriers. Rates on cement, also silica gel, spent, or silica gel catalyst, spent or partially spent (used), in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 42 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-2062; Filed, Feb. 26, 1963; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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