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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11116

#### **PRESCRIBING RATES OF CHARGES FOR CERTAIN HOSPITALIZATION AND DISPENSARY SERVICES AND DELEGATING AUTHORITY TO PRESCRIBE SUCH RATES**

By virtue of the authority vested in me by Section 4 of the Act of May 10, 1943 (24 U.S.C. 34), and by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

**SECTION 1. Rates.** Rates of charges for hospitalization and dispensary services are hereby prescribed, under the last sentence of Section 4 of the Act of May 10, 1943, c. 95, 57 Stat. 81 (24 U.S.C. 34), and for the purposes of that section, as follows:

- (1) Inpatient care, per diem:
  - (i) For employees of the United States who are not citizens of the United States and their dependents, \$5.00
  - (ii) For all others, 37.00
- (2) Each outpatient treatment, examination, or consultation:
  - (i) For employees of the United States and their dependents, 1.00
  - (ii) For all others, 8.00

**SEC. 2. Delegation.** (a) Executive Order No. 10530 of May 10, 1954, headed "Providing for the performance of certain functions vested in or subject to the approval of the President," as amended, is hereby further amended by adding at the end of Section 1 thereof the following paragraph:

"(w) The authority vested in the President by the last sentence of Section 4 of the Act of May 10, 1943, c. 95, 57 Stat. 81 (24 U.S.C. 34), to prescribe from time to time rates of charges for hospitalization and dispensary services."

(b) The provisions of Section 1 of this order shall be subject to amendment, supersedure, or revocation, in whole or in part and at any time or times after the effective date of this order, under authority of Section 1(w) of Executive Order No. 10530 (as added by Section 2(a) of this order).

**SEC. 3. Revocation.** Executive Order No. 9411 of December 23, 1943, is hereby revoked.

**SEC. 4. Effective date.** The provisions of this order shall become effective on January 1, 1964.

JOHN F. KENNEDY

THE WHITE HOUSE,  
August 5, 1963.

[F.R. Doc. 63-8551; Filed, Aug. 6, 1963; 4:11 p.m.]

# Algebraical Geometry

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# Rules and Regulations

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 14185 (RM-94); FCC 63-735]

#### PART 1—PRACTICE AND PROCEDURE

##### PART 3—RADIO BROADCAST SERVICES

###### FM Broadcasting and Station Assignment Rules

*Introduction.* 1. On July 5, 1961, the Commission issued its original notice discussing the possibility of basic revisions in the FM broadcast rules.<sup>1</sup> We stated then that two general questions would lie at the core of the proceeding to follow. We wished to determine:

(1) Whether the present system of station assignments is the one best suited to optimum development of this important broadcast service, or, if not, what changes should be instituted; (2) how the development and expansion of the FM service can be achieved without the serious administrative burdens and great delays inherent in present standard broadcast station assignment principles.

These have not been easy questions to resolve. During the past two years, we have found it necessary to consider the widest range of alternative approaches to basic station assignment problems.<sup>2</sup> In a previous report, we concluded that future FM grants should be made according to a table which would assign specific FM channels to specific cities, as in television, and we adopted a schedule of minimum mileage separations to underlie the construction of such a table. In the present report, we adopt a final table of assignments for future FM stations, bringing to a conclusion all matters concerning allocation of new commercial FM facilities in the conterminous States. Concurrently, we are lifting the partial "freeze" on new FM assignments (or channel changes) which was imposed last December.<sup>3</sup> We reserve for further rule making the problem of power increases for existing "short-spaced" stations, the question of assign-

ments in Hawaii, Guam, Puerto Rico, the Virgin Islands and Alaska, and certain other matters pertaining to the educational channels.

2. In the present document, we consider three general classes of petitions and comments. The first group consists of all Petitions for Reconsideration of our conclusions in the "First Report and Order" of August 1, 1962, except those petitions going to the question of possible reduction in the power of "super-maximum" existing stations.<sup>4</sup> The petitions for reconsideration considered herein are listed in Appendix B below. The second group includes those comments filed in response to our "Further Notice" and "Second Further Notice," directed toward the general idea of a table of assignments and the mileage separations underlying the table proposed by the Commission. These comments, many of which are similar in content to the petitions for reconsideration, are listed in Appendix C below. Finally, we have considered approximately 280 comments directed toward the presence or absence of specific assignments in our proposed table, or discussing the problems of specific existing stations affected by the table and by the mileage separations underlying the table. These comments are listed in Appendices D and E below. In each case where a specific request has been made to add or delete a channel at a particular location, we have indicated our disposition of the request.

I. *Basic assignment principles*—A. *Petitions and comments.* 3. The petitioners and respondents objecting generally to the proposed table and to the mileage separations used to construct the table advocate, generally, two major alternative assignment systems.<sup>5</sup> The largest group of objecting parties would prefer a return to a system similar to that in effect before this rule making was commenced—i.e., a plan under which new or changed assignments would be required to provide protection to the 1 mv/m contour of other stations or proposals. Each station would be treated as operating with its actual or proposed facilities—rather than maximum permissible facilities—and most parties would permit the use of all available assignment tools, including measurement data, to determine the location of relevant service contours. Some of the parties would make protection of the 1 mv/m contour absolute, proposing a "go-no go" system similar to that we have suggested for AM in Docket 15084.<sup>6</sup> Others wish a

<sup>4</sup> This question was decided finally (and relevant petitions disposed of) in the "Second Report," supra, Note 1.

<sup>5</sup> Certain miscellaneous comments not falling into the two major categories discussed here are noted in paragraph 33, infra.

<sup>6</sup> In the matter of amendment of Part 3 of the commission's Rules, regarding AM station assignment standards and the relationship between the AM and FM broadcast

complete return to the traditional AM system in which service gains are weighed against service losses in each case in order to determine whether a new application should be granted. Many parties supporting the protected contour system also favor the use of directional antennas to reduce the required spacing between stations on the same or adjacent channels.

4. The second major group includes those petitioners and respondents who agree with the principle of mileage separations based upon assumed operation with maximum facilities, but who wish to have shorter separations than those adopted in the first report. Some parties in this group, though not a majority, would couple their proposed shorter separations with a "demand" system rather than a table of assignment—i.e., a system allowing an applicant to apply for a new facility at any location where the required mileage separations from co-channel and adjacent channel stations could be met. Some of the parties would modify or eliminate the proposed division of the country into zones, making class C assignments only at specified locations, regardless of zone, and utilizing the remaining class C channels in what is now zone II for class B stations.

5. Most of the arguments advanced in support of the alternative systems noted above were discussed at some length and tentatively rejected, in the "First Report". Upon reconsideration, we have not found reason to change our original tentative decisions. Although the table issued today has been modified in many particulars from the proposed table in our "Second Further Notice," the principles and mileage separations utilized in its construction have remained the same. In the paragraphs to follow, we wish to summarize briefly the steps by which we have come to this decision.

B. *Mileage separations or protected contours.* 6. The basic difference between a system of mileage separations and the protected contour system comes to this: Mileage separations are designed to protect, from interference, a specified area of potential service for each station of a particular class. The signal level at the limits of this protected service area is not particularly significant for assignment purposes, just so long as it is adequate to provide good reception on the average set. The protected contour system, on the other hand, protects a specified signal level from interference, without regard to the size of the service area resulting from such protection. Thus, under the system of mileage separations used to construct our table,

services, "Notice of Proposed Rule Making" (FCC 63-468), May 17, 1963. In paragraphs 27-33 of that Notice, we discussed the factors which indicate that a prohibited overlap system is most appropriate for AM at this stage of its development.

<sup>1</sup> "Notice of Inquiry, Notice of Proposed Rule Making, and Memorandum Opinion and Order" (FCC 61-833), July 5, 1961.

<sup>2</sup> "First Report and Order" (FCC 62-866), 23 Pike and Fischer R.R. 1801, August 1, 1962; "Further Notice of Proposed Rule Making" (FCC 62-867), August 1, 1962; "Second Report, Memorandum Opinion and Order" (FCC 62-1243), 23 Pike and Fischer, R.R. 1845, December 4, 1962; "Second Further Notice of Proposed Rule Making" (FCC 62-1340), December 21, 1962.

<sup>3</sup> "Note" to § 1.356 of the Commission's Rules, adopted by Memorandum Opinion and Order, December 17, 1962 (FCC 62-1330, 23 Pike and Fischer R.R. 1855). As noted in paragraph 30, infra, we are temporarily retaining the "freeze" provisions pertaining to Puerto Rico and the Virgin Islands.

a class B station operating at maximum facilities would provide interference-free service within a roughly circular area having a radius of approximately 40 miles. Under a system protecting the 1 mv/m contour, the interference-free service area of a class B station could vary from the widest area possible under the maximum height and power regulations to an area no bigger than that which results when the minimum signal level requirements for the station's principal community are met. Another way of stating the basic difference between the two plans is to say that spacings under a mileage separation system are determined on the basis of assumed operation by all stations with maximum permissible facilities, while minimum spacings under the protected contour system are limited only by the actual facilities of existing stations and the minimum permissible facilities of a new proposal.<sup>7</sup>

7. Although use of measurement data to determine contour locations and use of directional antennas to reduce necessary spacings are not inherent ingredients in a protected contour system, most advocates of such a system also advocate use of measurements and directional antennas. This fact follows logically from the nature of the plan which is, as we noted in an earlier report, essentially a "squeeze-in" system.

8. We have concluded that the protected contour idea must be rejected for FM. Our objections, basically, are two. First, the system is inherently inefficient from a strictly engineering point of view. Although it is undoubtedly true that many more individual stations can be "squeezed-in" by protecting only the 1 mv/m contour of existing stations at their actual facilities, the total area receiving usable service from all authorized stations will be considerably less than under a system where stations are spaced on the basis of assumed operation with relatively high maximum facilities. This point is clearly illustrated by a comparison of class C stations and class A stations in terms of area coverage. There are only twenty class A FM frequencies (25 percent of all commercial channels), and stations on these channels are intended primarily to provide local FM outlets for smaller communities some distance from large metropolitan centers. Since class A stations are limited to maximum facilities of 3 kilowatts and

300 feet antenna height above average terrain, it is possible to assign a relatively large number of facilities per class A channel. Approximately 55 assignments have been made on the average class A frequency, each of which has, at maximum facilities, a protected service radius of 15 miles. These 55 class A stations, however, serve about the same total area as three class C stations operating at maximum facilities. Moreover, the areas of interference between co-channel operations, as compared with interference-free service areas, are greater when a large number of stations are "squeezed-in" with limited facilities than when a smaller number of stations operate with higher facilities. These areas of interference often occur, it is true, in regions which are relatively unpopulated today. We believe, however, that an assignment system for the future must be developed in the light of our recent history of suburban growth and must, therefore, contain the widest possible latitude for future urban expansion.

9. Our second objection also derives from the failure of the protected contour plan to provide for long-term objectives. As increasing numbers of stations are "squeezed in" at near minimum facilities, these stations, and nearby sub-maximum stations, are forever precluded from increasing their height and power. This is precisely the state of affairs we wish to prevent in an age of rapidly expanding metropolitan areas.<sup>8</sup> Since it is impossible, under any rational assignment plan, to put individual stations in more than a small percentage of the many suburban communities clustered around our larger cities, we must try to see that as many of the central city stations as possible will be able to cover all of the surrounding suburbs. To a large extent, it has become impossible to provide this sort of coverage with AM stations—90 percent of which operate with one kilowatt or less and are limited to their present facilities by other co- and adjacent channel stations. This is an area in which the FM service has vast potential. Stations having the potential to increase facilities to a relatively high maximum are necessary to carry out several other prime functions unique to FM. First, the provision of primary nighttime aural service to substantial areas of the country still lacking such service can only be provided by FM stations which are able to deliver a good interference-free signal a large distance from their principal communities. Second, acceptable stereo reception at any given location requires a considerably greater transmitting facility than does an acceptable monaural signal and, since FM stations must still be spaced on the basis of assumed monaural transmission, the ability to achieve relatively high maximum facilities must be maintained. Finally, it may be expected that FM auto radios, still very limited in number, will increase substantially in the future. Since a significant proportion of the automotive audience is likely to be located

in the urban fringes, or is likely to be travelling between large cities, it is most desirable to establish transmitting facilities of sufficient height and power to make it unnecessary for the automotive listener to change stations every few miles.

10. Our rejection of the protected contour concept for FM necessarily means the rejection of measurement data and directional antennas for use as assignment tools. These tools are inconsistent with an overall assignment plan based on mileage separations and, even apart from this inconsistency, would be rejected for several independent reasons. Our reasons for rejecting use of measurement data were set forth at considerable length in paragraphs 9-11 of the "First Report" and our reasons for barring use of directional antennas to reduce spacings for new stations were set forth in paragraphs 84-86 of that document. We adhere to those reasons now and see no reason to expand upon them.

C. *The specific mileage separations.*  
11. Although few parties petitioned for wider mileage separation requirements than those made final by the "First Report", numerous parties requested that—with or without a table of assignments—the separations be considerably reduced.<sup>9</sup> The attack upon the present table of separations is twofold. First, it is argued, a very large proportion of existing stations will be "short-spaced" in one or more directions under the spacings adopted by the Commission and will, therefore, be barred from ever improving their existing facilities. If development of FM stations to their maximum potential is a goal of the new FM rules, the spacings adopted thus far will, it is said, frustrate achievement of that goal. Second, the separations are attacked with great force because they will not allow assignment of what many petitioners and respondents believe to be an adequate number of FM stations—both in general and with reference to numerous specific locations. Neither of these contentions may be dismissed lightly and because the second, in particular, goes to the very heart of the FM rules decided upon, we believe it necessary to set forth our thinking in this area with great care.

12. *Existing "short-spaced" stations.*  
We believe, first, that the presentation made by many parties as to the extent of the "short-spacing" problem is somewhat misleading. It has been emphasized that approximately 85 percent of existing Class B stations and 65 percent of existing Class A stations in Zone I are "short-spaced" with respect to one or more other existing stations and from this fact it is argued that the Commission's table of mileage separations, whatever merit it might have as a *de novo* proposition, is totally unrealistic at this late date. We do not quarrel with the accuracy of these figures, but we do not believe they present a com-

<sup>7</sup> It should be noted that the terms, "protected service area", and "protected contour", as used in the foregoing discussion, are not absolute descriptions of physical reality. In the FM band, just as in the lower VHF television band, "service" varies with time and location. The "service" available is largely a statistical concept and cannot be predicted with precision for a particular location, especially in the presence of co-channel and adjacent channel signals which may cause interference to the desired signal. "Service" will also vary with the quality and characteristics of the receiver installations in the area involved. Our use of the terms "protected service area" and "protected contour" is simply another way of expressing collections of statistical data which, properly used, constitute useful and legitimate tools for overall allocation purposes. It is only in this sense that the terms are used herein.

<sup>8</sup> See paragraph 13, *infra*, regarding the problem of power increases for existing stations which are "short-spaced" under our plan.

<sup>9</sup> The petitions and comments seeking wider separations were filed primarily by super-maximum stations concerned about possible cut-backs in their facilities. This question was resolved in the "Second Report".

plete picture. First, the percentage of short-spaced existing stations expressed as a percentage of the total number of channel assignments in our final table is a considerably smaller figure—something less than 25 percent. Second and more significantly, a large proportion of the short-spaced assignments in zone I would be short-spaced under a strict application of any reasonable mileage separation plan, and a large number would be limited to their present facilities by other existing American stations or by Canadian assignments even under a 1 mv/m protected contour system. To this extent, arguments based upon the plight of existing stations lack relevance. Finally, we do not believe that the problem of power increases for those existing stations which are only moderately short-spaced under our present separations is an insoluble one.

13. The Commission is now engaged in a study of various alternative methods which, separately or in combination, might be used to allow some existing short-spaced stations to increase their facilities to at least some degree.<sup>10</sup> It is our intention to issue a further notice of rule making pertaining to this problem in the near future. Until this question is resolved, we will continue to prohibit increases in the facilities of short-spaced stations or changes in location which would worsen the short-spacing. As in the past, of course, we will give careful consideration to requests for waiver based upon forced relocation of antennas owing to loss of site, etc.

14. We should also point out that in a limited number of cases existing stations may be able to resolve short-spacing problems by requesting individual frequency changes or interrelated frequency changes. Thus, in this document (see paragraph 28, *infra*), we are effecting 10 modifications in the licenses of existing stations where the licensees have requested such modification to eliminate short-spacing problems. In several additional cases (see paragraph 29, *infra*), we are initiating proceedings to modify licenses or permits without the consent of the licensees or permittees involved. In each of the latter cases, our order has been issued at the request of some other licensee who was able to demonstrate that a particular series of channel changes would eliminate short-spacing problems or allow more channel

assignments than theretofore possible. We will give careful consideration to further requests of this nature and, where it appears that the proposed changes would bring about a more efficient distribution of FM channels, we will initiate appropriate action.

15. *Number of assignments possible with these separations.* Any system of station assignments necessarily represents a series of compromises designed to strike a balance between two extremes. One extreme is represented by a plan under which relatively few stations would be assigned on each channel, each station operating with the greatest facilities reasonably practical to construct and each station protected to the point at which its signal is rendered unusable by background and receiver noise. The other extreme would see thousands of small stations, each interfering with many other stations and interfered with in turn, so that the average protected service area would extend only a few miles from the station's transmitter site.<sup>11</sup> Neither of the two extremes approaches optimum efficiency from a strictly engineering point of view and, quite clearly, neither represents a desirable plan as a matter of non-engineering policy. About these general truisms there can be little debate. Disagreement arises when we must, as now, decide where to strike a balance.

16. Many parties have focused upon the "priorities to be used in preparation of the table," contained in paragraph 3 of the "Further Notice," and have proceeded to condemn the table because, in particular cases, one or more of the priorities has not been fulfilled. This type of reasoning is fallacious because it treats the priorities (other than provision for existing stations) as firm promises to be kept, rather than what they are in fact—i.e., a list of internally inconsistent goals forming the basis for a great deal of judicious balancing in drawing up a table of assignments. It takes only brief consideration to see that absolute fulfillment of every goal is impossible under any reasonable system of allocation. For example, if an attempt were made to achieve literal fulfillment of the criteria for number of channel assignments for various sized communities contained in paragraph 4 of the "Further Notice", nearly 6,500 FM assignments would be required.<sup>12</sup> Projecting current population trends some distance ahead, it would appear that at least 1,000 additional assignments would be needed by 1970. Figures of this type are beyond the realm of reason in preparing an FM plan and demonstrate the inadequacy of

any mechanistic attempt to turn desirable goals into absolute requirements.

17. The table adopted today contains approximately 2,830 specific assignments in 1,858 communities in the conterminous United States, a net increase, after deletions and changes, of about 100 assignments over the table proposed in the "Second Further Notice". Roughly 40 percent of the assignments are for Class A stations and 60 percent are on Class B or C channels. These figures do not include assignments on the twenty educational channels, where there are already some 240 existing authorizations and considerable potential for the establishment of new facilities, nor do they include the many existing and proposed assignments to be included in separate tables for Hawaii, Guam, Puerto Rico, the Virgin Islands, and Alaska. (See paragraph 30, *infra*.) Moreover, the present table is not a fully "saturated" one, in that we have not made every possible assignment in the less populous areas of the country.

18. The table of assignments and the mileage separations used to construct it reflect basic engineering and policy judgements as to the future role of FM. In our recent notice of rule making concerning revision of the AM rules,<sup>13</sup> we expressed the view that AM and FM should be regarded as complementary parts of a single aural service. We stated:

Owing to the differing technical characteristics of AM and FM and to the separate historical development of the two services, each is able to accomplish certain tasks better than the other. It is our hope that each of the services can be developed to its maximum potential within an integrated system, and that such an integrated system will represent the best possible utilization of the frequencies allotted for aural broadcast stations.

19. It is our belief that FM stations can best fulfill their role within the total aural service in two ways. First, FM can be used to provide local aural service to communities of moderate size which, for one reason or another, have been unable to obtain any AM station or which do not receive adequate nighttime local AM service. For the most part, we have tried to do this job with class A stations which have a relatively limited service radius (15 miles at maximum facilities) and are, therefore, more appropriate for smaller communities than for large metropolitan complexes. FM's second role is more significant. Departing from past practice in the AM service, where 90 percent of existing stations operate with one kilowatt power or less, we have set aside 75 percent of all commercial FM channels for stations which will be able to provide interference-free service over relatively wide areas and we have adopted mileage separations which will allow a large proportion of these stations to achieve maximum facilities. These decisions reflect our judgment that the wide coverage FM station is the vehicle by which FM may best be developed as a complementary aural service to AM. In previous paragraphs we noted four

<sup>10</sup> Such possibilities include, among others, the provision of equivalent protection to other short-spaced stations, with or without the use of directional antennas; limited use of a protected contour system; simultaneous increases by linked groups of short-spaced stations; and more or less general provisions for increase by most existing stations in a particular area. It should be noted that with the possible exception of the last suggestion, most of these possibilities would not benefit stations which have "squeezed-in" at extremely short separations and which were already limited, under the old FM rules, by the necessity of protecting the 1 mv/m contour of some other station. These stations, however, would remain in their present predicament under any reasonable assignment plan and, to this extent, are totally unaffected by our decision to adopt the separations set out in the "First Report".

<sup>11</sup> Owing to nighttime skywave propagation characteristics in the AM service, the second extreme now exists quite generally for nighttime class IV (local) stations.

<sup>12</sup> An average of 1.5 assignments per community of 5,000 to 50,000 was assumed. An average of one assignment for every five communities in the 2,500-5,000 range and one assignment for every 100 communities under 2,500 was also included, since this approximates the distribution of AM stations in communities of that size. Numerous respondents requested FM channel assignments in communities under 5,000 persons.

<sup>13</sup> FCC 63-468, May 17, 1963 (Docket No. 15084).

specific areas of need in which wide coverage FM stations may play vital roles not wholly fulfilled by AM services: (a) The need to provide service from central city stations to burgeoning suburban communities (b) the need to provide primary aural service to nighttime "white areas" lying some distance from large communities; (c) the need to provide the best possible stereophonic transmission over stations which must be spaced on the basis of assumed monaural services; and (d) the need to provide signals of adequate strength to serve what is expected to be a substantially increased FM automotive audience in the future. To these factors may be added a further consideration pertaining to the nature of the FM service itself. Many of the most successful FM operations thus far have been stations which have directed their programming appeal toward minority and specialized audiences. We believe that in order to compete successfully in larger metropolitan areas with television and long established AM operations, many FM stations will find it desirable to continue to provide alternative program choices in this manner. Except in the most concentrated centers of population, this type of operation cannot achieve maximum success without a relatively extensive service area. A station providing interference-free coverage for a radius of only ten or fifteen miles is seldom able to provide service to enough people interested in limited appeal programming to survive. We believe that a wider base of economic support is necessary for such operations which, for the most part, fulfill needs not served by AM facilities.

20. We have concluded that the factors set forth above outweigh the benefits which would be derived from an FM system having a substantially greater number of stations with more limited service areas. The comments submitted by parties objecting to the mileage separations adopted in the first report have not persuaded us otherwise. A few parties have argued generally that FM can only develop as a national service when there are local stations in almost every small community—an argument which assumes, as we do not, that the incidence of local stations, rather than the number and quality of receivable signals determines listenership. Beyond this single general argument, the great majority of parties attacking the separations simply assume that more stations are better or present some particular case in which a specific community is said not to have FM channel assignments appropriate to its size and importance. We recognize the value of local outlets and, indeed, have done our best to provide as many local assignments as possible, consistent with achievement of our other goals. We do not believe, however, that there is a great enough need for still more local outlets to justify a reduction in the spacings underlying this table of assignments. We feel that a substantial reduction in minimum FM spacings may force the FM service into the same mold

as the developed pattern of assignments in standard broadcast. Under such a pattern, in which FM stations would be distinguishable from AM stations only by the frequencies upon which they operated, the FM service would be merely cumulative, rather than complementary, to the AM service, performing the same functions that AM already performs quite well. Such a development would, in our opinion, represent a waste of FM's unique potential.

21. Having decided that our emphasis is to be on wide area coverage, and having concluded that there is a need for even greater facilities in zone II than in zones I and I-A (paragraphs 39-45 of the "First Report"), determination of specific spacings become a matter of balancing our desire for the widest possible coverage against the need to make a large enough number of specific assignments. The manner in which we arrived at our decision to protect a 15 mile service area for class A stations, 40 miles for class B stations, and 65 miles for class C stations, is set forth at considerable length in paragraphs 59-66 of the "First Report". To our discussion there, we add this final engineering note: The co-channel spacings we have chosen for each class of FM station represent near-optimum theoretical efficiency in terms of channel usage by stations operating with a particular set of maximum facilities. (The slightly higher theoretical maximum, in each case, would be achieved with somewhat wider spacings, but would not allow a sufficient number of assignments.) Further reduction in minimum spacings would allow a certain number of additional assignments but, it is emphasized, a most substantial reduction in the spacings would be necessary to achieve more than a minimal increase in new assignments. This is because the assignments must be made in actual communities and not on a theoretical grid and such communities do not occur at the minimum spacings chosen but usually at greater spacings. To attain a substantial increase in the number of assignments possible in a table, it would be necessary to reduce spacing to a degree which would no longer be consistent with our objective of providing wide area service.

22. Finally, we must take exception to the statement found in numerous petitions and comments to the effect that the separations chosen are "wasteful" because they are based upon assumed antenna height and power many stations have not achieved and may never achieve. This type of thinking appears to assume that the Commission's separations have been chosen to protect a certain signal strength contour and that, outside that contour, service suddenly stops. Each portion of this assumption is contrary to fact. Our rules recognize that a median signal of as little as 50 uv/m is adequate to provide service to rural areas. The separations we have chosen would protect a signal of many times this strength when all stations operate at maximum facilities.<sup>14</sup> Although it

<sup>14</sup> 927 uv/m for class A stations, 562 uv/m for class B stations and 944 uvm for class C stations.

is true (for example), that two co-channel class C stations operating at minimum mileage separations with equal sub-maximum height and power will have reduced signal levels at the 65-mile limit of protection, it is extremely unlikely that the two stations will operate with such limited facilities that the signal level will be reduced below that necessary for adequate reception. Should one station operate with greater facilities than the other, one station will gain some degree of service area and the other will lose. In actual practice, however, most stations are assigned at separations far enough above the minimum so that any class C station operating with moderately large facilities will be assured of not less than a 65-mile service radius.

*D. Table of assignments or demand system.* 23. The reasons for favoring a table of assignments were set forth originally in the "Sixth Report and Order" on television allocations in 1952<sup>15</sup> and were summarized briefly in the "First Report" in this proceeding:

(1) A pre-engineered Table is the best way to insure efficiency of channel use, better than leaving channel use to the more or less random determination of application filing; (2) a Table is the best way of making provision for future needs which are not at the moment ripe for expression in application form—e.g., needs of smaller communities, and of areas where support for FM is lacking at the present time; (3) a Table forms a better way of insuring compliance with section 307(b) of the Act—calling for a fair and equitable distribution of facilities—than does the random application process, which necessarily has to a degree a "first come first served" aspect.

There is an additional factor which we cannot ignore in deciding whether to adopt a table of assignments. Border agreements are necessary between the United States and Canada in order to avoid mutually destructive interference between stations in the two countries, to make optimum use of available frequencies and to bring about a fair and equitable distribution of frequencies in this country. (See paragraphs 31 and 32, *infra*.) Such agreements can take many forms and utilize various criteria depending on the assignment methods preferred by the parties. If, for domestic reasons, one country prefers to adopt a table of assignments, it is to the advantage of the other country to do likewise, for in this way the needs of both can best be assured. Since the Canadian government has decided to make all Canadian FM assignments according to a new Table, it is to the long-term advantage of this country to adopt a similar Table, at least in areas within 250 miles of our northern border.

24. A majority of the parties filing general comments who favored the principle of mileage separations (whether or not they favored shorter separations) also favored the principle of a table of assignments. Those parties opposing the table generally did so on two

<sup>15</sup> 1 Pike and Fischer R.R. 91:599, 91:609, (1952).

grounds:<sup>16</sup> (a) The alleged "inflexibility" of a table, in that rule making proceedings are required to change existing assignments or to add new assignments; and, (b) the fact that a table drawn up today cannot take account of population trends and newly developing communities in the future. We believe these objections to be less serious than do respondents. It is true that new rule making is necessary to change assignments in the table, but such proceedings are usually uncomplicated in nature and far less time consuming than a general allocation proceedings such as this one. It is also true that exact population trends of the future cannot be taken into account in drawing up a table. However, the question of future flexibility becomes increasingly academic as the available FM channels are put to use by present day applicants. We feel that a table, coupled with the flexibility present in a "twenty-five mile rule," (see paragraph 35, *infra*), provides the best means to insure an efficient present distribution of channels. Insofar as future population trends will require the shifting of authorized stations, our problem is no different under a table of assignments than under any other system.

*II. The final table of assignments—*  
*A. General considerations.* 25. In constructing the final table, we have been guided by the priorities set forth in paragraphs 3 and 4 of the "Further Notice". Given the total number of channels available for assignment, we have attempted to fulfill each priority (after provision for existing stations) to an extent consistent with relatively equal fulfillment of the others. If special attention has been directed toward any particular area, it has been in the effort to provide FM assignments for communities of substantial size located some distance from urban centers which lack any FM station or, in some cases, any local aural service at all. The Commission has checked every community over 10,000 population located more than 20 miles from an urban center and, if at all possible under the table of separations, has assigned at least one FM station to each community in this category. In general, we have carried through without announced intention to assign class A channels to smaller communities and class B and C channels to larger urban centers, although there are a number of exceptions to this general rule. One significant exception was the assignment of class C channels to some smaller communities in Zone II at the request of various respondents from the com-

munities involved. It was claimed, on the facts of these particular cases, that viable FM service could only be established if a new station were able to serve a large rural area surrounding a relatively small community. In accepting this argument and assigning the requested class C channels were possible, we are also taking steps to insure that the channels will be utilized for the purpose they are intended by raising the minimum effective radiated power requirement for a new class C station to twenty-five kilowatts.<sup>17</sup> Finally, we note again, as in the "Second Further Notice," that in the few cases where new assignments are made at slight city-to-city "short-spacings," it is expected that the transmitter will be located so as to meet all minimum separation requirements.

*B. Changes in proposed table.* 26. In considering the several hundred specific requests for new or changed assignments submitted by respondents, we have made every effort to grant each reasonable request. In over 50 percent of the cases (see Appendix E), we were able to grant the specific request of the commenting party or, in any event, to reach a result similar to that requested. We have also made every effort to find channels for the substantial number of applicants who filed prior to the two FM "freezes" although we have not been able to make such channel assignments in many of the cases. In a very few instances we have had to delete channels from the proposed table, either because the proposed assignment was erroneous under our mileage separations, because of conflicts with Canadian assignments, or because a decision was made to assign the channel to some other, more deserving location. The net result of the new assignments and deletions has been to increase the number of channel assignments by approximately 100.

27. Apart from cases involving Canadian conflicts (see paragraphs 31 and 32, *infra*), our denial of requested changes has been based upon one or both of two reasons. First many requested changes were not consistent with the table of minimum mileage separations and no reasonable re-shuffling of channels could be devised which would cure this difficulty. In this category are included numerous requests for channels predicated upon a general shortening of the table of separations, a revision of the boundaries between zones, or a change in the class of a particular channel at a particular location. In each of these cases, the Commission has looked beyond specific requests which could not be granted and has made an attempt to find other equivalent channels which could be assigned at the particular location. The second reason many requests have been denied stems from section 307(b) of the Act. In those cases where

assignment of a channel at one location meant the denial of a channel for some other location, or locations, it has been necessary for the Commission to determine which of the two assignments would best bring about a "fair, efficient and equitable distribution of radio service". In these situations, there has been a weighing of the usual factors involved in section 307(b) cases, including other available aural transmission and reception services at or near the communities involved, the size of the respective communities, the distance from other urban centers of population, etc. In some cases, it has been unnecessary to resolve 307(b) conflicts at this time since, under the "twenty-five mile rule", the available assignment in question can be applied for at either of two communities. Should there be conflicting applications in these cases, the 307(b) conflict will be resolved in an adjudicatory proceeding.

*C. Voluntary license modifications.* 28. In nine cases set forth in paragraph 40, *infra*, we are modifying licenses of existing stations in accordance with licensee requests submitted by comment filed in this docket, by application for frequency change, or both. In two cases where applications for frequency changes have been filed but no comments have been submitted in this docket, we are bringing about the license modification on our own motion in this proceeding and are not acting upon the applications as such. In all nine cases, the stations involved will be permitted to operate on their present frequencies for a reasonable period of time, pending completion of the necessary technical changes and the filing of required data pertaining to operation on the new frequency. In each case, however, the final table appended hereto reflects an existing operation on the new frequency. Some of the frequency changes in these nine cases have required other changes in proposed assignments in the table, but in no case was it necessary to change the authorization of any existing station not included in this group of nine.

*D. Involuntary license modifications.* 29. In three cases, we are initiating proceedings to modify the licenses of existing stations where the licensees involved have not consented to the change. Each of these actions is based upon a comment filed by the licensee of some other existing station and, in one case, an involuntary change will allow a tenth voluntary license modification. The three cases and the procedures involved are as follows:

(a) *KREP (FM), Santa Clara, California.* The construction permit for KREP (FM), Santa Clara, was granted July 3, 1962, to Robert E. and Marcella Podesta. KREP (FM) is authorized to operate on channel 277, a class B frequency. A.B.C.-Paramount Theaters, Inc., licensee of KGO-FM, San Francisco, has requested that the table of assignments be modified to shift vacant class B channel 289 from San Jose to Santa Clara; that the Podestas' construction permit for KREP (FM) be modified to specify channel 289; and that channel 277 be deleted from Santa Clara. As grounds for the requested change, A.B.C.

<sup>16</sup> One or two parties claimed that a table of assignments would be illegal under Section 307(b) of the Act. This question was settled, in our opinion, in *Logansport Broadcasting Corporation v. United States*, 93 U.S. App. D.C. 342, 210 F. 2d 24 (D.C. Cir. 1954). Several other parties suggested assignment systems similar to a Table but somewhat short of a complete Table of Assignments—e.g., a "suggested" Table of Assignments or a Table of Separations coupled with limits upon the number of stations which could be assigned to cities of certain populations, etc. We believe that the full benefits of a Table are realized when it controls all assignments and have rejected these suggestions.

<sup>17</sup> Various commenting parties had proposed higher minimum power for class C stations than the 10 kw figure adopted in the "First Report." An increase in minimum required power from 10 kw to 25 kw will not result in a substantial increase in the cost of constructing a class C station if a five kilowatt transmitter is used with a six or eight bay antenna.

points out that the new Santa Clara station is 103.5 miles shorter than the required 150 mile co-channel spacing to Station KBEE-FM at Modesto, California. A.B.C. argues that the changes it requests will improve the service potential of all existing stations involved and that deletion of unused channel 289 from San Jose will still leave that city with four existing Class B FM stations, a sufficient number for its size and location. We agree and are ordering the licensee of KREP (FM) to show cause why its construction permit should not be modified to specify operation on channel 289. Pending the outcome of this proceeding, channel 289 is being deleted from the table at San Jose.<sup>18</sup>

(b) *KIMP-FM, Mt. Pleasant, Texas.* Carter Publications, Inc., licensee of class C station WBAP-FM, Fort Worth, Texas, has requested two modifications in the table which would eliminate the only short-spacing problem for WBAP-FM and open the way for that station to increase its facilities to the maximum. WBAP-FM requests that the license of KIMP-FM, Mt. Pleasant, Texas, be modified to specify operation on class C channel 264 rather than the present class C channel 241, and that the proposed assignment of class A channel 261 at Texarkana, Arkansas, be changed to class A channel 296. Study of this proposal indicates that all channels would meet minimum spacings if the WBAP-FM request is granted and that, additionally, it would become possible to assign a new class A channel, 240, to Kilgore, Texas. Accordingly, we are ordering Mt. Pleasant Broadcasting Company, licensee of KIMP-FM, to show cause why its license should not be modified to specify operation on channel 264. Channel 296 is being substituted for channel 261 at Texarkana, in any event, to allow immediate applications for that community, regardless of the outcome of this show cause proceeding.

(c) *WTTC-FM, Towanda, Pennsylvania.* Scranton-Wilkes-Barre Fine Music Broadcasting Company, Inc., licensee of Station WYZZ (FM), Wilkes-Barre, Pennsylvania, has requested a series of channel shifts so that WYZZ (FM) may change from its current class B channel, 277, where it is less than 90 miles from an existing co-channel class B station, to class B channel 225. On channel 225, WYZZ (FM) would have only a 1.38 mile short-spacing to the first adjacent channel operation of WPAT-FM, Paterson, New Jersey. By waiver of the rules (which we are prepared to grant in this case), WYZZ (FM) would be able to achieve maximum facilities on channel 225. Study of the other changes necessary to allow WYZZ (FM) to change frequency, (set forth in Appendix E), indicates that all other proposed assignments would meet minimum separation requirements and that

<sup>18</sup> Station KRPM, San Jose, has a pending application to change frequency from 253 to 289. KRPM does not meet required spacings on its present channel, 253, but is less drastically short-spaced than is KREP-FM. Additionally, we believe that assignment of channel 289 to Santa Clara best fulfills the requirements of section 307(b) of the Act.

assignment of a new class A channel would become possible at Columbia, Pennsylvania. The necessary series of channel shifts would require changing the assignment now occupied by Station WTTC-FM, Towanda, Pennsylvania, (licensed to Twin Tier Broadcasting Co.) from class A channel 224 to class A channel 237. The licensee of WTTC-FM has opposed the WYZZ (FM) proposal. However, since we believe the requested changes to be in the public interest and since the license of Station WTTC-FM has currently expired, we are changing the Towanda channel assignment from 224 to 237. Twin Tier Broadcasting Co. may amend its renewal application to specify channel 237. *Transcontinent Television Corp. v. F.C.C.*, 113 U.S. App. D.C. 384, 308 F.2d 334 (1962). We are also amending the Table to make the other changes noted in appendix E and modifying the license of WYZZ-FM to specify operation on channel 225.

*D. Hawaii, Puerto Rico, the Virgin Islands, Guam, and Alaska.* 30. No comments were received regarding FM assignments for Hawaii, Alaska, or Guam. Three parties commented with regard to future assignments in the Virgin Islands and Puerto Rico, and two of these proposed that a table of assignments be adopted to control future assignments. We have concluded that a table should be adopted for Hawaii, Alaska, Puerto Rico, the Virgin Islands and Guam, although the principles upon which the tables are constructed may vary from those used for the conterminous United States. We will issue proposed tables for these areas with our next notice of rule making in this docket. Pending further rule-making, applications for Hawaii, Alaska, and Guam will be accepted and granted if they meet the mileage separations set forth in § 3.205 of the rules, and a "freeze" will be continued with respect to applications for Puerto Rico and the Virgin Islands.

*III. Additional considerations—A. Negotiations with Canada.* 31. In the Second Further Notice we discussed the relationship between the proposed U.S. Table of Assignments and the matter of Canada-USA border assignments. We pointed out that the U.S. Table was worked out taking into consideration the Canadian assignments listed in the Appendix to Mimeo No. 8947, Public Notice of August 10, 1961. We further pointed out negotiations between representatives of the Commission and the Department of Transport of Canada were continuing, looking toward a mutually satisfactory agreement with respect to border FM assignments. These negotiations have been successfully concluded and have resulted in the adoption by both countries of a working arrangement for allocation of FM broadcasting stations on channels 221-300 under the Canada-United States FM agreement of 1947. This working agreement will be made public by both countries in the near future.

32. In order to reach an agreement with Canada on the optimum use of the FM channels and to arrive at a fair and

equitable distribution of stations in the border zone, it was necessary to make some changes in the Table set forth in the Second Further Notice. In Spokane, Washington channels 289 and 300 were added and channel 233 was deleted. In Utica, New York channel 262 was deleted. In Watertown, New York channel 224 was substituted for channel 253. In Presque Isle, Maine channel 237 was added, in Newport, Vermont channel 292 was deleted, and in Potsdam, New York channel 257 was deleted. The matter of substitute assignments in Newport, Vermont and Potsdam, New York is subject to further negotiations. The table as adopted herein reflects the above-mentioned changes. In addition to the above changes in assignments, limitations in power in the direction of Canada were placed on two assignments in the table, Waterbury, Vermont and Berlin, New Hampshire and on thirteen existing stations. There were also a number of Canadian assignments which were accepted at spacings somewhat below the U.S. domestic separations. In many of these cases, however, the potential interference would fall in Canada or in the Lake regions and, in many cases, the U.S. stations involved are already severely limited by other short-spaced domestic stations.

*B. Other substantive matters raised in petitions and comments.* 33. For reasons set forth in the "First Report", we again reject a number of other general suggestions which, for the most part, constitute restatements of positions taken by various parties prior to issuance of the "First Report". These suggestions include proposals which would: (a) involve wholesale channel shifts, or radical changes in engineering principles (such as the kc separation between channels); (b) mix all classes of stations on all commercial channels; (c) assign class C stations at specific locations rather than upon the basis of geographical zones; (d) eliminate the concept of Zones altogether; (e) raise or lower the minimum required power for each class of station (except for the one change we have noted in paragraph 25, supra); (f) raise or lower the maximum facilities for any class of station; and (g) add new zones or otherwise drastically alter the Zone boundaries decided upon in the "First Report". In connection with the last suggestion, we should also note that several parties commenting on the proposed table have suggested very slight changes in the zone lines to accommodate the needs of a particular existing station or applicant located just to one side or the other of a zone boundary. We do not believe that these parties have submitted general reasons sufficient to justify a change in the boundaries and, because close individual cases are inevitable whenever a line must be drawn, we will not institute a general change based upon the facts of any single case.

*C. Directional antennas.* 34. In the "Further Notice", we proposed new specific rules concerning the use of directional antennas and data to be submitted with applications proposing

use of directional antennas. Kear and Kennedy, in their comments on the proposed directional antenna rule, urge that the door be kept open for the use of directional antennas in the FM broadcasting service at spacings below the adopted minimums in order to permit additional assignments without interference to other existing or allocated stations. In view of the fact that we are adopting a table of assignments in FM with specified minimum co-channel and adjacent channel separations and with no provision for "squeezing in" additional assignments at sub-standard spacings, this proposal must be denied. The remaining Kear and Kennedy proposals, going to the type of showing to be required with applications for directional antennas, have merit and are adopted as proposed.

**D. Other rules to accompany table.** 35. As announced in the "Second Further Notice", we are amending the FM assignment rules to make them generally the same as those in television with regard to the table of assignments. No application will be accepted for channels not in the table, except for communities having no assignment in the table which are within 25 miles of a place where the channel is assigned and unoccupied.<sup>10</sup> All new stations will, of course, have to locate their transmitters so as to meet minimum mileage separations to all existing stations and assignments in the table. Petitions to amend the table will be treated in the same manner as those now filed to amend the television table. We have not adopted the suggestion of one respondent that applications for assignments conflicting with the present table be accepted if accompanied by a petition for change in the table nor have we accepted the suggestion of another party that applications be allowed directly for channels not in the table which would meet all mileage separations. Neither of these procedures would be consistent with our general policy against the acceptance of "contingent" applications.

**E. The educational channels.** 36. We are taking no further action, at this time, regarding assignments on the educational channels. This problem is still under consideration. Until further rule making is instituted in this area, we will continue to make educational assignments under the present rules.

**F. Pending applications: FM "Freeze" lifted.** 37. Adoption of the FM table allows us to delete all of the so-called "freeze" provisions in the "Note" to § 1.356, except for a continued "freeze" on applications for Puerto Rico and the Virgin Islands. Applications for new or changed facilities on the top three educational channels (218, 219, and 220), will, of course, still be required to comply with minimum mileage separations and other requirements with respect to the

lowest three commercial channels (221, 222, and 223). Following release of this Report and Order, no applications for new FM stations or frequency changes on the commercial channels in areas thus far subject to the "freeze" will be granted for a period of 60 days. During that period, applications on file which do not conform to the rules herein may be amended to specify a channel in the table. Applications in hearing may be amended, subject to the usual rules concerning removal from hearing status. At the end of the sixty-day period, all non-conforming applications for new stations, frequency changes, or other changes in facilities (including hearing cases), will be dismissed.

**IV. Orders.** 38. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That, Parts 1 and 3 of the Commission's rules are amended as set forth in Appendix A below.

39. *It is further ordered*, That the petitions for reconsideration listed in Appendix B below and the requests contained in the comments and reply comments listed in Appendices C, D, and E below, are granted to the extent they are consistent with the decision reached herein; and are denied to the extent inconsistent with this decision.

40. *It is further ordered*, That, pursuant to sections 303(f) and 316 of the Communications Act of 1934, as amended, the following modifications of license or permit are effected with the consent of the licensees involved:

(a) The license of the University of Florida for station WRUF-FM on channel 281 at Gainesville, Florida, is modified to specify operation on channel 279, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of station WRUF-FM on channel 279 at Gainesville.

(b) The license of Musicast of the South, Inc., for station WBBQ-FM on channel 279 at Augusta, Georgia, is modified to specify operation on channel 282, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of station WBBQ-FM on channel 282 at Augusta.

(c) The license of Carolina Broadcasting Co., for station WSOC-FM on channel 278 at Charlotte, North Carolina, is modified to specify operation on channel 279, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of station WSOC-FM on channel 279 at Charlotte.

(d) The license of KJRG, Inc. for station KJRG-FM on channel 221 at Newton, Kansas, is modified to specify operation on channel 222, subject to the

condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of station KJRG-FM on channel 222 at Newton.

(e) The construction permit of KJSK, Inc. for station KJSK-FM on channel 244 at Columbus, Nebraska, is modified to specify operation on channel 245, subject to the condition that the permittee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified construction permit to cover the operation of station KJSK-FM on channel 245 at Columbus.

(f) The license of Durant Publishing-Broadcasting Corporation for station KSEO-FM on channel 297 at Durant, Oklahoma, is modified to specify operation on channel 296, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of station KSEO-FM on channel 296 at Durant.

(g) The license of KPOJ, Inc. for station KPOJ-FM on channel 254 at Portland, Oregon, is modified to specify operation on channel 253, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover operation of station KPOJ-FM on channel 253 at Portland.

(h) The license of Scranton-Wilkes-Barre Fine Music Broadcasting Company, Inc. for station WYZZ-FM on channel 277 at Wilkes-Barre, Pennsylvania, is modified to specify operation on channel 225, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover operation of station WYZZ-FM on channel 225 at Wilkes-Barre.

(i) The license of Tri-Cities Broadcasting, Inc. for station WJCW-FM on channel 264 at Johnson City, Tennessee, is modified to specify operation on channel 268, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover operation of station WJCW-FM on channel 268 at Johnson City.

(j) The license of Mountain Broadcasting Service, Inc. for station WKIC-FM on channel 231 at Hazard, Kentucky, is modified to specify operation on channel 266, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable

<sup>10</sup> One party suggested that this general "25 mile rule" be changed to a rule which would be based on the service radius of the class of station involved—15 miles for class A, 40 miles for class B, and 65 miles for class C. Since we conceive of the "25 mile rule" as more directly related to the provision of transmission service to communities, we do not feel that the distance involved must vary with class of station.

technical rules, executed in triplicate, for the preparation of the modified authorization to cover operation of station WKIC-FM on channel 266 at Hazard.

41. *It is further ordered*, That, the above-named licensees and permittee whose licenses have been modified may continue to operate with their present authorizations until they are ready to commence operation on the new frequencies in accordance with the orders of modification herein; and that, upon completion of construction of their new facilities in accordance with the terms of the modified authorizations, each licensee or permittee shall submit, in triplicate, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for an FM license, at least ten days prior to the date on which it is desired to begin program operations on the new frequency, with the proviso that program operations are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

42. *It is further ordered*, That, Twin Tier Broadcasting Co. may, prior to September 11, 1963, amend its application for renewal of license of Station WTTC-FM, Towanda, Pennsylvania, to request operation on channel 237 rather than channel 224.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: July 25, 1963.

Released: August 1, 1963.

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

#### APPENDIX A

I. Effective August 12, 1963, the note following § 1.356 of the Commission's rules is amended to read as follows:

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

\* \* \* \* \*

NOTE: During further consideration of the matters and issues in Docket No. 14185 (pertaining to the revision of the FM broadcast rules), applications for FM broadcast authorizations (on both commercial and noncommercial educational channels in Puerto Rico and the Virgin Islands and on noncommercial educational channels elsewhere whether in or out of hearing status, and regardless of the date they were or may be tendered for filing) will be subject to the following procedures, notwithstanding any provision of the FM broadcast rules or of this section to the contrary:

(a) *Consideration pending decision as to an FM Table of Assignments for Puerto Rico and the Virgin Islands and adoption thereof if decided on*: Pending decision as to adoption of a Table of Assignments for the 80 commercial channels in Puerto Rico and the Virgin Islands, and final adoption of such Table if it is concluded to be in the public interest, no application will be granted or accepted for filing proposing a new FM station or a change in the channel of an existing FM station in Puerto Rico or the Virgin Islands. Applications for other changes in the facilities of existing FM stations in

Puerto Rico and the Virgin Islands will be accepted and acted upon if consistent with the requirements of subpart B, Part 3, of this chapter.

(b) *Alaska, Hawaii, and Guam*: Applications for facilities on commercial channels in Alaska, Hawaii, and Guam will be accepted and acted upon if they meet the requirements of Subpart B, Part 3, of this chapter.

(c) *Noncommercial educational stations*: With respect to grant and (after August 8, 1962) acceptance of applications for construction permits for new or changed facilities on the channels reserved in § 3.501 of this chapter for educational use, the following restrictions will apply:

(1) Applications for facilities on channels 218, 219, and 220 must meet the following criteria:

(i) The facilities requested must not exceed the maximum facilities specified in § 3.211 of this chapter (as amended July 25, 1963, effective September 11, 1963) for Class B or Class C commercial stations, depending on the zone in which the requested facilities would be located.

(ii) The requested facilities must be located, with respect to any assignment on FM channels 221, 222, and 223 specified in the table of assignments in § 3.202 of this chapter at no less than the minimum mileage separations specified for stations of their class in §§ 3.207 and 3.504 of this chapter.

(iii) Where the application is for change in transmitter site, the move must not shorten the separation between the station and other co-channel and adjacent-channel stations, if the result would be a spacing less than that specified in § 3.207 of this chapter (as amended July 25, 1963, effective September 11, 1963).

(2) No application for facilities on any channel specified in § 3.501 of this chapter will be granted or accepted if the facilities requested would cause objectionable interference within the 1 mv/m contour of any co-channel or adjacent-channel station, or receive interference within the proposed 1 mv/m contour. The following standards shall be used to determine the existence of objectionable interference:

(i) The distance to the 1 mv/m contour shall be determined by use of Figure 1 of § 3.333 of this chapter (as amended July 25, 1962, effective September 10, 1962).

(ii) The distance to the applicable interference contour shall be determined by the F(50,10) curve published with the Commission's Order, FCC 61-1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications and amending § 1.356.

(iii) Objectionable interference will be considered to exist where, on the basis of the curves referred to in this subparagraph, the undesired signal of a co-channel signal exceeds one-tenth of the desired signal, the undesired signal of a station 200 kc/s removed exceeds one half of the desired signal, the undesired signal of a station 400 kc removed exceeds 10 times the desired signal, or the undesired signal of a station 600 kc/s removed exceeds 100 times the desired signal.

(3) Directional antennas. No application for construction permit for a new station, change in channel, or change in existing facilities on the same channel will be granted or accepted for filing where it proposes a directional antenna with a maximum-to-minimum ratio of more than 15 db.

(d) *Maximum and minimum facilities for stations on noncommercial channels*. No provisions of these rules as to minimum facilities shall apply to noncommercial educational stations operating on the channels specified in § 3.501 of this chapter, or to grant or acceptance of applications by any existing station for increase in facilities on its present channel; and no provisions as to maximum facilities shall apply to noncommercial educational stations on channels 201

to 217, inclusive, set forth in § 3.501 of this chapter.

II. Effective September 11, 1963, Subpart B of Part 3 of the Commission's rules is amended as set forth below.

1. Sections 3.202-3.210 are redesignated §§ 3.204-3.212, and new §§ 3.202 and 3.203 are added, as follows:

#### § 3.202 Table of Assignments.

(a) *General*. The following table of assignments contains the channels (other than noncommercial educational channels) assigned to the listed communities in the 48 conterminous United States. Channels designated with an "A" are for Class A FM stations. All other listed channels are for class B stations in zones I and I-A and for class C stations in zone II.

#### (b) Table of FM Assignments.

ALABAMA	Channel No.
Abbeville	249A
Albertville	286
Alexander City	291
Andalusia	251, 293
Anniston	263
Athens	282
Auburn	249A
Bay Minette	288A
Birmingham	229, 233, 243, 258, 284, 295, 299
Brewton	296A
Butler	232A
Carrollton	292A
Clanton	249A, 265A
Cullman	266
Decatur	245, 271
Demopolis	252A
Dothan	238, 259
Enterprise	228A
Eufaula	224A
Evergreen	280A
Fairhope	221A
Fayette	225
Florence	297
Gadsden	279
Huntsville	286, 256
Jackson	285A
Jasper	273
Mobile	225, 235, 241, 248, 260
Monroeville	257A
Montgomery	222, 255, 270, 277
Muscle Shoals	288A
Opelika	265A
Ozark	285A
Phenix City	261A
Prichard	276A
Roanoke	237A
Scottsboro	252A
Selma	261A
Sheffield	292A
Sylacauga	252A
Thomasville	237A
Troy	245, 289
Tuscaloosa	239, 288A
Tuscumbia	262

ARIZONA	Channel No.
Apache Junction	296A
Bisbee	221A
Casa Grande	288A
Clifton	237A
Cottonwood	240A
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Holdrege	249A
Kearney	255, 272A
Kimbell	261A
Lexington	226
Lincoln	237A, 270, 274, 292A, 297
McCook	240A, 276A
Nebraska City	249A
Norfolk	266
North Platte	235, 246
Ogallala	228A
Omaha	222, 231, 241, 253, 260, 264, 279, 283
O'Neill	224A
Scottsbluff	225, 231
Sidney	237A
Superior	265A
Terrytown	265A
Valentine	241
York	285A

NEVADA

Carson City	234, 247
Elko	228A, 237A
Ely	224A
Fallon	257A
Henderson	231, 238
Las Vegas	222, 226, 246, 253, 270
Reno	222, 226, 230, 238
Sparks	252A
Tonapah	224A
Winnemucca	224A

NEW HAMPSHIRE

Berlin	241, 279
Claremont	291
Conway	228A
Dover	248
Hanover	257A
Keene	279
Laconia	252A
Manchester	239, 266
Mt. Washington	235
Nashua	292A
Newport	272A
Portsmouth	262, 296A
Rochester	280A

NEW JERSEY

Asbury Park	232A
Atlantic City	236, 245, 279
Bridgeton	299
Camden	295
Dover	288A
Eatontown	288A
Franklin	272A
Long Branch	296A
Millville	247
Newark	234, 262, 290
New Brunswick	252A
Newton	279
Paterson	226
Pleasantville	285A
Princeton	277
Red Bank	292A
Toms River	224A
Trenton	233, 248, 268
Vineland	221A
Wildwood	264
Zarephath	256

NEW MEXICO

Alamogordo	232A, 288A
Albuquerque	222, 227, 231, 242, 258, 262
Artesia	225
Aztec	235
Belen	249A
Carlsbad	221A
Clayton	228A
Clovis	256, 260
Deming	232A
Espanola	272A
Farmington	225, 245
Gallup	229, 233
Grants	237A
Hobbs	231, 239
Las Cruces	237A
Las Vegas	265A
Lordsburg	249A
Los Alamos	253

NEW MEXICO—Continued

	Channel No.
Lovington	269A
Portales	237A
Eaton	232A
Roswell	235, 246
Ruidoso	228A
Sante Fe	238, 247
Santa Rosa	228A
Silver City	224A
Socorro	224A
Taos	257A
Truth or Consequences	244A
Tucumcari	224A

NEW YORK

Albany	238, 265A, 276A, 280A, 293
Amsterdam	228A, 285A
Auburn	295
Babylon	232A, 272A
Baldwinsville	221A
Bath	252A
Binghamton	251, 256
Buffalo	225, 233, 241, 245, 258, 273, 277, 281, 293
Cherry Valley (Otsego Co.)	270
Corning	291
Cortland	260
Depew	229
De Ruyter	286
Dundee	240A
Elmira	232A
Endicott	265A
Fulton	284
Garden City	224A
Geneva	272A
Hempstead	252A
Herkimer	224A
Hornell	287
Hudson	244A
Ithaca	228A, 247, 279
Jamestown	227
Kingston	232A, 249A
Lake Success	278
Liberty	240A
Little Falls	288A
Middletown	224A
Mt. Kisco	292A, 296A
Newburgh	276A
New Rochelle	228A
New York	222, 230, 238, 242, 246, 250, 254, 258, 266, 270, 274, 282, 286, 294, 298
Niagara Falls	253
Norwich	230
Ogdensburg	244A
Olean	239
Oneida	292A
Oneonta	237A, 276A
Oswego	288A
Owego	269A
Patchogue	248, 291
Peekskill	264
Plattsburg	260
Poughkeepsie	268, 284
Riverhead	280A
Rochester	223, 243, 250, 255, 263, 267, 280A
Rome	257A
Sag Harbor	221A
Salamanca	261A
Saranac Lake	237A
Saratoga Springs	272A
Schenectady	258
South Bristol Twsp. (Ontario Co.)	236
Syracuse	226, 233, 265A, 275, 300
Troy	222
Utica	235, 245, 282, 297
Walton	221A
Watertown	224A, 248
Weathersfield Twsp. (Wyoming Co.)	299
Wellsville	257A
White Plains	280A

NORTH CAROLINA

Ahoskie	249A
Albermarle	265A
Asheboro	222
Asheville	260
Beaufort	221A
Burlington	230, 266
Charlotte	236, 279, 284, 300
Black Mountain	295

NORTH CAROLINA—Continued

	Channel No.
Clinton	296A
Concord	250
Durham	286
Edenton	261A
Elizabeth City	229, 295
Elkin	265A
Fairmont	292A
Fayetteville	251
Forest City	227, 287
Gastonia	270
Goldensboro	245, 274
Greensboro	246, 254
Greenville	299
Grifton	253
Havelock	285A
Henderson	223
Hendersonville	273
Hickory	239, 275
High Point	238, 258, 262
Jacksonville	288A
Kannapolis	259
Kinston	236
Laurinburg	243
Leaksville	233
Lexington	231
Lumberton	239, 272A
Morehead City	240A
Morganton	221A
New Bern	232A
N. Wilkesboro	247
Plymouth	257A
Raleigh	234, 241, 268
Reidsville	271
Roanoke Rapids	272A
Rocky Mount	221A, 264
Roxboro	244A
Salisbury	293
Sanford	288A
Shelby	241
Statesville	245, 289
Tabor City	285A
Tarboro	282
Thomasville	252A
Washington	227, 270
Whiteville	256
Williamston	279
Wilmington	247, 260
Wilson	291
Winston-Salem	226, 281, 298

NORTH DAKOTA

Bismarck	225, 233
Carrington	249A
Devils Lake	244A
Dickinson	221A
Fargo	229, 250
Grafton	265A
Grand Forks	225, 234
Hettinger	228A
Jamestown	227, 238
Mandan	285A
Minot	229, 246
Oakes	252A
Rugby	237A
Valley City	265A
Williston	241, 253

OHIO

Akron	243, 248
Alliance	223
Ashland	267
Ashtabula	246
Athens	252A, 288A
Barberton	235
Bellaire	263
Bellefontaine	228A
Bowling Green	228A
Bryan	265A
Bucyrus	224A
Cambridge	244A
Canton	231, 251, 295
Celina	232A
Chillicothe	227, 232A
Cincinnati	223, 227, 231, 253, 270, 274, 282, 286
Circleville	292A
Cleveland	226, 238, 253, 258, 264, 271, 277, 281, 289, 293, 300
Cleveland Heights	222
Columbus	222, 234, 242, 246, 250, 259, 285A

OHIO—Continued

	Channel No.
Conneaut	285A
Coshocton	257A
Dayton	256, 284, 299
Defiance	240A
Dover-New Philadelphia	269A
East Liverpool	282
Eaton	225
Elyria	297
Findlay	263
Fostoria	244A
Fremont	256
Gallipolis	268
Greenville	293
Hamilton	235, 243, 278
Hillsboro	294
Ironton	296A
Jackson	249A
Kent	261A
Kenton	252A
Kettering	260
Lancaster	238
Lima	249A, 271
Lorain	285A
Mansfield	287, 291
Marietta	232A
Marion	295
Miamisburg	229
Middleport	285A
Middletown	290
Mt. Vernon	229
Newark	262
Norwalk	237A
Oxford	249A
Piqua	239
Port Clinton	233
Portsmouth	257A, 281
Salem	286
Sandusky	274
Sidney	288A
Springfield	264, 275
Steubenville	278
Tiffin	279
Toledo	223, 252A, 260, 268, 272A, 284, 288A
Urbana	269A
Van Wert	255
Wapakoneta	221A
Wash. Ct. House	288A
Waverly	265A
Wellston	244A
Wooster	283
Xenia	280A
Youngstown	227, 255, 266
Zanesville	273

OKLAHOMA

Ada	227
Altus	228A
Alva	259, 284
Ardmore	221A
Bartlesville	261A
Chickasha	285A
Clinton	237A
Duncan	293
Durant	296A
Edmond	249A
Elk City	232A
Enid	245
Frederick	240A
Guymon	224A
Henryetta	272A
Hobart	257A
Hugo	237A
Idabel	244A
Lawton	251, 268
Madill	285A
McAlester	267
Miami	265
Muskogee	295
Oklahoma City	223, 234, 241, 255, 263, 270, 274, 281, 299
Okmulgee	285A
Ponca City	257A, 265A
Poteau	252A
Seminole	288A
Stillwater	230
Tahlequah	269A
Tulsa	225, 238, 243, 248, 253, 277
Woodward	228A



TEXAS—Continued

TEXAS—Continued

WASHINGTON—Continued

	Channel No.
El Paso	227
234, 242, 248, 253, 260, 264, 271, 275	
Falfurrias	292A
Farwell	252A
Floydada	237A
Fort Stockton	232A
Fort Worth	230, 242, 246, 258, 271, 300
Gainesville	233
Galveston	293
Georgetown	265A
Gonzales	272A
Hamilton	221A
Harlingen	233, 241
Henderson	261A
Hereford	292A
Hillsboro	273
Houston	229, 233, 239,
243, 250, 256, 262, 266, 275, 281, 289	
Huntsville	269A
Jacksonville	257A
Jasper	272A
Junction	228A
Kenedy-Karnes	296A
Kermit	292A
Killeen	227
Kingsville	249A
Lake Jackson	297
Lamesa	251, 262
Lampasas	257A
Laredo	264, 289, 300
Levelland	288A
Longview	289
Lubbock	229, 233, 242, 258, 266, 273
Lufkin	277, 286
Marlin	244A
Marshall	280A
McAllen	245, 253
McCamey	237A
Mercedes	296A
Merkel	240A
Mexia	265A
Midland	222, 227, 271
Mission	221A
Monahans	260, 277
Mt. Pleasant	241
Muleshoe	276A
Nacogdoches	252A
New Braunfels	221A
Odessa	245, 250, 256
Orange	283, 291
Palestine	232A
Pampa	262
Paris	257A
Pasadena	223
Pecos	252A
Perryton	240A
Pharr	285A
Plainview	247
Pleasanton	252A
Port Arthur	227, 231, 253
Port Lavaca	240A
Quannah	265A
Raymondville	269A
Rusk	249A
San Angelo	225, 230, 234, 248
San Antonio	225,
241, 247, 258, 262, 270, 274, 283	
San Marcos	296A
San Saba	244A
Seguin	287
Seminole	280A
Seymour	232A
Shamrock	224A
Sherman	244A
Sinton	267, 277
Slaton	224
Snyder	269A
Sonora	221A
Stamford	221A
Sweetwater	244A
Taylor	221A
Temple	285A
Terrell Hills	292A
Texarkana	251, 273
Tulia	285A
Tyler	226, 268, 293
Uvalde	237A
Vernon	272A
Victoria	221A, 235, 254

	Channel No.
Waco	238, 248, 260, 298
Weslaco	247, 258
Wichita Falls	225, 236, 247, 260, 277

UTAH

Blanding	221A
Bountiful	288A
Brigham City	296A
Cedar City	223, 235
Logan	225, 233
Moab	244A
Ogden	238, 250, 266, 270
Orem	296A
Price	252A
Provo	235, 241
Richfield	229
St. George	228A
Salt Lake City	227, 231, 246, 254, 262, 282
Spanish Fork	292A
Tooele	276A
Vernal	224A

VERMONT

Barre	296A
Bennington	232A
Burlington	225, 255
Montpelier	244A, 276A
Rutland	246, 251
St. Albans	272A
Springfield	228A
Waterbury	287
White River Junction	237A

VIRGINIA

Abington	224A
Arlington	286
Ashland	261A
Blacksburg	269A
Blackstone	228A
Charlottesville	237A, 248
Clifton Forge	280A
Covington	265A
Crewe	284
Culpeper	276A
Farmville	239
Fredericksburg	227, 268
Front Royal	280A
Galax	251
Gretna	277
Grundy	269A
Hampton	267
Harrisonburg	264, 288A
Hopewell	221A
Lawrenceville	288A
Lexington	252A
Luray	257A, 292A
Lynchburg	261A, 269A
Manassas	294
Marion	230
Martinsville	242
Norfolk-Newport News	225,
239, 247, 254, 259, 263, 275, 283, 287	
Norton	296A
Orange	244A
Petersburg	257A
Pulaski	296A
Richmond	233, 251, 271, 279, 293
Roanoke	222, 235, 256
Salem	228A
South Boston	248
Staunton	228A, 272A
Warrenton	232A, 299
Warsaw	237A
Waynesboro	224A
Williamsburg	243
Winchester	223, 273
Woodbridge	290

WASHINGTON

Aberdeen	284
Bellingham	225, 282A
Bremerton	295
Centralia	275
Chelan	228A
Colfax	272A
Colville	221A
Edmonds	287
Ellensburg	221A
Ephrata	240A
Grand Coulee	253, 266

	Channel No.
Hoquiam	280A
Kennewick	287
Longview	240A
Lynden	293
Moses Lake	262
Omak	224A
Opportunity	241
Othello	249A
Prosser	272A
Pullman	285A
Quincy	232A
Richland	236, 281
Seattle	223, 227, 231, 235,
239, 243, 251, 255, 260, 264, 268, 273, 299	
Spokane	225, 229, 251, 255, 260, 289, 306
Sunnyside	244A
Tacoma	247, 280A, 291
Toppenish	224A
Walla Walla	227, 246
Wenatchee	257A, 285A
Yakima	292A, 297

WEST VIRGINIA

Beckley	258, 279
Bluefield	283, 291
Buckhannon	237A
Charleston	241, 248, 253, 260, 290
Charles Town	252A
Clarksburg	224A, 249A
Elkins	232A
Fairmont	261A, 276A
Grafton	265A
Huntington	223, 263, 277
Keyser	240A
Logan	270, 274
Martinsburg	248
Montgomery	265A
Morgantown	257A, 270, 293
Moundsville	288A
New Martinsville	280A
Oak Hill	231
Parkersburg	257A, 276A
Richwood	244A
Ronceverte	288A
St. Albans	292A
Weston	228A
Wheeling	247, 254, 298
Williamson	243

WISCONSIN

Antigo	285A
Appleton	257A
Ashland	240A
Beloit	240A
Eagle River	232A
Eau Claire	231, 264
Fort Atkinson	297
Green Bay	253, 266
Greenfield Twsp	235
Hayward	221A
Janesville	260
Kaukauna	285A
Kenosha	236, 245
LaCrosse	227
Ladysmith	288A
Madison	251, 268, 273, 281
Manitowoc	272A, 280A
Marinette	236
Marshfield	300
Medford	257A
Menomonie	285A
Merrill	224A
Milwaukee	227,
233, 239, 243, 247, 256, 271, 275, 299	
Monroe	229
Mt. Horeb	221A
Neenah-Menasha	230, 289
Neillsville	288A
Oshkosh	244A
Park Falls	252A
Prairie Du Chien	232A
Racine	221A, 264
Rhineland	298
Rice Lake	242
Richland Center	265A
Ripon	240A
Sauk City	244A
Shawano	262, 274
Sheboygan	249A
Sparta	246

WISCONSIN—Continued

	Channel No.
Stevens Point	250
Sturgeon Bay	240A
Tomah	255
Viroqua	272A
Watertown	284
Waukesha	291
Wausau	238, 270
Wauwatosa	279
West Bend	223
Wisconsin Rapids	277, 293

WYOMING

Buffalo	244A
Casper	233, 238
Cheyenne	250, 292A
Cody	232A
Douglas	221A
Evanston	292A
Gillette	228A
Lander	248
Laramie	241, 255
New Castle	257A
Powell	225
Rawlins	224A
Riverton	228A
Rock Springs	243, 258
Sheridan	235, 243
Thermopolis	252A, 269A
Torrington	257A
Wheatland	269A
Worland	240A

§ 3.203 Availability of channels.

(a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct FM broadcast stations in the 48 conterminous states only on the channels assigned in the table of assignments (§ 3.202(b)) and only in communities listed therein. Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the table, will not be accepted for filing: *Provided, however,* That applications specifying channels which accord with publicly announced Commission orders changing the table of assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

(b) A channel assigned to a community listed in the table of assignments is available upon application in any unlisted community which is located within 25 miles of the listed community. Where channels are assigned to two or more communities listed in combination in the table of assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the United States Department of Commerce entitled "Air Line Distance Between Cities in the United States". (This publication may be purchased from the Government Printing Office, Washington, D.C.) If said publication does not contain the coordinates of either or both communities, the coordinates of the main post office in either or both of the communities shall be used. The method to be followed in making the measurements is set forth in § 3.208(b).

2. The portion of paragraph (a) of the section herein designated § 3.207, (formerly § 3.205) which precedes the table for "Class of Station and Frequency Separation (kc/s)" is amended as follows:

§ 3.207 Minimum mileage separations between co-channel and adjacent-channel stations on commercial channels.

(a) Petitions to amend the table of assignments (§ 3.202(b)) (other than those expressly requesting amendment of this section or § 3.205) will be dismissed and no application for a new station, change in the channel of an existing station, or (except as provided in paragraph (b) of this section) increase in antenna height or effective radiated power, or change in location of an existing station will be accepted for filing unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent-channel stations (both existing and proposed) as the distances specified in this paragraph. Proposed stations of the respective classes shown in the left-hand column of the following table shall be located no less than the distance shown from co-channel stations and first adjacent-channel stations (200 kc/s removed) and second and third adjacent-channel stations (400 and 600 kc/s removed) of the classes shown in the remaining columns of the table. The distances shown between stations of different classes apply regardless of which is the proposed station under consideration (e.g., distances shown from a new class A station to an existing class C station are also the distances between a new class C and an existing class A station). The distances between class B and class C stations apply only across zone lines. The adjacent-channel spacings listed also apply: (1) To applications for noncommercial educational facilities on channels 218, 219, or 220, with respect to other stations on channels 221, 222, or 223; (2) to applications for facilities on channels 221, 222, or 223 with respect to noncommercial educational stations on channels 218, 219, or 220 (for classification of noncommercial educational stations, see § 3.504).

3. Paragraphs (a) and (b) of the section herein designated § 3.208 (formerly § 3.206) are redesignated as paragraphs (b) and (c), respectively, and a new paragraph (a) is added, as follows:

§ 3.208 Reference points and distance computations.

(a) In considering petitions to amend the table of assignments (§ 3.202(b)), the following reference points shall be used by the Commission in determining separations between communities:

(1) Where transmitter sites for the pertinent channels have been authorized in communities involved in a petition to amend the table of assignments, separations between such communities shall be determined by the distance between the coordinates of the authorized transmitter sites in the respective communities as set forth in the Commission's authorizations therefor.

(2) Where an authorized transmitter site is available for use as a reference point in one community but not in the other for the pertinent channels, separations shall be determined by the distance between the coordinates of the transmitter site as set forth in the Commission's authorization therefor and the coordi-

nates of the other community as set forth in the publication of the United States Department of Commerce entitled "Air Line Distances Between Cities in the United States." If said publication does not contain the coordinates for said other community, the coordinates of the main post office thereof shall be used.

(3) Where no authorized transmitter sites are available for use as reference points in both communities for the pertinent channels, the distance between the two communities listed in the above publication shall be used. If said publication does not contain such distance, the separation between the two communities shall be determined by the distance between the coordinates thereof as set forth in said publication. Where such coordinates are not contained in said publication, the coordinates of the main post offices of said communities shall be used.

(4) Where the distance between the reference point in a community to which a channel is proposed to be assigned and the reference point in another community or communities does not meet the minimum separation requirements of § 3.207, the channel may be assigned to such community upon a showing that a transmitter site is available that would meet the minimum separation requirements of § 3.207 and the minimum field intensity requirements of § 3.315. In such cases, where a station is not authorized in the community or communities to which measurements from the proposed channel assignment must be made pursuant to § 3.207, a showing should also be made that the distance between suitable transmitter sites in such other community or communities and the proposed transmitter site for the new channel meet the Commission's minimum spacing and coverage requirements.

4. Paragraph (a)(1) of the section herein designated § 3.211 (formerly § 3.209) is amended to read as follows:

§ 3.211 Power and Antenna height requirements.

(a) *Minimum requirements.* (1) Except as provided in paragraph (b)(2) of this section, the minimum effective radiated power shall be,

Class A	100 watts (-10 dbk)
Class B	5 kw (7 dbk)
Class C	25 kw (14 dbk)

5. Section 3.316 is amended by deleting paragraph (c), redesignating present paragraphs (d) through (l) as (e) through (m), and inserting new paragraphs (c) and (d) as follows:

§ 3.316 Antenna systems.

(c) *Directional antennas.* A directional antenna is considered to be an antenna that is designed or altered for the purpose of obtaining a noncircular radiation pattern. Directional antennas may not be used for the purpose of reducing minimum mileage separation requirements but may be employed for the purpose of improving service or for the purpose of using a particular site; directional antennas with a ratio of maximum to minimum radiation in the

horizontal plane of more than 15 decibels will not be permitted.

(d) *Applications for directional antennas.* Applications proposing the use of directional antenna systems must be accompanied by the following:

(1) Complete description of the proposed antenna system, including:

(i) a description of the means whereby the directivity is proposed to be obtained, and

(ii) the means (such as a rotatable reference antenna) whereby the operational antenna pattern will be determined prior to licensed operation and maintained within proper tolerances thereafter.

(2) Horizontal and vertical plane radiation patterns showing the free space field strength in mv/m at 1 mile and effective radiated power in dbk for each direction. If directivity was computed, the method by which the radiation patterns were computed, including formulae used, sample calculations and tabulations of data. If the directivity was measured, the method employed should be fully described, including the equipment used and the resultant measured data shall be tabulated. Sufficient vertical patterns shall be included to indicate clearly the radiation characteristics of the antenna above and below the horizontal plane. Complete information and patterns shall be provided for angles of +10° from the horizontal plane and sufficient additional information included on that portion of the pattern lying between +10° and the zenith and -10° and the nadir, to conclusively demonstrate the absence of undesirable lobes in these areas. The horizontal plane pattern shall be plotted on polar coordinate paper with reference to True North. The vertical plane pattern shall be plotted on rectangular coordinate paper with reference to the horizontal plane.

(3) Name, address, and qualifications of the engineer making the calculations.

6. Paragraphs (a), (b) (2), (d) (2), and (e) of § 3.504 are amended to read as follows:

§ 3.504 *Zones, classes of stations, use of channels, facilities, and minimum mileage separation between stations.*

(a) *Zones.* For the purpose of assignment of non-commercial educational FM stations, the United States is divided into three zones, zone I, zone I-A, and zone II, having the boundaries specified in § 3.205.

(b) \* \* \*

(2) Noncommercial educational stations with more than 10 watts transmitter output are classified as class A, class B, or class C, depending on the effective radiated power and antenna height above average terrain, and the zone in which the station's transmitter is located, on the same basis as provided in § 3.205 for stations on the non-reserved FM channels. Where a station is authorized with more than 3 kilowatts (4.8 dbk) effective radiated power, or coverage greater than that obtained by the equivalent of 3 kilowatts effective radiated power and

300-foot antenna height above average terrain, it is classified as a class B station if its transmitter is located in zone I or zone I-A, and as a class C station if its transmitter is located in zone II. Class A stations may be assigned in all zones.

\* \* \* \* \*

(2) On channels 218, 219, and 220 specified in § 3.501, no class B or class C educational station will be authorized with effective radiated power greater than that specified in § 3.211(b)(1) for the respective class of station, and the maximum effective radiated power permissible shall also be subject to the provisions of § 3.211(b)(2).

(e) *Minimum mileage separations.* No application for a new station, or change in channel or transmitter site or increase in facilities of an existing station, will be granted unless the proposed facilities will be located so as to meet the adjacent channel mileage separations specified in § 3.207(a) for the class of station involved with respect to stations on channels 221, 222, and 223 listed in § 3.201 (except where in the case of an existing station the proposed facilities fall within the provisions of § 3.207(b)).

APPENDIX B

The parties below filed petitions for reconsideration of the rules adopted by the "First Report and Order". The list does not include petitions which were considered fully in the "Second Report".

- American Broadcasting Company.
- American Federation of Communications Consulting Engineers.
- Belk Broadcasting Company of South Carolina.
- Concert Network, Inc.
- Dorlen Broadcasters, Inc.
- William C. Forrest (also petitioned for reconsideration of the "Second Report").
- High Fidelity Broadcasters, Inc.
- Kear & Kennedy.
- KRKC, Inc.
- Miami Valley Broadcasting Corporation.
- The Moody Bible Institute of Chicago.
- National Association of FM Broadcasters.
- Newhouse Broadcasting Corporation.
- North Cincinnati Broadcasting Company.
- Rock Island Broadcasting Company.
- Rollins Broadcasting of Delaware, Inc.
- Rust Craft Broadcasting Company.
- Triangle Publications, Inc. (Radio and Television Division).
- Tribune Publishing Co.
- WBEN, Inc.
- WJAC, Inc.
- WMRC, Inc.
- WNOW, Inc.

APPENDIX C

The parties listed below filed comments subsequent to the second further notice which related primarily to the general principles involved in adopting a table of assignments for FM. Many other parties also submitted general comments accompanied by alternative requests for specific changes in the proposed table or requests related to the problems of particular existing stations. Respondents in the latter categories are listed by State in Appendices D and E. Since some respondents listed below also mentioned problems in specific areas

or States our division of appendices is somewhat arbitrary.

- (1) American Broadcasting Company.
- (2) American Federation of Communications Consulting Engineers.
- (3) D. Ridgely Bolgiano.
- (4) Charles River Broadcasting Company.
- (5) FM, Unlimited.
- (6) Palmer A. Greer.
- (7) William H. Hagerty.
- (8) High Fidelity Broadcasters, Inc.
- (9) Illinois Broadcasting Company.
- (10) Ellis F. Jones, Jr.
- (11) Kear and Kennedy.
- (12) KMLA Broadcasting Corporation.
- (13) E. Harold Munn, Jr.
- (14) National Association of Broadcasters.
- (15) National Broadcasting Company.
- (16) Pacific FM, Incorporated.
- (17) Raymond E. Rohrer and Associates.
- (18) Taft Broadcasting Company.
- (19) Triangle Publications, Inc.
- (20) WCAR, Inc.
- (21) Nathan Williams.

APPENDIX D

Listed below, by State, are respondents whose comments were concerned with the problem of particular short-spaced existing stations. Many of these respondents also commented generally as to the principles involved in the table and the mileage separations underlying the table. Respondents requesting specific channel changes to eliminate short-spacing problems are listed in Appendix E (only).

CALIFORNIA

- (1) Albert John Williams (KTYM-FM, Inglewood).

DELAWARE

- (1) Delmarva Broadcasting Company (WDEL-FM, Wilmington).

DISTRICT OF COLUMBIA

- (1) The Washington Post Company (WTOP-FM).

FLORIDA

- (1) Fairfax Broadcasting Company, Inc. (WQXT-FM, Palm Beach).
- (2) Miami Valley Broadcasting Corporation (WTOD-FM, Miami).

GEORGIA

- (1) Northeast Georgia Broadcasting Company (WDUN-FM, Gainesville).

INDIANA

- (1) South Bend Tribune (WSBT-FM, South Bend).
- (2) South Central Broadcasting Corporation (WIKY-FM, Evansville).
- (3) Howard A. White (Manager) (WCTW-FM, New Castle).

MARYLAND

- (1) The Chesapeake Broadcasting Corporation (WASA-FM, Havre de Grace).
- (2) Dorlen Broadcasters, Inc. (WSMD-FM, Waldorf).

MICHIGAN

- (1) Knorr Broadcasting Corporation (WKMH-FM, Dearborn).
- (2) Kenneth Hugh MacDonald (WSAM-FM, Saginaw).
- (3) Twin Valley Broadcasters, Incorporated (WTVB-FM, Coldwater).

NORTH CAROLINA

- (1) WIST, Inc. (WIST-FM, Charlotte).
- (2) WKIX Broadcasting Company (WKIX-FM, Raleigh).
- (3) WPTF Radio Company (WPTF-FM, Raleigh).

## OHIO

(1) Northeastern Pennsylvania Broadcasting, Inc. (WDOK-FM, Cleveland).

(2) Peoples Broadcasting Corporation (WRFD-FM, Columbus-Worthington). NOTE: This comment is dissimilar to the others in this listing in that WRFD-FM is not a short-spaced station seeking to increase facilities, but an existing super-maximum facility requesting absolute protection of its 1 mv/m contour against other assignments in the table.

(3) Radio Station WPAY, Inc. (WPAY-FM, Portsmouth).

(4) Radio Station WPFB, Inc. (WPFB-FM, Middletown).

(5) Radio Ohio, Inc. (WBNS-FM, Columbia).

(6) Speidel Broadcasting Corporation (WKET-FM, Kettering).

## PENNSYLVANIA

(1) Associated Broadcasters, Inc. (WEST-FM, Easton).

(2) Nemco Broadcasting Corporation (WPGH (FM), Pittsburgh).

(3) WGBI Radio, Inc. (WGNI-FM, Scranton).

(4) WHP, Inc. (WHP-FM, Harrisburg).

(5) WKJF, Inc. (WKJF-FM, Pittsburgh).

## SOUTH CAROLINA

(1) Bob Jones University (WMVV-FM, Greenville, S.C.).

(2) WMRC, Inc. (WFBC-FM, Greenville, and WEIR-FM, Knoxville, Tenn.).

## VIRGINIA

(1) Times World Corporation (WDBJ-FM, Roanoke).

## APPENDIX E

Listed below, by state, are respondents who requested more or less specific modifications in the proposed table—i.e., that channels be added or deleted at particular locations or that various interrelated changes in proposed assignments be made. Many of these respondents also submitted general comments—running a full range between those favoring the principle of a table based on the Commission's mileage separations to parties urging a return to the 1 mv/m contour system with a weighing of service gains against losses from interference. Often, a specific channel request was a secondary alternative to the major thrust of a comment advocating more sweeping changes.

In each case listed below, we have indicated the specific changes requested in the table and our disposition of each request. Where it has not been possible to grant a request, we have briefly stated the reasons why denial was necessary. A more general discussion of our reasons for denying requested channel changes is set out in paragraphs 26 and 27 of the Report.

We have also indicated, for each state, other changes in the proposed Table, made upon the Commission's own motion.

Class A frequencies are so designated. Assignments marked with an asterisk represent existing stations.

## ALABAMA

(1) Bankhead Broadcasting Company Incorporated—WWWF (AM), Fayette.

Request: Class C channel 225 for Fayette, making changes in proposed assignments for four other communities.

Action: Granted, with following changes:

City	Delete	Add
Fayette, Ala.-----		225
Carrollton, Ala.-----	224(A)	292(A)
Sheffield, Ala.-----	224(A)	292(A)
Greenwood, Miss.-----	225	256
New Albany, Miss.-----	293	292(A)

(2) Voice of Cullman—WFMH (AM and FM), Cullman.

Request: Assign a new class A channel at Cullman.

Action: Denied. Cullman has one existing class C station and no other channel would meet minimum separation requirements at Cullman.

(3) Other changes on Commission's own motion:

City	Delete	Add
Auburn -----		249(A)
Enterprise -----		228(A)
Clanton -----		249(A)
Birmingham -----	248	

## ARIZONA

(1) Maricopa County Broadcasters, Inc.—KALP (AM)—Mesa.

Request: Delete Channel 227 from Phoenix and assign to Mesa, or, assign some other class C channel to Mesa.

Action: Channel 227 shifted from Phoenix to Mesa.

## ARKANSAS

(1) Central Arkansas Broadcasting Company, Inc.—Applicant for FM station at Dardanelle.

Request: Assign a class C channel (282 or 300) to Dardanelle, rather than proposed assignment of class A channel, 272(A).

Action: Only channel 272(A), as proposed in "Second Notice", assigned to Dardanelle. Channel 282 would not meet minimum spacing requirements. Channel 300 was used to provide a second assignment to Jonesboro (see (4), below), which is a much larger community.

(2) El Dorado Broadcasting Co.—KDMB (AM) and applicant for FM station at El Dorado.

Request: Supports proposed assignments for El Dorado.

Action: Proposed assignments finalized.

(3) Ozark Radio and Equipment Co., Inc.—KTES (AM), Berryville.

Request: Assign an FM channel to Berryville.

Action: Channel 237(A) assigned to Berryville.

(4) Radio Jonesboro, Inc.—KNEA (AM), Jonesboro.

Request: Assign channel 300 to Jonesboro.

Action: Assigned as requested.

(5) Southern Newspapers, Inc.—Applicant for FM station at Hot Springs.

Request: Assign an additional class C channel to Hot Springs, as well as the two class A channels proposed.

Action: Class C channel 248 assigned to Hot Springs, deleting 248 from Little Rock and changing Mena, Ark., from 249(A) to 240(A).

(6) Other changes on the Commission's own motion: Channel 224(A) assigned to Magnolia. Channel 261(A) deleted from Texarkana and channel 296(A) substituted in lieu thereof.

## CALIFORNIA

(1) American Broadcasting Company-Paramount Theatres, Inc.—KGO-FM, San Francisco.

Request: (a) Assign channel 289 to Santa Clara, rather than San Jose.

(b) Modify the construction permit of Robert E. and Marcella Podesta to specify operation on channel 289 at Santa Clara, rather than channel 277.

(c) Delete channel 277 from Santa Clara.

Action: Proceedings initiated in accordance with request. See paragraph 29 of the report and order. Pending outcome of this

proceeding, channel 289 is deleted from San Jose.

(2) Assembly of God of Pacific Beach.

Request: Assign channel 299 to San Diego. Action: Denied. San Diego has 11 FM assignments plus other nearby stations. Channel 299 is reserved for more efficient future use.

(3) Allen C. Bigham—KCTY (AM), Salinas.

Request: Assign channel 232(A) or 280(A), or both, to Salinas.

Action: Channel 280(A) added to table at Salinas.

(4) Family Stations, Inc.—KEBR (FM), Sacramento.

Request: Substitute channel 257(A) for proposed channel 261(A) at Stockton, changing Merced from 258 to 268. This would eliminate potential interference in areas receiving usable service from KEBR (FM).

Action: The Table is modified as requested.

(5) David R. Feldman and Associates.

Request: Assign Channel 223 to San Diego.

Action: Denied. Same reasons as (2) above.

(6) Intercontinental Radio, Inc.—KUFY (FM), Redwood City.

Request: Supports proposed assignment of channel 299 to Redwood City.

Action: Proposed assignment changed to San Mateo, pursuant to recent grant of a KUFY (FM) application.

(7) KRKC, Inc.—KRSA (AM) and applicant for FM station at Alisal.

Request: Assign channel 264 to Alisal rather than Monterey.

Action: The table is modified as requested.

(8) Orange County Broadcasting Corporation.

Request: Assign an FM channel, preferably class B, to Laguna Beach.

Action: Denied. No channel would meet minimum mileage separation requirements.

(9) Pacifica Foundation—KPFA (FM) Berkeley.

Request: (a) Substitute Channel 228(A) for proposed channel 232(A) at Roseville. Channel 232(A) would meet minimum separations but would involve potential interference to KPFA (FM) in areas of present listenership.

(b) Change designation of San Francisco stations to San Francisco-Oakland.

Action: (a) The Table is modified as requested.

(b) Denied. These are all existing stations. Respondent has not made a sufficient showing to justify modifying the licenses.

(10) Pacific FM, Incorporated—KPEN (FM), San Francisco.

Request: Assign Channel 257 rather than proposed channel 269 to Carmel, to protect KPEN (FM) in areas of present listenership.

Action: Denied. The channel proposed in the table meets minimum spacings and the channel proposed by KPEN (FM) would not.

(11) J. Ned Richardson—KPAY (AM), Chico.

Request: Change zone boundaries so that a class C channel may be assigned to Chico rather than the two class B channels proposed in the table.

Action: Denied. Proposed assignments finalized. See paragraph 33 of the report.

(12) Other changes on Commission's motion: Channel 232(A) assigned to Tracy, California.

## COLORADO

(1) Bonanza Broadcasting Corporation—KDEY (AM), Boulder.

Request: Assign channel 282 to Boulder as a second channel.

Action: Denied. This request was mutually exclusive with that of Radio Longmont, Incorporated, set out below, (3).

(2) KIMN Broadcasting Co.—KIMN (AM), Denver.

Request: Supports proposed assignment of channel 238 to Denver.  
 Action: Proposed assignment finalized.  
 (3) Radio Longmont, Incorporated—**KLMO (AM), Longmont.**  
 Request: Assign channel 282 to Longmont.  
 Action: The table is modified as requested. Longmont was preferred over Boulder for channel 282 because the former has no FM assignment and only a daytime AM station. Boulder, though a larger city, has an existing FM station, an unlimited time AM station and a daytime AM station.

CONNECTICUT

(1) Thames Broadcasting Corp.—**WNLC (AM), New London.**  
 Request: Assign an FM channel to New London.  
 Action: Denied. No channel would meet minimum mileage separation requirements.  
 (2) The Valley Broadcasting Company—**WADS (AM), Ansonia,** and applicant for an FM station at Ansonia.  
 Request: Assign channel 271 to Ansonia at short-spacing.  
 Action: Denied. Channel 271 would not meet minimum mileage separations.

DELAWARE

(1) Elizabeth and W. Courtney Evans—**WSUX (AM), Seaford.**  
 Request: Assign a class B channel to Seaford. If this is not possible, finalize the proposed assignment of channel 252(A).  
 Action: Channel 252(A) assigned to Seaford as proposed. No class B channel would meet minimum mileage separation requirements.

FLORIDA

(1) J. Kenneth Ballinger—**WBGW (FM), Tallahassee.**  
 Request: Delete channel 253 from Panama City and substitute some other channel, so as to protect **WBGW (FM)** operation in the Florida Defense Network.  
 Action: Channel 253 deleted at Panama City, and channel 300 substituted in lieu thereof.  
 (2) Blue Water Broadcasting Co., Inc.—**WSTU (AM),** and applicant for an FM station at Stuart.  
 Request: Assign channel 270 or 300 to Stuart.  
 Action: Denied. Channel 224(A) assigned to Stuart as proposed. The requested class B channels would not meet minimum mileage separations.  
 (3) D. Ridgely Bolgiano.  
 Request: Assign channel 291 to Sarasota.  
 Action: Class A channels 288(A) and 292(A) added as additional assignments for Sarasota, but request for class C channel 291 denied. Two new class A assignments appear better suited to the needs of Sarasota than only one class C. See (12), below.  
 (4) City of St. Petersburg—**WSUN (AM and TV), St. Petersburg.**  
 Request: Assign channel 291 to St. Petersburg and change channels 235 and 297 from Tampa to "Tampa-St. Petersburg".  
 Action: Request for channel 291 denied. However, channel 297 changed from Tampa to St. Petersburg designation. (Tampa, therefore, has four class C assignments, and St. Petersburg has three class C assignments.) Channel 291 would not meet minimum mileage separation requirements.  
 (5) Fine Music Broadcasts, Inc.—Applicant for FM station at Jacksonville.  
 Request: Supports proposed assignments for Jacksonville.  
 Action: Proposed assignments finalized.  
 (6) Mus-Air, Inc.—Applicant for FM station at Panama City.  
 Request: Supports proposed assignment of class C channels 223 and 253 for Panama City.

Action: Assignment of 223 finalized as proposed; channel 300 substituted for channel 253. (See (1) above.)  
 (7) Orange County Broadcasting Co.—**WKIV (AM), Windermere.**  
 Request: Assign specific channel at Windermere.  
 Action: Channel 237(A) assigned to Windermere.  
 (8) Sarasota-Charlotte Broadcasting Corporation—**WENG (AM), Englewood.**  
 Request: Assign a class C channel or, in any event, a class A channel to Englewood.  
 Action: Denied. No channel would meet minimum mileage separation requirements. However, channel 221(A) at Venice may be applied for by an Englewood applicant under the 25 mile rule.  
 (9) Sunshine Broadcasting Company—**WDBF (AM), Delray Beach.**  
 Request: Either shift channel 274 from Boca Raton to Delray Beach or shift channel 300 from West Palm Beach to Delray Beach.  
 Action: Channel 274 deleted from Boca Raton and assigned to Delray Beach.  
 (10) University of Florida—**WRUF-FM, Gainesville.**  
 Request: Substitute channel 279 for **WRUF-FM's** present channel, 281, at Gainesville, deleting channel 279 from Bainbridge, Georgia. Modify the license of **WRUF-FM** accordingly.  
 Action: The table is modified as requested and the license of **WRUF-FM** is modified to specify operation on channel 279.  
 (11) **WKKO Radio, Inc.—WKKO (AM), Cocoa.**  
 Request: If possible, assign a class C channel to Cocoa, rather than the class A channel proposed. If not possible, retain the class A assignment.  
 Action: Request for class C assignment denied. No class C channel would meet minimum mileage separations. Channel 257 (A) assigned as proposed.  
 (12) **WSPB Broadcasting Co., Inc.—WSPB (AM), Sarasota.**  
 Request: Assign channels 288(A) and 292 (A) to Sarasota.  
 Action: The table is modified as requested.  
 (13) **Indian River Radio, Inc.—WMMB (AM), Melbourne.**  
 Request: (a) Change assignment principles and assign class B channel to Melbourne and Eau Gallie.  
 (b) Assign class A channels 228(A) or 296 (A) to Melbourne or Eau Gallie.  
 Action: Channel 296(A) assigned to Eau Gallie. No class B channel would meet minimum mileage separations.  
 (14) Other changes on the Commission's own motion:

City	Delete	Add
Milton		272(A)
Mount Dora		299
Belle Glade		228(A)
Clewiston	228(A)	
Sanford		276(A)
Palatka	275	

GEORGIA

(1) Cherokee Broadcasting Company, Inc.—**WCHK (AM), Canton.**  
 Request: Assign channel 248 to Canton, changing southeast to zone I and making several other channel shifts to do so.  
 Action: Denied. Channel 248 would not meet zone II spacings. See paragraph 33 of the Report.  
 (2) Colquitt Broadcasting Company—**WMIN (AM), Moultrie.**  
 Request: Assign an FM channel to Moultrie.  
 Action: Channel 230 assigned to Moultrie, deleting channel 233 from Albany.  
 (3) Esquire, Inc.—**WQXI (AM), Atlanta.**  
 Request: Assign channel 248 to Atlanta, deleting 248 from Birmingham, Ala., and

from Knoxville, Tenn., and changing Gainesville and Griffin each to 272(A) from 246 and 249(A), respectively.  
 Action: Denied. Atlanta has six class C assignments. The addition of channel 248 to Atlanta would have required reducing Knoxville, Tenn., a city of 250,000, to only three FM channels, and would have required changing Griffin, Ga. from a class C to a class A assignment.  
 (4) High Fidelity Broadcasters of Georgia.  
 Request: Assign a class A or class C channel to Cartersville.  
 Action: Channel 288(A) assigned to Cartersville.  
 (5) **Musicast of the South, Inc.—WBBQ-FM, Augusta.**  
 Request: Supports the proposal of Carolina Broadcasting Co. (**WSOC-FM**) that the following changes be made in the table, modifying the licenses of **WBBQ-FM** and **WSOC-FM, Charlotte, N.C.:**

City	Delete	Add
Asheville, N.C.	1282	
Charlotte, N.C.	278*	279*
Augusta, Ga.	279*	282*

\* An erroneous assignment.

Action: The table is modified as requested. The licenses of Stations **WBBQ-FM, Augusta, Ga.,** and **WSOC-FM, Charlotte, N.C.** are modified so specify operation on channels 282 and 279, respectively. See paragraph 29 of the Report.  
 (6) **Radio Athens, Inc.—WRFC (AM), Athens.**  
 Request: Assign an additional channel for Athens.  
 Action: Denied. No additional channel complies with minimum spacing requirements.  
 (7) **Radio Station WTJH-WTJH (AM),** and applicant for an FM station at East Point.  
 Request: Assign channel 299 to East Point, deleting 299 from Birmingham, Ala., or assign channel 300 to East Point at short-spacing.  
 Action: Each request denied. Channel 300 would not meet minimum spacings. Channel 299 will not be assigned to East Point—which is adjacent to Atlanta—because it would require deletion of channel 299 at Birmingham and channel 300 at Macon.  
 (8) **SEEP Enterprises, Inc.**  
 Request: Assign channel 272(A) to Chamblee, or, alternatively, to Doraville.  
 Action: Denied. (Mutually exclusive with request of next respondent.)  
 (9) **Southwest Alabama Broadcasting Company, Inc.—WLBB (AM), Carrollton.**  
 Request: Assign a class C channel or, in any event, class A channel 272(A) to Carrollton.  
 Action: Channel 272(A) assigned to Carrollton. Request for class C channel denied. No class C channel will meet minimum spacings. Carrollton was preferred for Channel 272(A) because it is much further from Atlanta than Chamblee or Doraville and has a larger population than either Chamblee or Doraville.  
 (10) **Tattall County Broadcasting Company—WKIG (AM), Glenville.**  
 Request: Assign an FM channel to Glenville.  
 Action: Denied. No channel would meet minimum mileage separations.  
 (11) **WIIN, Inc.—WIIN (AM),** and applicant for FM station at Atlanta.  
 Request: Grant **WIIN's** pending application for 298 at Atlanta.  
 Action: No provision in table for channel 298 at Atlanta. Channel 298 would not meet minimum separations unless three other assignments were deleted.

(12) Other changes on the Commission's own motion:

City	Add
Cornelia	257(A)
Americus	232(A)
Cordele	252(A)
Milledgeville	272(A)
Rome	249(A)

ILLINOIS

(1) American Broadcasting Company-Paramount Theatres, Inc.—WENR—FM, Chicago.

Request: Change listing in table from "236\*" for Aurora to "300\*".

Action: The table is modified to list the existing facilities of Station WMRO—FM, at Aurora, as operating on channel 300. Pursuant to the decision of the U.S. Court of Appeals for the District of Columbia, a grant which would have enabled WMRO—FM to operate on channel 236 has been set aside.

(2) Blue Island Broadcasting Co., Inc.—Applicant for a new FM station at Blue Island, mutually exclusive with the renewal application of WXFM (FM), Elmwood Park. (Hearing Docket 12604).

Request: Delete channel 292(A) from Lansing and assign channel 290 to Blue Island.

Action: The request to delete channel 292 (A) from Lansing (where it is occupied by an existing station) is denied. However, channel 290 which also represents an existing station in the table, will be included in the table at either Blue Island or Elmwood Park if it is determined, in Docket 12604, that the applicant for one of those communities should prevail.

(3) William R. Brown and Donald R. Williams d/b as Regional Radio Service—WRTL (AM), Rantoul.

Request: Assign channel 237(A) to Rantoul.

Action: The table is modified as requested.

(4) Four County Broadcasters, Inc.—WCMT (AM), Centralia.

Request: Assign an FM channel to Centralia.

Action: Channel 237(A) is assigned to Centralia.

(5) Gale Broadcasting Co., Inc.—WPMT (FM), Chicago. On December 5, 1962, the Commission denied Gale Broadcasting's petition to designate for hearing the license application of Station WRSV (FM), Skokie. Gale claims that WRSV (FM) causes a greater amount of second adjacent channel interference to the existing operation of WPMT (FM) than had been predicted at the time the WRSV (FM) construction permit was granted. Petitions for reconsideration of the Commission's action denying the Gale petition are currently pending.

Request: Assign channel 294—ordinarily a class B frequency—to Skokie for use as a class A channel. Modify the license of WRSV (FM) to specify operation on channel 294 as a class A station and delete the assignment of channel 252(A) from Skokie.

Action: Denied. Channel 294 does not meet minimum spacings at Skokie.

(6) Havana Broadcasting Company. Request: Assign channel 257(A) at Havana.

Action: The table is modified as requested.

(7) Thomas R. Hill—Applicant for an FM station at Ottawa.

Request: Assign channel 252(A) to Ottawa. Action: Channel 252(A) assigned to Ottawa with following changes in table:

City	Delete	Add
Ottawa		252(A)
Peru	252(A)	261(A)
LaSalle	261(A)	257(A)
Princeton	257(A)	

(8) Joseph L. Lepp, Inc.—Applicant for an FM station at Columbia.

Request: Assign channel 285(A) or 289 to Columbia.

Action: Denied. Assignment of 258(A) would require deletion of 285(A) from Granite City, population 40,000, the only assignment for that city. The population of Columbia is only 3,200. Channel 289 is now assigned to Ste. Genevieve, Mo. (See Missouri (5) and more than 20 miles farther removed from St. Louis.

(9) Loves Park Broadcasting Company. Request: Assign channel 244(A) to Loves Park.

Action: The table is modified as requested.

(10) McHenry County Broadcasting Company. Request: Assign channel 288(A) to Woodstock.

Action: The table is modified as requested.

(11) McLean County Broadcasting Company. Request: Assign class B channel 287 to Normal, rather than proposed 244(A).

Action: Denied. Channel 244(A) assigned as proposed. Channel 287 conflicts with class B and C assignments at Lafayette, Ind., and Dubuque, Iowa, respectively, both much larger cities than Normal.

(12) Mendota Broadcasting Company. Request: Assign channel 265(A) to Mendota, substituting channel 249(A) for 265(A) at Streator.

Action: The table is modified as requested.

(13) News-Sun Broadcasting Company—WKRS (AM), Waukegan. Applicant for channel 294 at Waukegan, mutually exclusive with Radio America, below.

Request: Assign channel 294 to Waukegan at short-spacing.

Action: Denied. Channel 294 does not meet minimum mileage separations.

(14) Edward W. Piszczek and Jerome K. Westerfield—Applicants for channels 244(A) at Des Plaines.

Request: Assign channel 244(A) or 294 to Des Plaines.

Action: Denied. Neither channel meets minimum separations.

(15) Prairieland Broadcasters—W R A M (AM), Monmouth.

Request: Assign channel 249(A) or 272 (A) or other class A channel to Monmouth.

Action: Channel 249(A) assigned to Monmouth, deleting channel 249(A) from Galesburg.

(16) Radio America—Applicant for channel 294 at Chicago, mutually exclusive with application of News-Sun Broadcasting Co., above.

Request: Modify assignment principles so as to allow grant of the Radio America application. In a later comment (July 3, 1963) Radio America suggested a series of channel shifts to provide new assignments for Waukegan, Chicago, Skokie, and Lansing.

Action: Denied. The proposed changes—or assignment of channel 294 at Chicago—would not meet minimum separations.

(17) Barbara Roman. Request: Assignment of an additional channel (FM) to Waukegan.

Action: Denied. No channel would meet minimum spacings.

(18) WKAI Broadcasting Company—WKAI (AM) and applicant for FM, Macomb.

Request: Assign channel 230, rather than proposed 261(A) to Macomb.

Action: Denied. Channel 261(A) assigned as proposed. Channel 230 would not meet minimum spacings.

(19) Other changes on the Commission's own motion:

City	Add
Moline	285(A)
Marion	232(A)

INDIANA

(1) Columbia Broadcasting System—WBBM—FM, Chicago, Ill.

Request: Questions whether the proposed assignment of channel 240(A) to Michigan City, Indiana, may be short-spaced to WBBM—FM.

Action: Channel 240(A) retained at Michigan City. There will be no short-spacing if the transmitter site for Michigan City is carefully chosen.

(2) Gary Printing and Publishing Company.

Request: Assign Channel 288(A) to Valparaiso.

Action: The table is modified as requested.

(3) Lafayette Broadcasting, Inc.—WASK (AM) Lafayette.

Request: Assign either channel 256 or channel 287 to Lafayette.

Action: Channel 287 assigned to Lafayette. See (5) and (10), below.

(4) Lake Broadcasting Co., Inc.—WVCA (AM), Gary.

Request: Change assignment principles to allow assignment of an FM channel to Gary. Action: Denied. No channel would meet minimum separations.

(5) Logansport Broadcasting Corp.—WSAL (AM) and applicant for FM at Logansport.

Request: Assign class B channel 287 to Logansport, instead of proposed class A channels.

Action: Denied. Channel 287 assigned to Lafayette, which is twice as large as Logansport. (Both cities have two other class A assignments). Moreover, assignment of channel 287 to Logansport would bar assignment of channel 288(A) at Valparaiso, (see (2), above), and would require deletion of channel 285(A) at Marion.

(6) Noble-DeKalb Broadcasting Company, Inc.—WAWK (AM), Kendallville.

Request: Assign channel 227 to Kendallville, instead of proposed 257(A).

Action: As requested, channel 227 assigned to Kendallville.

(7) Shelby County Broadcasting Company, Inc.—WSVL (AM), Shelbyville.

Request: Assign channel 246 to Shelbyville, deleting channel 245 from New Castle.

Action: The table is modified as requested.

(8) Valparaiso Broadcasting Company. Request: Assign channel 288(A) to Valparaiso.

Action: The table is modified as requested.

(9) Vincennes Sun Company—WAOV (AM), Vincennes.

Request: Supports proposed assignment of channel 244(A) to Vincennes.

Action: Proposed assignment finalized.

(10) Wabash Valley Broadcasting Corporation—WTHI (AM, FM and TV), Terre Haute.

Request: If assignment principles are not changes basically—so that existing WTHI—FM would not be short-spaced—then assign class C channel 287 to Terre Haute, deleting channel 260, and modifying the license of WTHI—FM to specify operation on channel 287 rather than 260.

Action: Request for channel 287 denied. However, channel 298 is added to the table at Terre Haute, with no deletion of existing channels. Since there has been no deletion, any of the existing Terre Haute stations—or a new applicant—may apply for the channel. Channel 287 is assigned as a first class B channel at Lafayette (see (3) above), rather than a fifth class B at Terre Haute.

(11) Other changes on the Commission's own motion: Channel 292(A) added at Columbia City. Channel 256 deleted at West Lafayette (license cancelled for short-spaced station).

Iowa

(1) KLEM, Inc.—KLEM (AM), LeMars. Request: Modify table as follows:

City	Delete	Add
LeMars		258
Cherokee	257(A)	232(A)
Madison, S.D.	257(A)	276(A)

Action: The table is modified as requested.  
 (2) Paul D. Lunde.  
 Request: Assign two Class C channels to Ames: Channel 281 (deleting 281 from Boone); and either 273 (deleting 273 from Des Moines) or 300 (changing Oelwein from 299 to 298).

Action: Channel 281 deleted at Boone and assigned to Ames. Channel 252(A) substituted at Boone. Request for channel 273 or channel 300 denied. Assignment of channel 300 would conflict with channel 298 at New Ulm, the only FM assignment for that community. Assignment of 273 to Ames would necessitate taking one of five channels from Des Moines, a city of 209,000.

(3) Oskaloosa Broadcasting Company—KBOE (AM), Oskaloosa.  
 Request: Assign an FM channel to Oskaloosa.

Action: Channel 252(A) added to Oskaloosa.

(4) Valley TV and Radio, Inc.—KCLN (AM), Clinton.  
 Request: Assign an additional FM channel to Clinton.

Action: Denied. No channel would meet minimum mileage separations.

(5) Denison Broadcasting Company—KDSN (AM), Denison.  
 Request: Assign channel 296(A) to Denison.

Action: the table is modified as requested.

(6) Other changes on the Commission's own motion:

City	Delete	Add
Muscataine		225
Newton		240(A)
Des Moines	243	
Fort Madison		269(A)
Burlington	269(A)	297

KANSAS

(1) Central Broadcasting, Inc.—KIND (AM), Independence.  
 Request: Assign a class A channel to Independence.

Action: Channel 269(A) added to table at Independence.

(2) Heart of America Broadcasters, Inc.—KUDL (AM), Fairway.  
 Request: Assign channel 294 to Kansas City, Kansas, deleting channel 295 from Topeka.

Action: Denied. Kansas City (Kansas and Missouri), has nine FM channels and Topeka, a city of 119,000, only four.

(3) KAYS, Inc.—KAYE (AM), Hays.  
 Request: Assign channel 277 or some other class C frequency to Hays, in place of proposed class A assignment, 224(A).

Action: Channel 277 assigned to Hays. Channel 224(A) also retained in table as assigned to Hays.

(4) KJRG, Inc.—KJRG (AM and FM), Newton.  
 Request: Assign class C channel 222 to Newton, delete channel 221(A) from Newton, and modify the license of KJRG-FM to specify operation on channel 222 rather than 221(A). This change would also require changes in proposed assignments for two other cities.

Action: Channel 222 assigned to Newton as requested, with license of KJRG-FM modified to specify operation on 222, and with other changes in table as follows:

City	Delete	Add
Manhattan	221(A)	269(A)
Dodge City	222	230

(5) KLOE, Inc.—KLOE (AM), Goodland.  
 Request: Assign channel 273 or other class C channel to Goodland in lieu of 224(A) proposed.

Action: Channel 273 assigned to Goodland, channel 224(A) deleted.

(6) Other changes on the Commission's own motion: Channel 232(A) assigned to Coffeyville, deleting channel 233 from Wichita.

KENTUCKY

(1) Big Sandy Broadcasting Company, Inc.—WSIP (AM), and applicant for FM, Paintsville.  
 Request: Assign channel 255 or any other class C channel to Paintsville.

Action: The table is modified as follows:

City	Delete	Add
Paintsville	249(A)	255
Corbin	256	257(A)
Vanceburg	257(A)	285(A)

(2) Cumberland Publishing Company—WSLI (AM), Pikeville.  
 Request: (a) Assign channel 297 to Pikeville, with necessary changes in other communities.

(b) If 297 is not assigned, change the proposed Pikeville assignment from 261(A)—which would involve site location problems—to 221(A).

Action: Request for channel 297 denied. The interrelated series of channel changes proposed by respondent would not all meet minimum mileage separations. However, Pikeville assignment is changed from 261(A) to 221(A), as requested.

(3) Daily News Broadcasting Co., Inc.—WKCT (AM), Bowling Green.  
 Request: Assign an additional FM channel to Bowling Green.

Action: Denied. (Note other changes at Bowling Green under (12) below.) No channels would meet minimum mileage separations.

(4) Fort Knox Broadcasting Corporation—WSAC (AM), Fort Knox.  
 Request: Include Kentucky in zone I so that channel 263 may be assigned to Fort Knox.

Action: Denied. No change has been made in the zone boundaries finalized in the "First Report". Channel 288(A) assignment retained at Fort Knox.

(5) Shelby McCallum d/b as Purchase Broadcasting Company—WCBL (AM), Benton.  
 Request: Assign channel 272(A) to Benton.

Action: The table is modified as requested.

(6) South Central Kentucky Broadcasting Co., Inc.—Applicant for an FM station at Munfordville.  
 Request: Assign channel 280(A) to Munfordville.

Action: Denied. Munfordville has a population of 1157. Assignment of channel 280(A) would require deletion of channels at Louisville and Campbellsville.

(7) Southeastern Broadcasting Company, Inc.—WSFC (AM), Somerset.  
 Request: Assign channel 244(A) to Somerset.

Action: The table is modified as requested.

(8) South Kentucky Broadcasters—WRUS (AM), Russellville.  
 Request: Assign channel 221(A) to Russellville, deleting channel 221(A) from Springfield, Tenn., and substituting channel 232(A).

Action: The table is modified as requested.

(9) Stephens Industries, Inc.—WPRT (AM), and applicant for FM, Prestonburg.  
 Request: Assign class C channel 287 or channel 300 to Prestonburg, making necessary changes in assignments for other communities.

Action: Denied. Proposed assignment of additional channel 288(A) for Prestonburg is finalized. Prestonburg, population 3133, also has an existing class C station. Channel 287 would not meet minimum mileage separations. Channel 300 would require changing one of four class C assignments at Knoxville to a class A.

(10) Taylor County Broadcasting Company, Inc.—WTCO (AM), Campbellsville.  
 Request: Assign channel 280(A) to Campbellsville, deleting 280(A) from Louisville.

Action: Channel 280(A) assigned to Campbellsville, but unnecessary to delete 280(A) from Louisville.

(11) Kenneth Thomas.  
 Request: Supports proposed assignment of Channel 265(A) to Erlanger.  
 Action: Proposed assignment finalized.

(12) Other changes on the Commission's own motion:

City	Delete	Add
Bowling Green	<sup>1</sup> 286	244(A)
Scottsville	244(A)	
Hazard	231*	266*
London	265(A)	296(A)
Middlesboro		261(A)

<sup>1</sup> Error in proposed table.

(Station WKLC-FM, now on channel 231 at Hazard, has an application on file to change frequency to channel 266. See paragraph 40 of the report and order.)

LOUISIANA

(1) International Broadcasting Corp.—KWKH-FM, Shreveport.  
 Request: Delete or change assignment of channel 232(A) to Idabel, Okla. Site to site distance to KWKH-FM is too close to allow a station on 232(A) at Idabel to locate site so as to cover community properly.

Action: The assignment for Idabel, Okla. is changed from 232(A) to 244(A).

(2) KSIG Broadcasting Company, Inc.—KSIG (AM), Crowley.  
 Request: Assign channel 275 to Crowley.

Action: The table is modified as requested.

(3) Sidney J. Levet, III and Lester J. Millet, Jr.  
 Request: Assign channel 222 to LaPlace, deleting 222 at New Orleans.

Action: A LaPlace applicant can apply for channel 222 under the 25 mile rule. Therefore, it is unnecessary to resolve the 307(b) question at this time.

(4) Other changes on the Commission's own motion:

City	Delete	Add
Bogalusa		300
Eunice		288(A)
Hammond		296(A)
New Iberia		256
Baton Rouge	256	
Opelousas		296(A)
Lake Charles	<sup>1</sup> 247	

<sup>1</sup> Error in proposed table.

MAINE

(1) Guy Gannett Broadcasting Services—WGAM (AM and TV), Portland.  
 Request: Assign channel 275 or another class C channel to Portland.

Action: Denied. Portland has three class B assignments. Assignment of 275 would require the deletion of the only FM channel at Sanford and one of two assignments at Augusta.

(2) Lewiston-Auburn Broadcasting Corporation—WGAM (AM), Lewiston.  
 Request: Supports assignment of channel 241 to Lewiston.

Action: The proposed assignment of channel 241 to Lewiston was erroneous under the mileage separations and is deleted. However, channel 298 is assigned to Lewiston in the finalized Table.

(3) St. Croix Broadcasting Company—WQDY (AM), Calais, and WSJR (AM), Madawaska.  
 Request: Assign class A channels to Madawaska and to Machias.

Action: Channel 272(A) assigned to Madawaska, and channel 237(A) assigned to Machias.

(4) Other changes on the Commission's own motion or resulting from Canadian negotiations: Channel 261(A) assigned to Auburn. Channel 237(A) assigned to Presque Isle.

MARYLAND

(1) Regional Broadcasting Company—WHAG (AM), and applicant for FM, Halfway.

**RULES AND REGULATIONS**

Request: Assign channel 244(A) to Halfway.

Action: Request for channel 244(A) denied. However, channel 228(A) assigned to Halfway, deleting Channel 228(A) from Berkeley Springs, W. Va.

(2) Other changes on the Commission's own motion: Change the proposed assignment for Ocean City from channel 238 (which was erroneous under the mileage separations), to channel 284.

**MASSACHUSETTS**

(1) Radio Fitchburg, Inc.—WEIM (AM), and applicant for FM, Fitchburg.

Request: Change assignment principles to allow FM assignment at Fitchburg.

Action: Denied. No channel would meet mileage separations.

(2) Other change on Commission's own motion: Channel 287(A) deleted at Lynn. (Renewal application dismissed by licensee of short-spaced station.)

**MICHIGAN**

(1) (a) Robert L. Anthony, Mayor, Alma, Mich.

Request: Assign an FM channel to Alma.

(b) WFYC, Inc.—WFYC (AM), Alma.

Request: Assign channel 287 to Alma, making necessary changes in several other communities.

Action: Channel 285(A) assigned to Alma, deleting channel 284 from Houghton Lake. Request for channel 287 denied since this would have required deletion of one of only 3 FM channels assigned to Flint, population 197,000.

(2) Barry Broadcasting Co.—WBCH (AM), Hastings.

Request: Assign channel 293 to Hastings, deleting 293 from Kalamazoo and shifting the educational station now on channel 271 at Kalamazoo to an educational channel.

Action: Channel 261(A) assigned to Hastings. Request for 293 denied, since this would require deleting one of two channels at Kalamazoo, population 82,000.

(3) Clinton County Broadcasting, Inc.—WJUD (AM), St. Johns.

Request: Supports proposed assignment of channel 221(A) to St. Johns, but would prefer a class B or C assignment.

Action: Assignment of channel 221(A) finalized as proposed, with no additional assignment at St. Johns. No class B or C assignment would meet minimum separations.

(4) Community Service Broadcasters, Incorporated—WYNZ (AM), Ypsilanti.

Request: Transfer educational Station WDET-FM from channel 270 to an educational channel, and assign 270 (or the adjacent class A frequency, 269(A)) to Ann Arbor-Ypsilanti.

Action: Denied. Pending further rule making regarding the educational channels, the Commission will undertake no involuntary transfers involving educational stations on commercial channels.

(5) Great Northern Broadcasting System—Applicant for channel 247 at Traverse City.

Request: Assign Channel 270 (or other Class C frequency) to Traverse City, in lieu of one of the class A channels proposed in the table.

Action: Channel 270 assigned to Traverse City, deleting channel 276(A).

(6) Midwestern Broadcasting Company—licensee of AM and TV stations in six Michigan communities.

Request: Assign two or more class C channels to Alpena, Cadillac, Cheboygan, Gaylord, Petoskey, and Traverse City.

Action: The table is modified as follows:

City	Delete	Add
Alpena	299	
Cadillac	277	
Cheboygan	286	
Gaylord	294	
Petoskey	255	
Traverse City	276(A)	270

It was not possible to assign further class C channels to these communities at minimum separations.

(7) Stuart Noordyk—WSHN (AM), Fremont.

Request: (a) Assign channel 261(A) to Wyoming, Mich.

(b) Substitute channel 222 for proposed channel 257(A) at Fremont, substituting channel 224(A) for 221(A) at Grand Haven.

Action: Each of the requests is denied. Channel 261(A) was assigned to Hastings (see (2) above) rather than Wyoming, since the latter is adjacent to Grand Rapids, which has eight existing FM stations. Channel 222 would not meet minimum mileage separation requirements at Fremont, even with the changes suggested by respondent.

(8) Owosso Broadcasting Company—WOAP (AM), Owosso.

Request: Assign channel 285(A) to Owosso, deleting channel 284 from Houghton Lake.

Action: Channel 280(A) assigned to Owosso.

(9) Stevens-Wismer Broadcasting Company—WHLS (AM), and applicant for FM, Port Huron.

Request: Assign either channel 260 (at short-spacing) or channel 292(A) to Port Huron.

Action: Denied. Channel 292(A) involves a Canadian conflict. Channel 260 does not meet minimum mileage separation requirements.

(10) Triad Television Corporation.

Request: Assign channel 299 to Marshall.

Action: Denied. Channel 299 does not meet mileage separations at Marshall. However, a Marshall applicant may apply for the channel assigned to Albion (see (12) below) under the 25 mile rule.

(11) Tuscola Broadcasting Company—WKYO (AM), Caro.

Request: Assign channel 288(A) to Caro, deleting 288(A) from Flint.

Action: Denied. Flint, population 197,000, has only three FM channels. The population at Caro is only 3,500.

(12) Other changes on the Commission's own motion:

City	Delete	Add
Adrian		280(A)
Albion		285(A)
St. Joseph		296(A)
Bay City	1 277	
Kalamazoo	1 287	
Detroit	222*	
Lincoln Park		222*

\* Error in proposed table.

(This reflects a recent license modification.)

**MINNESOTA**

(1) Cloquet Broadcasting Company—WKLK (AM), Cloquet.

Request: Assign channel 248 (or other class C channel) to Cloquet, in lieu of proposed 228(A).

Action: Denied. Proposed assignment of channel 228(A) finalized at Cloquet and channel 248 retained at Duluth. Respondent has not demonstrated the need for a class C channel at Cloquet, a small community just outside of Duluth.

(2) Contemporary Radio, Inc.—WAYL-FM, Minneapolis.

Request: Supports proposed assignment of channel 233 to Minneapolis.

Action: Proposed assignment finalized.

(3) Faribault County Broadcasting Co.—KCLH (AM), Blue Earth.

Request: Assign channel 265(A) to Blue Earth.

Action: The table is modified as requested.

(4) Hiawatha Valley Public Service Broadcasters, Incorporated—KCUE (AM), Red Wing.

Request: Assign an FM channel to Red Wing.

Action: Channel 296(A) assigned to Red Wing.

(5) KNUJ, Inc.—KNUJ (AM), New Ulm. Request: Assign channel 298 to New Ulm.

Action: The table is modified as requested.

(6) Lakeland Broadcasting Company—KWLM (AM), Willmar.

Request: Assign channel 273 or channel 300 to Willmar.

Action: Channel 273 assigned to Willmar, deleting channel 273 from Montevideo.

(7) The following parties submitted individual comments requesting one or two additional class C channels for Rochester, Minn.: Southern Minnesota Broadcasting Co. (KROC (AM and TV), Rochester); United Audio Co.; S. A. Lovestadt, D.D.S.; Sheridan B. James; Kenneth G. Berger; Edith M. Parkhill, M.D.; R. E. Spiekerman, M.D.; Richard G. Bester; Carl Frank; John Taylor Sheldon; Gordon M. Martin; Carl G. Morlock, M.D.; Bruce E. Douglas, M.D.; R. H. Spiekerman, M.D.; Richard C. Moore; William J. Mueller; Edward L. Foss, M.D.; Gerald M. Needham; and Lewis B. Wollner, M.D. The proposal of Southern Minnesota Supply Company suggested, inter alia, that channel 295 be assigned to Rochester, substituting channel 285(A) for proposed channel 296(A) at Menomonie, Wis. In a reply comment, Menomoneie Broadcasting Company stated it had no objection to the proposed substitution of channels just as long as Menomonie receives at least one FM assignment.

Action: Channels 248 and 295 are assigned to Rochester, and the assignment at Menomonie, Wis., is changed from 296(A) to 285(A).

(8) Harry Newby.

Request: Assign channel 229 or 300 to Cambridge.

Action: Channel 300 assigned to Cambridge.

(9) Other changes on the Commission's own motion:

City	Delete	Add
Minneapolis	229*	
Albert Lea		237(A)
Owatonna		285(A)
Princeton		228(A)

**MISSISSIPPI**

(1) Northwest Mississippi Broadcasting Company—WSAO (AM), Senatobia.

Request: Assign a class C channel to Senatobia or, if that is not possible, assign a class A channel.

Action: Channel 232(A) assigned to Senatobia, deleting channel 231 from Tupelo. This also allowed assignment of channel 228(A) to Houston, Miss. See (4), below. No class C channel would meet minimum mileage separations.

(2) Scott County Broadcasting Company, Inc.—WMAG (AM), and applicant for FM at Forest.

Request: Assign channel 300 to Forest or, alternatively, assign channel 228(A).

Action: Channel 228(A) assigned to Forest. Insufficient showing was made to justify assignment of a class C channel to this community of 3900.

(3) WCJU, Incorporated—WCJU (AM), Columbia.

Request: Assign an FM channel to Columbia.

Action: Channel 244(A) assigned to Columbia.

(4) WCPC Broadcasting Company—WCPC (AM), Houston.

Request: Assign a class C channel to Houston.

Action: Channel 228(A) assigned to Houston. Request for class C channel denied. Insufficient showing was made to justify assignment of a class C channel to this community of 2600.

(5) Other changes on the Commission's own motion, or resulting from channel shifts in other states:

City	Delete	Add
Corinth		228(A)
Pascagoula		285(A)
New Albany	293	292(A)
Greenwood	225	256

MISSOURI

(1) Franklin County Broadcasting Company—KLPW (AM), Union.  
 Request: (a) Assign channel 293 to Union, deleting 293 from St. Louis; or  
 (b) Assign channel 269(A) to Union, deleting 269(A) from Potosi.  
 Action: (a) Denied. Union is a community of only 3900. Assignment of channel 293 to Union would have necessitated deletion of one of only eight channels at St. Louis, a city of 750,000.  
 (b) Channel 269(A) assigned to Union; Channel 269(A) deleted from Potosi with 261(A) substituted in lieu thereof.  
 (2) KMMO, Inc.—KMMO (AM), Marshall.  
 Request: Assign channel 284 to Marshall.  
 Action: The table is modified as requested.  
 (3) Lebanon Broadcasting Company—KLWT (AM), Lebanon.  
 Request: Assign channel 279 to Lebanon in lieu of proposed 228(A), substituting 228(A) at Osage Beach in lieu of proposed 276(A).  
 Action: The table is modified as requested.  
 (4) New Madrid County Broadcasting Company—KMIS (AM), Portageville.  
 Request: Assign an FM channel to Portageville.  
 Action: Channel 292(A) assigned to Portageville.  
 (5) Other changes on the Commission's own motion: Channel 249(A) assigned to Sikeston. Channel 281\* deleted at St. Louis. Channel 289 also deleted from St. Louis and assigned to Ste. Genevieve to replace channel 238—an erroneous assignment in the proposed Table.

MONTANA

(1) Gallatin Empire Broadcasters.  
 Request: Assign channel 229 in lieu of proposed 228(A) at Bozeman.  
 Action: The table is modified as requested.  
 (2) Pat M. Goodover.  
 Request: Assign channel 292(A) to Great Falls, in lieu of proposed 293.  
 Action: The table is modified as requested.

NEBRASKA

(1) KJSK, Inc.—KJSK (AM and FM), Columbus.  
 Request: Assign channel 245\* to Columbus in lieu of proposed 244(A)\*.  
 Action: The table is modified as requested. KJSK-FM now has a construction permit for channel 244(A) and this permit will be appropriately modified.  
 (2) WJAG, Inc.—WJAG (AM), Norfolk (and other stations).  
 Request: Assign channel 266 to Norfolk, and assign class C channels to Chadron and Valentine, in lieu of proposed class A assignments.  
 Action: Channel 266 assigned to Norfolk; channel 234 assigned to Chadron; and channel 241 substituted for 232(A) at Valentine.  
 (3) Other change: Channel 292(A) assigned to Lincoln, deleting 293.

NEVADA

(1) Donald C McBain.  
 Request: Assign a class A channel to Tonopah.  
 Action: Channel 224(A) added to Tonopah.

NEW HAMPSHIRE

(1) WLNH, Inc.—WLNH (AM), and applicant for FM, Laconia.  
 Request: Assign a class B channel at Laconia.  
 Action: Denied. Proposed assignment of channel 252(A) finalized. Channel 248, for which respondent has applied, is the only assignment at Dover, a city of 19,100.

(2) Other change on Commission's own motion: Channel 280(A) assigned to Rochester.

NEW JERSEY

(1) Community Broadcasting Service, Inc.—WVWBZ (AM) and applicant for FM, Vineland.  
 Request: Reverse the proposed assignments of channels 285(A) and 221(A) to Vineland and Pleasantville, respectively.  
 Action: The table is modified as requested.  
 (2) Drexel Hill Associates, Inc.—WDHA-FM, Dover.  
 Request: Assign channel 300 to Dover for WDHA-FM.  
 Action: Denied. Channel 300 would not meet minimum separations.  
 (3) Nassau Broadcasting Company—WHWH (AM), Princeton.  
 Request: Assign channel 300 to Princeton.  
 Action: Denied. Channel 300 would not meet minimum separations.  
 (4) Ocean County Radio Broadcasting Company.  
 Request: Assign channel 224(A) to Toms River.  
 Action: Channel 224(A) assigned to Toms River—but applicant must locate transmitter so as to meet minimum spacings.  
 (5) Louis Vander Plate—Applicant for channel 272(A) at Franklin.  
 Request: Assign channel 272(A) to Franklin, making necessary changes in several other communities.  
 Action: The table is modified as follows:

City	Delete	Add
Franklin		272(A)
Scranton, Pa.	272(A)	296(A)
Sayre, Pa.	296(A)	272(A)

NEW YORK

(1) Canandaigua Broadcasting Company, Inc.—WCGR (AM), Canandaigua.  
 Request: Waive spacings and assign an FM channel to Canandaigua.  
 Action: Denied. No channel would meet minimum separations.  
 (2) Community Broadcasting Corporation.  
 Request: Assign channel 224(A) to Middletown, changing the assignment at Liberty from 224(A) to 240(A).  
 Action: The table is modified as requested.  
 (3) Fifth Market Broadcasting Co., Inc.—WGSM (AM), Huntington, L.I.  
 Request: Change assignment principles so that Huntington may be assigned an FM channel.  
 Action: Denied. No channel would meet minimum separations.  
 (4) Finger Lakes Broadcasting Co.—WFLR (AM), Dundee.  
 Request: Assign a class B channel, or, alternatively, channel 240(A) to Dundee.  
 Action: Channel 240(A) assigned to Dundee. No class B channel would meet minimum separations.  
 (5) Simon Goldman—(AM Stations WJTN, WWYN, WDOE, WGCO, WCAX).  
 Request: Supports proposed assignment of channel 261(A) to Salamanca.  
 Action: Proposed assignment finalized.  
 (6) Carl A. Tweten.  
 Request: Assign channel 267 to Champlain.  
 Action: Denied. Channel 267 conflicts with a Canadian assignment.  
 (7) Other change on Commission's own motion or resulting from Canadian negotiations:

City	Delete	Add
Utica	262, 274	
Watertown	253	224(A)
Potsdam	257(A)	

NORTH CAROLINA

(1) Max M. Blakemore tr/as Cherokee Broadcasting Company—WCVP (AM), Murphy.  
 Request: Assign channel 230 or 234 or 258 to Murphy.

Action: Denied. None of the channels meet minimum separations.  
 (2) Burke Broadcasting Company—WVSM (AM), Valdese.  
 Central Broadcasting Company—WCGC (AM), Belmont.  
 Request: Assign FM channels to Valdese and Belmont.  
 Action: Each request denied. No channel would meet minimum separations at either location.  
 (3) Carolina Broadcasting Company—WSOC-FM, Charlotte. (See comment under Georgia (5).)  
 (4) Ralph D. Epperson—WPAQ (AM), Mt. Airy.  
 Request: Assign channel 256 or 294 to Mt. Airy.  
 Action: Denied. Neither channel would meet minimum separations.  
 (5) HGR Broadcasting Company—WFTC (AM), Kinston.  
 Request: Supports proposed assignment of channel 236 to Kinston.  
 Action: Proposed assignment finalized.  
 (6) Lake City Broadcasting Corporation—WBRM (AM), Marion.  
 Request: Assign an FM channel to Marion.  
 Action: Denied. No channel would meet minimum separations.  
 (7) North Carolina Television, Incorporated—WITN-FM, Grifton, N.C., Applicant to change WITN-FM from channel 253, Grifton, to channel 227, Washington, N.C.  
 Request: Supports proposed assignment of channel 227 to Washington.  
 Action: Proposed assignment finalized.  
 (8) George W. Phillips—WLNC (AM), Laurinburg.  
 Request: Assign additional channel 272(A) to Laurinburg, changing Fairmont from 272(A) to 292(A).  
 Action: Denied. Channel 272(A) was used instead to provide a second channel for Lumberton, a community approximately twice the population of Laurinburg.  
 (9) Radio Station WTYN—WTYN (AM), Tryon.  
 Request: Assign an FM channel at Tryon.  
 Action: Denied. No channel would meet minimum separations.  
 (10) Roanoke-Chowan Broadcasting Co., Inc.—WRCS (AM), Ahoskie.  
 Request: Assign channel 225 to Ahoskie.  
 Action: Channel 249(A) assigned to Ahoskie. Request for 225 denied. The population of Ahoskie is only 4600. Assignment of channel 225 would have required deletion of that channel at Norfolk, Va., and deletion of 227 at Washington, N.C.  
 (11) Toe River Valley Broadcasting Co., Inc.—WTOE (AM), Spruce Pine.  
 Request: Assign an FM channel to Spruce Pine.  
 Action: Denied. No channel would meet minimum separations.  
 (12) R. H. Whitesides—WKMT (AM), Kings Mountain.  
 Request: Assign an FM channel to Kings Mountain.  
 Action: Denied. No channel would meet minimum separations.  
 (13) Wilkes Broadcasting Company—WATA (AM), Boone.  
 Request: Change assignment principles so that an FM channel may be assigned to Boone.  
 Action: Denied. No channel would meet minimum separations.  
 (14) WRRZ Radio Company—WRRZ (AM), Clinton.  
 Request: Assign a class B or C channel to Clinton and, if that is not possible, assign class A channel 296(A).  
 Action: Channel 296(A) assigned to Clinton. No class C channel would meet minimum separations.  
 (15) Union Broadcasting Corporation—WMAP (AM), Monroe.  
 Request: Assign an FM channel to Monroe.

Action: Denied. No channel would meet minimum separations.

(16) Other changes on the Commission's own motion:

City	Delete	Add
Lumberton		272(A)
Fairmont	272(A)	292(A)
Roanoke Rapids		272(A)
Asheville	282	

## OHIO

(1) Audio Trends, Incorporated—Applicant for an FM station at Youngstown.

Request: Change assignment principles so that pending application may be granted.

Action: Denied. The channel sought would not meet minimum separations.

(2) Brokenword Broadcasting Company—Applicant for channel 224(A) at Bucyrus.

Request: Assign channel 224(A) to Bucyrus, deleting 224(A) from Marion.

Action: The table is modified as requested.

(3) Charles Chamberlain—Applicant for channel 269(A) at Urbana.

Request: Assign channel 269(A) to Urbana.

Action: Channel 269(A) is assigned to Urbana and deleted from the table at Delaware, Ohio. See (5) below.

(4) Courthouse Broadcasting Co.—WCHO (AM), Washington Court House; WCHI (AM), Chillicothe; Family Broadcasting Company—WKO (AM), Wellston.

Request: Reduce separations and assign additional channels to Chillicothe and to Washington Court House.

Action: Additional channel 232(A), which meets all separations, assigned to Chillicothe. Request for additional channel at Washington Court House denied, since no channel will meet minimum separations.

(5) Delaware Broadcasting, Inc.—WDLR (AM), Delaware, Ohio.

Request: Supports proposed assignment of channel 269(A) to Delaware.

Action: Channel 269(A) deleted at Delaware and assigned to Urbana, (see (3) above), on the ground that Delaware is closer to a larger concentration of FM assignments (6 class B channels and one class A at Columbus), than is Urbana (only 2 class B's at Springfield).

(6) Douglas Properties Corp.—WHOF (AM), Canton.

Request: Revise principles to allow FM assignment at Canton.

Action: Denied. No channel would meet minimum separations.

(7) Dover Broadcasting Company, Inc.—WJER (AM), and applicant for FM, Dover-New Philadelphia.

Request: Assign channel 239 at Dover-New Philadelphia.

Action: Channel 269(A) assigned to Dover-New Philadelphia. Channel 239 would not meet minimum separations.

(8) Greene County Radio—Applicant for an FM station at Xenia.

Request: Assign channel 252(A) to Xenia, deleting 253 from Cincinnati, or otherwise change assignment principles to allow an additional assignment at Xenia.

Action: Denied. Xenia population 20,400, has one class A assignment and is near Dayton, which has three existing class B stations. On these facts, it would not be a fair and equitable distribution of facilities to place a second channel in Xenia at the cost of one of eight channels in Cincinnati, population 502,000.

(9) Miami Valley Christian Broadcasting Association, Inc.—WFCJ (FM), Miamisburg.

Request: Assign Channel 229\* to Dayton, for WFCJ (FM), deleting 229\* from Miamisburg.

Action: Denied. Respondent has not made a sufficient showing that the public interest would be served by removing the only FM assignment from Miamisburg to place a fourth channel in Dayton.

(10) Mid-America Broadcasting Corp.—WOXR (FM), Oxford.

Request: Change the WOXR assignment at Oxford from Channel 249(A)\* to 248\*.

Action: Denied. This would require deletion of one of the three Class C channels (there are also three A's) at Louisville, Ky., population 391,000. A Class A channel appears adequate for Oxford, population 7,800.

(11) Edward D. Skotch—Applicant for Channel 253 at Cincinnati.

Request: Supports proposed assignment of Channel 253 to Cincinnati.

Action: Proposed assignment finalized.

(12) Williams County Broadcasting System, Inc.—WBNO (AM), Bryan.

Request: Assign Channel 265(A) to Bryan.

Action: The Table is modified as requested.

(13) WNXT, Inc.—WNXT (AM), Portsmouth.

Request: Assign at least two more Class B or C channels to the Portsmouth area.

Action: Channel 257(A) added as a Portsmouth assignment. Request for Class B or C channels denied. Class B or C channels would not meet minimum separations.

(14) WPVL, Inc.—WPVL (AM), and applicant for FM, Painesville.

Request: Assign Channel 242 or any other channel to Painesville.

Action: Denied. No channel would meet minimum separations.

(15) Other changes on the Commission's own motion:

City	Delete	Add
Bellefontaine		228(A)
Conneaut		285(A)
Wapakoneta		221(A)
Massillon	240(A)	

<sup>1</sup> Error in proposed table.

## OKLAHOMA

(1) Bonebrake and Company—KOCY (AM), and applicant for FM, Oklahoma City.

Request: Assign Channel 241 to Oklahoma City, with necessary changes in several other communities.

Action: The Table is modified as follows:

City	Delete	Add
Oklahoma City		241
Ada	240(A)	227
Ponca City	240(A)	257(A)
McAlester	227	

(2) Eastern Oklahoma Television Company, Inc.—KTEN (TV), Ada.

Request: Assign class C channel 245 to Ada, with necessary changes in four other communities.

Action: Class C channel 227 assigned to Ada as indicated in (1) above.

(3) John Kennamer, Jr.

Request: (a) Supports proposed assignment of channels 281 and 299 to Oklahoma City.

(b) Assign channel 290 to Midwest City.

Action: (a) Proposed assignments finalized.

(b) Denied. Midwest City is adjacent to Oklahoma City and application may be made for Oklahoma City channels under the 25 mile rule. Assignment of Channel 290 would require deletion of channel 288 at Seminole (see (4) below), the only FM channel at that more isolated community.

(4) Other changes on the Commission's own motion, or resulting from changes in other states:

City	Delete	Add
Chickasha		285(A)
Okmulgee		285(A)
Tulsa	286, 258*	288(A)
Seminole		288(A)
Wewoka		232(A)
Idabel		244(A)
Durant	297*	296(A)

<sup>1</sup> See paragraph 28 of the report and order.

## OREGON

(1) KPOJ, Inc.—KPOJ-FM, Portland.  
Request: Change KPOJ-FM's assignment at Portland from channel 254\* to 253\*.

Action: The Table is modified as requested, and the license of KPOJ-FM is modified to specify operation on Channel 253.

(2) Other change on the Commission's own motion: Channel 300 assigned to Albany, Oregon.

## PENNSYLVANIA

(1) William E. Baker.

Request: Assign at least one of several suggested channels to Sharon and to Ellwood City.

Action: Channel 280(A) added at Sharon. (NOTE: Transmitter must be located so as to meet minimum separations.) Ellwood City request denied, since none of the suggested channel would meet minimum spacings.

(2) Carbondale Broadcasting Co., Inc.—WCDC (AM), Carbondale.

Request: Assign channel 300 to Carbondale, in lieu of proposed 228(A).

Action: Denied. Channel 232(A) assigned to Carbondale in lieu of 228(A). Channel 300 would not meet minimum spacings.

(3) Centre Broadcasters, Inc.—WMAJ (AM) State College.

Request: Supports proposed assignments of channels 244(A) and 276(A) to State College.

Action: Proposed assignments finalized.

(4) Equitable Publishing Company—WNPV (AM), Lansdale.

Request: Assign an FM channel to Lansdale.

Action: Denied. No channel would meet minimum separations.

(5) Hershey Broadcasting Company, Inc.—Applicant for an FM station at Hershey.

Request: Assign an FM channel to Hershey.

Action: Denied. No channel would meet minimum separations.

(6) Hudson Broadcasting Corporation—WCMB (AM), and applicant for FM, Harrisburg.

Request: Assign Channel 257(A) to Harrisburg, changing the proposed assignment at Shamokin from 257(A) to 240(A).

Action: Denied. Neither of the proposed changes would meet minimum separations.

(7) The Jet Broadcasting Co., Inc.—WJET (AM), Erie.

Request: Assign an additional class B channel to Erie.

Action: Denied. No class B channel would meet minimum separations.

(8) Lewistown Broadcasting Company—WMRP (AM), Lewistown.

Request: Assign two class B channels to Lewistown.

Action: Channel 240(A) assigned to Lewistown. Request to assign two class B channels denied. No class B channel would meet minimum separations.

(9) Pocono Broadcasting, Inc.—WVPO (AM), Stroudsburg.

Request: Change assignment principles to assign channel 245 to Stroudsburg.

Action: Channel 292(A) assigned to Stroudsburg. (NOTE: Transmitter must be located so as to meet minimum separations.) Channel 245 would not meet minimum mileage separations.

(10) Scranton-Wilkes-Barre Fine Music Broadcasting Company, Inc.—WYZZ-FM, Wilkes-Barre.

Request: Assign channel 225 to Wilkes-Barre, deleting channel 277, and modifying the license of WYZZ-FM to specify operation on 225 rather than 277. This would also require modification of the license of Station WTTC-FM, Towanda, and changes in the proposed assignments for several other com-

munities. The licensee of WTTC-FM has opposed this request.

Action: The following changes in the proposed table are effected:

City	Delete	Add
Wilkes-Barre -----	277*	225*
Towanda -----	224(A)*	237(A)*
Shenandoah -----	225	288(A)
Carbondale -----	228(A)	232(A)
Nanticoke -----	288(A)	221(A)
Sayre -----	296(A)	272(A)
Columbia -----		224(A)

\* See note.

NOTE: (1) Owing to other changes in the table, Sayre would have been changed from channel 296(A) to channel 237(A). For the purposes of this series of changes, the Sayre assignment is again changed to 272(A).

NOTE: (2) The license of Station WYZZ-FM is modified accordingly. The assigned channel at Towanda is changed from 224(A) to 237(A), effective upon expiration of the current WTTC-FM license. See discussion in paragraph 29 of the report.

(11) Tri-Cities Broadcasting Corporation. Request: Assign an FM channel to Columbia.

Action: Channel 224(A) is assigned to Columbia.

(12) WRYT, Inc.—WRYT-FM, Pittsburgh. Request: Supports finalization of the present WRYT-FM assignment (241\*).

Action: Finalized.

(13) WVBC, Inc.—Applicant for an FM station at Somerset.

Request: Supports proposed assignment of channel 249(A) at Somerset.

Action: Proposed assignment finalized.

(14) Other changes on the Commission's own motion: Channel 252(A) assigned to Martinsburg; channel 276(A) assigned to Indiana, Pa. Channel 261(A) deleted at Levittown-Fairless Hills. (Short-spaced CP turned in.)

RHODE ISLAND

1. Changes on the Commission's own motion: Channel 260 deleted at Cranston (license of short-spaced station revoked); channel 299 deleted at Warwick-East Greenwich, (short-spaced construction permit turned in).

SOUTH CAROLINA

(1) The Broadcasting Company of the South—Applicant for an FM station at Columbia.

Request: Assign channel 297 or any other class C channel to Columbia.

Action: Denied. Columbia has two existing class C stations. Assignment of channel 297 would have required deletions in two other communities.

(2) Gaffney Broadcasting, Inc.—WEAC (AM), Gaffney.

Request: Assign an FM channel to Gaffney.

Action: Denied. No channel would meet minimum separations.

(3) Palmer A. Greer.

Request: In addition to extensive general comments, Mr. Greer submitted numerous specific proposals for changes in the table. The majority of these proposals were also submitted individually by parties from the various communities involved. In addition to specific requests treated elsewhere, Mr. Greer proposed that channels be assigned to Easley, and Cayce, S.C. and that an additional channel be assigned to Greenwood, S.C.

Action: Each of the requests is denied. No channels would meet minimum separations. Channel 244(A) is assigned to Greenwood as proposed.

(4) Royal Broadcasting Company, Inc.—WLCM (AM), Lancaster.

Request: Assign Channel 296(A) to Lancaster rather than Bennettsville.

Action: Channel 296(A) is assigned to Lancaster and deleted from Bennettsville.

(5) Tabernacle Christian School.

Request: Assign Channel 282 to Greenville, deleting 282 from Asheville, N.C.

Action: Denied. Although Channel 282 was deleted from Asheville, N.C. the channel could be used more efficiently to remedy a short-spacing problem in Augusta, Ga., than to provide a fourth assignment to Greenville. See comment (5) under Georgia.

SOUTH DAKOTA

(1) Changes on the Commission's own motion: The assignment of Channel 229 at Sioux Falls is deleted and Channel 228(A) is substituted in lieu thereof. The assignment of Channel 257(A) at Madison is deleted and Channel 276(A) substituted in lieu thereof.

TENNESSEE

(1) Campbell and Sheftall—WJZM (AM), Clarksville.

Request: Change assignment principles and assign Channel 233 to Clarksville.

Action: Channel 300 assigned to Clarksville. (NOTE: Transmitter must be located so as to meet minimum spacings.)

(2) Franklin County Radio and Broadcasting Company, Inc.—WCDD (AM), Winchester.

Request: Supports proposed assignment of Channel 249(A) to Winchester.

Action: Channel 249(A) is deleted from Winchester. This was an erroneous assignment in the proposed table under the minimum mileage separation requirements.

(3) Great Southern Broadcasting Company, Inc.—WFMB (FM), Nashville.

Request: Modify Tennessee assignments extensively so as to bring new Class A assignments to eight smaller communities.

Action: Great Southern's extensive reassignment plan rejected because it would involve several assignments at less than minimum separations. However, the following modifications are effected in the table:

City	Delete	Add
Pulaski -----		252(A)
Fayetteville -----		288(A)
Centerville -----	232(A)	285(A)
Lewisburg -----		232(A)
McMinnville -----		269(A)
Dickson -----		272(A)

(4) Guidon Broadcasting Company—WZYX (AM), Cowan.

Request: Supports proposed assignment of Channel 249(A) to Winchester.

Action: Proposed assignment deleted. See (2), above.

(5) Lafayette Broadcasting Company, Incorporated—WEEN (AM), Lafayette.

Request: Assign Channel 257(A) (or any other channel) to Lafayette.

Action: Channel 257(A) assigned to Lafayette.

(6) Lawrenceburg Broadcasting Company—WDXE (AM), Lawrenceburg.

Request: Supports proposed assignment of Channel 240(A) to Lawrenceburg.

Action: Proposed assignment finalized.

(7) Middle Tennessee Broadcasting Co.—WKRK (AM) and applicant for FM, Columbia.

Request: Assign Channel 268 to Columbia, deleting 268 from Nashville.

Action: Channel 269(A) assigned to Columbia, deleting 268 from Nashville, (and adding 269(A) at McMinnville). By utilizing Class A channels, it was possible to provide local outlets to two communities of substantial size.

(8) Harold Nelson Roney—Applicant for FM station at McMinnville.

Request: Assign a Class C channel to McMinnville.

Action: Channel 269(A) assigned to McMinnville. No Class C channel would meet minimum separations.

(9) Tri-Cities Broadcasting, Inc.—WJCW (AM and FM), Johnson City.

Request: Assign Channel 268 to Johnson City and modify the license of WJCW-FM to specify operation on 268 rather than 264.

Action: The table is modified as requested and the license of WJCW-FM is modified accordingly.

(10) The Tri-County Broadcasting Company, Inc.—WHDM (AM) and applicant for FM, McKenzie.

Request: Modify assignment principles so that channel may be assigned to McKenzie.

Action: Denied. The channel for which Tri-County had applied is assigned to Humbolt, a community approximately twice the population of McKenzie. No other channel would meet minimum separations.

(11) Other changes on Commission's own motion or resulting from channel shifts in other states: Channel 240(A) assigned to Morristown. Channel 221(A) deleted from Springfield and Channel 232(A) substituted in lieu thereof.

TEXAS

(1) Bay Area Broadcasting Company—Applicant for an FM station at Dickinson.

Request: Assign Channel 297 (or any other channel) to Dickinson.

Action: Denied. Assignment of 297 would conflict with use of 297 at Lake Jackson (see (7) below), and would require deletion of Channel 295(A) at Cleveland, Texas, a somewhat larger community farther removed from Houston.

(2) Broadcasting Corporation of the Southwest—KCTA (AM), Corpus Christi.

Request: Supports "at least as many" Class C channels as proposed for Corpus Christi.

Action: All Corpus Christi assignments finalized as proposed.

(3) Carter Publications, Inc.—WBAP-FM, Fort Worth.

Request: Modify the license of Station KIMP-FM, Mt. Pleasant, Texas, to specify operation on Channel 264 rather than 241, allowing WBAP-FM, on 242, to achieve maximum facilities. This change would require changing the proposed assignment at Texarkana, Arkansas, from 261(A) to 296(A).

Action: Proceedings initiated to modify table as requested. If so modified, Channel 240(A) would be added as an assignment at Kilgore. Channel 261(A) is deleted from Texarkana, Arkansas. Channel 296(A) is assigned to Texarkana. This is consistent with the other changes in this proceeding and will, in any event, constitute a change made on our own motion.

(4) Dalworth Broadcasting Company, Inc.—KCUL (AM) and applicant for FM, Fort Worth.

Request: Assign Channel 230 to Fort Worth, deleting 230 from Dallas.

Action: The table is modified as requested.

(5) Georgetown Broadcasting Company—KGTN (AM), Georgetown.

Request: Assign an FM channel to Georgetown.

Action: Channel 265(A) assigned to Georgetown and deleted from Austin.

(6) KNOK Broadcasting Company—KNOK (AM) and applicant for Channel 300, Fort Worth.

Request: Assign Channel 300 to Fort Worth, deleting 300 from Dallas.

Action: The table is modified as requested.

(7) Texas Audio Electronics Co.—Applicant for FM at Lake Jackson.

Request: Delete Channel 297 from Wharton and assign 297 to Lake Jackson. Delete Channel 237(A) from Freeport and assign 237(A) to Wharton.

Action: Channel 297 assigned to Lake Jackson and deleted from Wharton. However, Channel 237(A) is deleted from Freeport as an error in the proposed table and is not reassigned.

(8) Edgar B. Yuhl.

Request: Assign an FM channel to Brenham.

Action: Channel 292(A) assigned to Brenham.

(9) Other changes on the Commission's own motion:

City	Delete	Add
Andrews -----		288(A)
Borger -----		282
Amarillo -----	282	
Brownfield -----		292(A)
Denison -----		269(A)
Huntsville -----		269(A)
Kilgore. (See (3), above.)		
San Marcos -----		296(A)
Victoria -----		221(A)

## UTAH

(1) Salt Lake City Broadcasting Company, Inc.—KALL (AM), Salt Lake City.

Request: Supports proposed assignments for Salt Lake City.

Action: Proposed assignments finalized.

(2) Other change on the Commission's own motion. Channel 296(A) assigned to Orem.

## VERMONT

(1) Changes on the Commission's own motion or resulting from Canadian negotiations: Channel 237(A) assigned to White River Junction. Channel 292(A) deleted at Newport. (See paragraph 32 of the report.)

## VIRGINIA

(1) Appalachian Broadcasting Corporation—WCYB (AM and TV), Bristol, Va.

Request: Change assignment principles so that Bristol may receive a Class C assignment.

Action: Denied. Channel 268, proposed for Bristol in the "Second Notice", is deleted from the final table as an erroneous assignment under the mileage separation requirements. No other channel would meet minimum separations.

(2) Bristol Broadcasting Company, Inc.—WPHG (AM), Bristol, Va.

Request: Supports proposed assignment of Channel 268 to Bristol.

Action: See (1), above.

(3) Coastal Broadcasters, Inc.—Applicant for an FM station at Herndon.

Request: Assign an FM channel to Herndon.

Action: Denied. No channel would meet minimum separations.

(4) Northern Neck and Tidewater Broadcasting Co.—WNNNT (AM), Warsaw.

Request: Assign Channel 299 to Warsaw in lieu of proposed 237(A).

Action: Denied. Channel 237(A) finalized as proposed. Channel 299 would not meet minimum separations.

(5) Piedmont Broadcasting Corporation—WBTM (AM), Danville.

Request: Assign Channel 260 to Danville (or any other Class C channel).

Action: Denied. No channel would meet minimum separations.

(6) James R. Reese, Jr. tr/as Radio Station WCFV (AM), Clifton Forge.

Request: Supports proposed assignment of Channel 269(A) to Clifton Forge if it is not possible to assign a Class B channel.

Action: Request for a Class B channel denied. No Class B channel would meet minimum separations. Channel 280(A) assigned to Clifton Forge in lieu of proposed 269(A) as a result of other changes in the table.

(7) The Virginia-Kentucky Broadcasting Company, Inc.—Applicant for Channel 279 at Grundy.

Request: Assign an FM channel to Grundy.

Action: Channel 269(A) assigned to Grundy.

(8) Virginia Polytechnic Institute.

Request: Assign an FM channel to the Blacksburg-Christiansburg area.

Action: Channel 269(A) assigned to Blacksburg, changing the assignment at Clifton Forge from 269(A) to 280(A).

(9) Waynesboro Broadcasting Corporation—WAYB (AM), Waynesboro.

Request: Supports proposed assignment of Channel 224(A) to Waynesboro.

Action: Proposed assignment finalized.

(10) Other change on the Commission's own motion: The assignment of Channel 273 at Roanoke is deleted as an error in the proposed table.

## WASHINGTON

(1) Bruce Bartley, d/b as Bremerton Broadcasting Co.—KBRO (AM), Bremerton.

Request: Assign Channel 295 to Bremerton.

Action: The table is modified as requested. (At the time this comment was filed, there was an outstanding construction permit for Channel 295 at Seattle. This permit has since been turned in by the permittee.)

(2) Allen D. Lamb.

Request: Assign an FM channel to Olympia.

Action: Denied. No channel would meet minimum separations.

(3) Westcoast Broadcasting Co.—KPQ (AM), Wenatchee.

Request: Assign Channel 258 to Wenatchee in lieu of proposed 257(A).

Action: Denied. Channel 258 would not meet minimum separations. Proposed assignment of Channel 257(A) finalized.

(4) Other changes resulting from Canadian negotiations: Channels 289 and 300 are added and Channel 233 deleted at Spokane.

## WEST VIRGINIA

(1) West Virginia Radio Corporation—WAJR (AM and FM), Morgantown.

Request: Assign Channel 270 to Morgantown.

Action: The table is modified as requested.

(2) Williamson Broadcasting Corporation—WBTH (AM), Williamson.

Request: Assign Channel 243 to Williamson.

Action: The table is modified as requested.

(3) WTRF-TV, Inc.—WTRF-TV, and applicant for FM, Wheeling.

Request: Supports proposed assignment of Channel 298 at Wheeling.

Action: Proposed assignment finalized.

(4) WWVA, Inc.—WWVA (AM and FM), Wheeling.

Request: Correct the table so as to indicate the existing operation of WWVA-FM at Wheeling on Channel 254.

Action: Channel 254\* added to table at Wheeling.

(5) Other changes resulting from channel shifts in other states: Channel 228(A) deleted from Berkeley Springs and Channel 255 deleted from Huntington.

## WISCONSIN

(1) Central Wisconsin Broadcasting, Inc.—WCCN (AM), Neillsville.

Request: Assign Channel 288(A) to Neillsville.

Action: The table is modified as requested.

(2) Falls Broadcasting Corp.

Request: Assign Channel 252(A) to Menomonee Falls.

Action: Denied. Channel 252(A) would not meet minimum separations.

(3) William C. Forrest—WWCF-FM, Greenfield Township and WIBU (AM), Poyette.

Request: Substitute some other channel for proposed Channel 237(A) at Poyette.

Action: Channel 237(A) deleted from Poyette, as an erroneous proposed assignment. No other channel would meet minimum separations.

(4) Nathan Williams for "Mr. Kirschstein."

Request: Assign Channel 244(A) to Sauk City.

Action: The table is modified as requested.

(5) Menomonie Broadcasting Company—WMNE (AM), Menomonie.

Request: Supports proposed assignment of Channel 296(A) to Menomonie if it is not possible to assign a Class C channel.

Action: Proposed assignment of 296(A) changed to equivalent Channel 285(A).

(6) Neenah-Menasha Broadcasting Co., Inc.—WHAM (AM), Neenah.

Request: Supports proposed assignment of Channels 230 and 289 to Neenah-Menasha.

Action: Proposed assignments finalized.

(7) Oneida Broadcasting Company—WOBT (AM), Rhinelander.

Request: Assign Channel 298 in lieu of proposed 228(A) at Rhinelander.

Action: The table is modified as requested.

(8) Post Broadcasting Corporation—WEAW-TV, Eau Claire.

Request: Modify assignment principles so that more than two channels may be assigned to the Eau Claire area.

Action: Denied. No additional channels would meet minimum separations.

(9) Sheboygan Radio, Inc.—WKTS (AM), Sheboygan.

Request: Assign Channel 249(A) to Sheboygan.

Action: The table is modified as requested.

(10) Other changes on the Commission's own motion:

City	Delete	Add
Ripon -----		240(A)
Beloit -----		240(A)
Appleton -----		257(A)
Marinette -----	258	
Marshfield -----		300

## WYOMING

(1) Frontier Broadcasting Company—KFBC (AM and TV), Cheyenne.

Request: Assign at least one Class C channel to Cheyenne.

Action: Channel 250 assigned to Cheyenne in lieu of Channel 249(A).

## VIRGIN ISLANDS AND PUERTO RICO

Comments were filed by the following parties:

- (1) Arecibo Radio Corporation, Inc.
- (2) Harvey Alumina Virgin Islands, Inc.
- (3) Sergio Martinez Caraballo.
- (4) WMDD, Inc.

[F.M. Doc. 63-8234; Filed, Aug. 7, 1963; 8:45 a.m.]

[Docket No. 14185, RM-94; FCC 63-765]

## PART 1—PRACTICE AND PROCEDURE

## PART 3—RADIO BROADCAST SERVICES

### Petition of FM Unlimited, Inc. for Changes in FM Station Assignment Rules; Supplement to Third Report, Memorandum Opinion and Order

1. On July 25, 1963, the Commission adopted its "Third Report, Memorandum Opinion and Order," (FCC 63-735), finalizing a table of FM Assignments. The table, as adopted July 25, contained an assignment of Channel 243 to Battle Creek, Michigan, representing a construction permit under which authority Station WELL-FM began operating June 14, 1963.

2. On July 23, 1963, Southern Michigan Broadcasting Corporation, permittee of WELL-FM, filed a late pleading in this Docket proposing a series of channel changes in Michigan. As grounds for the requested changes, Southern Michigan states that the operation of WELL-FM on Channel 243 has been found to cause extensive problems with the reception of television Stations WILX-TV and WMSB, sharing time on Channel 10 at Onandaga, Michigan, owing to in-

adequate selectivity on the part of many television receivers in the area where WELL-FM is located. In order to resolve this problem by shifting WELL-FM to some other frequency, the licensees of WELL-FM and WILX-TV have worked out a plan with the licensee of WSTR-FM, Sturgis, Michigan, involving frequency changes for both FM stations and for one other proposed assignment.<sup>1</sup> The licensee of Station WSTR-FM would be reimbursed by the other two parties for the expenses involved in making the change, in an amount not to exceed \$3,960.

3. The type of "interference" mentioned herein to television reception from FM stations is essentially a problem of receiver design and can usually be corrected by the installation of wave traps at the receiver. For this reason, "interference" to television service is not a factor ordinarily taken into account in the assignment of FM channels. In this particular case, however, where the parties have agreed upon a relatively simple solution which will eliminate the necessity of installing wave traps on many thousands of home television receivers, we believe that the channel changes suggested would serve the public interest. Although the change of WELL-FM from Channel 243 to Channel 277 involves a "short-spacing" of approximately 5 miles to an adjacent channel station in Detroit, the spacing situation for WELL-FM on Channel 277 is actually better than on Channel 243, where WELL-FM was somewhat under minimum spacings to both a co-channel and an adjacent channel station. The changes adopted herein are subject, of course, to coordination with Canadian authorities.

4. In view of the foregoing, and pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That the Third Report, Memorandum Opinion and Order adopted July 25, 1963 (FCC 63-735), is modified to the extent that the Table of Assignments contained in § 3.202(b), is changed with regard to the cities named below (only), to read as follows:

City:	Channel No.
Battle Creek, Mich.....	277
Cadillac, Mich.....	225, 278
Sturgis, Mich.....	257A
Columbia City, Ind.....	292A

5. *It is further ordered*, That, pursuant to sections 303(f) and 316 of the Communications Act of 1934, as amended, the following modifications of license or permit are effected with the consent of the licensees involved:

(a) The permit of Southern Michigan Broadcasting Corporation for Station WELL-FM on Channel 243 at Battle Creek, Michigan, is modified to specify operation on Channel 277, subject to the

<sup>1</sup> Because the final table as adopted on July 25, 1963 was modified in many particulars from the table proposed last December, the other modification in the plan submitted by WELL-FM is no longer necessary. However, two further modifications of unoccupied assignments in the table adopted July 25 would be necessary.

condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WELL-FM on Channel 277 at Battle Creek.

(b) The license of Water Wonderland Broadcasting Company, Inc. for Station WSTR on Channel 276 at Sturgis, Michigan, is modified to specify operation on Channel 257A subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WSTR on Channel 257A at Sturgis.

6. *It is further ordered*, That, the above-named licensee and permittee may continue to operate with their present authorization until they are ready to commence operation on the new frequencies in accordance with the orders of modification herein; and that, upon completion of construction of their new facilities in accordance with the terms of the modified authorizations, each licensee or permittee shall submit, in triplicate, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for an FM license, at least ten days prior to the date on which it is desired to begin program operations on the new frequency, with the proviso that program operations are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

Adopted: July 30, 1963.

Released: August 1, 1963.

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

[F.R. Doc. 63-8415; Filed, Aug. 7, 1963;  
8:45 a.m.]

[Docket 14185, RM-94]

**PART 1—PRACTICE AND PROCEDURE**  
**PART 3—RADIO BROADCAST SERVICES**

**Petition of FM Unlimited, Inc. for Changes in FM Station Assignment Rules; Correction**

The Commission's Third Report, Memorandum Opinion and Order in the above-captioned proceeding (FCC 63-735), released August 1, 1963, is corrected to the extent that the Table of Assignments contained in § 3.202(b), is changed with regard to the cities named below (only), to read as follows:

City	
Fort Smith, Ark.....	229, 256, 260, 265A
San Rafael, Calif.....	265A
Borger, Tex.....	282
Slaton, Tex.....	224A
Bellingham, Wash.....	225, 282

In each of the cities named above, a Class A channel designation was either omitted or added incorrectly in the Third Report.

Released: August 5, 1963.

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

[F.R. Doc. 63-8472; Filed, Aug. 7, 1963;  
8:58 a.m.]

[Docket 14744, FCC 63-722]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES**

**Establishment of a New Class of Educational Television Service for the Transmission of Instructional and Cultural Material**

1. On July 25, 1962, the Commission adopted a notice of proposed rule making in the above-entitled matter, to meet the needs of educators for the transmission of visual and aural instructional material to students enrolled in courses of formal instruction. While it would be possible to receive the transmissions of the stations which would be authorized under the proposed rules in homes or other individual receiving locations, the most important function of the new service would be to reach groups of students assembled in classrooms or other similar places for the specific purpose of using the instructional material so transmitted. Therefore, the transmissions from stations licensed in this service would be directed primarily to specific locations selected in advance by the licensee and equipped with suitable receivers by the licensee. While it may be technically feasible to conduct the operation on broadcast channels the success of the operations does not require the use of broadcast channels.

2. As a matter of fact, there are certain advantages in conducting this type of operation on non-broadcast channels. Most instructional TV systems will require more than one channel so that teaching material in several subjects may be transmitted simultaneously. Multi-channel assignments which are not available in most places on broadcast channels can be made in non-broadcast bands. By avoiding this unnecessary use of educational broadcast channels they are left available for the transmission of cultural and educational programs designed for reception by the general public on receivers located in individual homes. Transmitter power in many cases can be used more efficiently because it may be concentrated in the directions of the selected receiving locations. Broadcasting is inherently wasteful of power because it must cover a wide area whether or not its signals are actually used by everyone in the area

and it must provide a strong signal so that average home receiving installations which are not the most efficient will obtain reception. The ability to use power efficiently in a non-broadcast type of operation will permit the use of lower powered transmitters which cost less to buy and operate. While we have no specific data on the cost of receivers-converters for use in these bands, it is quite likely that they will cost more than similar UHF broadcast converters, perhaps twice as much. This may offset the saving in transmitter costs. However, when these receiver-converters are manufactured in quantity, the cost is likely to come down. Use of non-broadcast channels also provides a degree of privacy to the system because the average home will not be equipped with the special receiving apparatus needed to receive signals outside of regular TV broadcast bands and classification of the service brings it under the protection of section 605 of the Communications Act which is concerned with the unauthorized use of non-broadcast communications. The greater availability of channels in non-broadcast bands will provide for more independent systems wherein the selection and scheduling of instructional material can be tailored to the needs of the licensee.

3. The list of educational organizations and institutions which enthusiastically endorsed the proposed new service is impressive. A few recommended some modification in the proposed rules. Comments were received from Twin City Area Educational Television Corporation (Minneapolis-St. Paul, Minnesota); Plainedge Public Schools, Bethpage, New York; Mineola (New York) Public Schools; Rev. John M. Culkins, S. J., Consultant on Television National Catholic Educational Association; California Dept. of Education, Bureau of Audio-Visual and School Library Education; Milwaukee Vocational and Adult Schools; National School Boards Association; Tri-County ETV Council, (Chicago area); Henry Ford Community College, Dearborn, Michigan; Texas Education Agency; Livonia (Michigan) Public Schools; Florida Educational Television Commission; Northern Illinois University, DeKalb, Illinois; Dearborn (Michigan) Public Schools; Alabama Educational Television Commission; University of Connecticut; Missouri State Educational Television Survey; Superintendent of Schools, Sioux Falls, South Dakota; Alfred B. Caine, Principal of the Sewanhaka Central High School District No. 2, Franklin Square (L.I.) New York; University of Utah; Southern Illinois University, Carbondale, Illinois; National Educational Television and Radio Center (NET); Pennsylvania State University; Detroit Educational Television Foundation; University of Missouri; University of Illinois; Illinois State Department of Public Instruction; United States Department of Health, Education, and Welfare; Connecticut State Board of Education; New York State Commissioner of Education; Board of Education, Elmwood Park, Illinois; Wayne State University, Detroit, Mich-

igan; National Association of Educational Broadcasters (NAEB); University of Texas; Virginia Polytechnic Institute; Jefferson County (Kentucky) Public Schools; Washington State Superintendent of Public Instruction; South Dakota State University; Brigham Young University, Provo, Utah; Fremont Union High School, Sunnyvale, California; Pennsylvania State Department of Public Instruction; Superintendent of Public Schools, Roselle, Illinois; School District No. 3, DuPage County, Illinois; Public School System of Newton, Massachusetts; Board of Education, Baltimore County, Maryland; Department of Education of Puerto Rico; Illinois Education Association; Georgia State Board of Education; Joint Council on Educational Broadcasting (JCEB); and National Education Association (NEA).

4. Besides the educational groups, comments were filed by City of Los Angeles (Department of Water and Power); National Association of Manufacturers (NAM); Association of American Railroads (AAR); GPL Division—General Precision, Inc. (GPL); American Trucking Associations, Inc. (ATA); City of New York (Municipal Broadcasting System); Storer Broadcasting Company; Sarkes Tarzian, Inc.; National Association of Motor Bus Owners (NAMBO); American Petroleum Institute (Central Committee on Communication Facilities); Columbia Broadcasting System, Inc. (CBS); National Association of Broadcasters (NAB); National Committee for Utilities Radio (NCUR); National Broadcasting Company, Inc. (NBC) United States Independent Telephone Association (USITA); Kelly Broadcasting Company (KCRA-TV, Sacramento, California); Union Oil Company of California; Western Microwave; El Paso Natural Gas Company; California Public Safety Radio Association, Inc.; Belridge Oil Company, Los Angeles, California; County of Los Angeles (Department of Communications); Motorola, Inc.; County of Riverside, California; Electronic Industries Association (EIA); Socony Mobil Oil Company; General Electric Company; Adler Electronics, Inc.; Associated Public Safety Communications Officers, Inc.; William E. Yost, Jr., Bethesda, Maryland; and The Church Federation of Greater Chicago.

5. The comments filed in this proceeding were overwhelmingly in favor of the establishment of the proposed new service. The majority of the comments by educational groups expressed no preference for one or the other of the alternative frequency bands proposed. In most cases where a preference for the 2500-2690 Mc/s was indicated it was based simply on the fact that it contained 31 channels as compared to the 1990-2110 Mc/s band which contains only 20 channels. Where a preference for the lower band was indicated, it was based on the current availability of equipment and the fear that there would be delay in the development of suitable equipment for operation in the upper band. A few comments suggested that the demand for channels would require the use of both bands.

6. Broadcast interests for the most part recommended that the new service be placed in the 2500-2690 Mc/s band which is now allocated to the operational fixed service. Operational fixed interests recommended that the new service be placed in the 1990-2110 Mc/s band now allocated to the TV broadcast auxiliary service. Four of the parties said that neither of the bands should be given to the new service since there was no convincing evidence that it could not be accommodated in the present UHF television broadcast band.

7. Although there is no suitable equipment currently available for operation in the 2500-2690 Mc/s band, several potential manufacturers stated that such equipment could be developed and indicated that they would pursue such development if the service were placed in the upper band.

8. Opposition to the use of the 1990-2110 Mc/s band by broadcast interests was based on the fear that the demands for channels by educators plus the increased needs of broadcasters which are expected to develop with the growth of television service, would create a serious shortage of channels, particularly in the more populous centers. They assert that the band is needed for the expansion of the TV broadcast auxiliary service. They also argue that the different transmission standards and the different bandwidths will compound the interference problems and the broadcast auxiliary services must have interference-free operation because live broadcast program material lost due to interference is unrecoverable.

9. Opposition to the use of the 2500-2690 Mc/s band came entirely from the non-broadcast interests. Most argue that the present light loading is due to the fact that the band has only been available for about 2 years and manufacturers have not had an adequate opportunity to develop equipment for operation in that band. As such equipment becomes available, the operational fixed service will expand into that band as a matter of necessity because the service is growing rapidly and present bands are inadequate. Many of the comments were filed by parties currently operating in the band.

10. With respect to sharing the 1990-2110 Mc/s band with the TV broadcast auxiliary services, no technical data were supplied concerning the impact of signals having the characteristics of the proposed new service on the wideband FM signals currently employed by TV auxiliaries. No data were supplied relative to the required desired-to-undesired signal ratio for interference-free reception of stations operating in the proposed new service in the presence of signals from TV auxiliary stations. Nonetheless, we adhere to our original belief that, if this band were chosen, the judicious placement of transmitters and advantageous installation of receiving antennas would make a shared use of the 1990-2110 Mc/s band by TV auxiliaries and the proposed educational service, feasible.

11. On the other hand, the 2500-2690 Mc/s band is lightly used by operational

fixed services at the present time (records indicate approximately 90 authorizations outstanding), and new educational fixed systems would encounter fewer problems in affording interference protection to existing systems in this band. A more extensive use of the band by operational fixed stations could be expected as the other operational fixed microwave bands become saturated. We had proposed to take care of this over-flow by combining the 1850-1990 Mc/s band and the 1990-2110 Mc/s band into a single band for shared use by operational fixed and TV auxiliaries. In view of the different channel-widths involved, however, a sharing of the combined 1850-1990 Mc/s and 1990-2110 Mc/s band between operational fixed stations and the TV broadcast auxiliary stations does not appear to be particularly advantageous. Further, despite the judicious placement of transmitting and receiving sites to take advantage of their directive antenna properties, both TV auxiliary and operational fixed stations generally provide communication between points which are selected on bases other than ideal geometric arrangement. Thus, site placement advantages are negated.

12. In considering the economic differences which might accrue from the choice of bands proposed, Adler estimated that a suitable transmitter for operation in the 1990-2110 Mc/s band would cost approximately \$10,000, while a similar transmitter operating in the 2500-2690 Mc/s band would cost up to 50% more. Other parties expressed a belief that equipment operating in the higher band would probably cost more than equipment operating in the lower band but no figures were stated. General Electric Company, on the other hand, expressed the view that the present state-of-the-art would allow the design of equipment suitable for operation in the upper band which would be no more complex than present equipment operating in the lower band and at about the same cost. Motorola and Sarkes Tarzian, Inc. indicated they would enter the field, but gave no cost estimates. EIA, while suggesting selection of the lower band because equipment could be provided more readily and more economically, agreed that equipment can be developed for use in either band, but with an unspecified time delay.

13. Although equipment suitable for use in the 1990-2110 Mc/s band has been developed and produced by at least one manufacturer, there would be a time delay before the equipment could be produced in quantity either by the present manufacturer or others entering the field. Opinions vary as to whether the time required to develop and produce in quantity, equipment suitable for operation in the 2500-2690 Mc/s band, would be substantially greater. In any event, comments from the various educational interests indicate that system planning and resultant budget problems in connection with the provision of instructional television will induce a delay in actual operational implementation. Consequently, we do not regard the manufacturing "time lag" as being of paramount or overriding importance in selecting either frequency band.

14. Despite the wide variance of opinion regarding the number of channels which ultimately would be required in providing instructional television, there was unanimous agreement that a great many channels would be required. Lloyd P. Morris, President of the Elmwood Park (Illinois) Board of Education, stated that as many as 50 channels could be used in the Chicago area. The 2500-2690 Mc/s band offers more flexibility in that regard.

15. After considering the aforementioned comments, it is the Commission's belief that, since propagation characteristics are essentially the same in either band and because the new service can be implemented with the least disruption to existing services, the instructional television service should be established in the 2500-2690 Mc/s band. The relative lack of use of the band by other systems will decrease, for educational users, the engineering burdens of providing interference protection to other systems in this band. The wider band will provide opportunity for 31 television channels as opposed to 20 in the lower band, thus meeting the criteria for expansion and facilitating system design. It is the Commission's opinion that the cost differential would be reduced by the added marketing incentive to develop equipment in the 2500-2690 Mc/s band.

16. Because we have no firm foundation on which to evaluate the ultimate needs of the proposed service, a reallocation of the 2500-2690 Mc/s band from the operational fixed service to instructional television is not being enacted at this time. Instead, the Commission is providing a three-year period during which no new operational fixed systems will be authorized in the 2500-2690 Mc/s band, except as follows: Modification or expansion of existing systems will be permitted; and persons eligible for operational fixed stations in this band may use the band for television transmission if the technical characteristics of the equipment meet the technical standards set forth in Part 4 for instructional television fixed systems. Additionally, during this three-year period, the Commission will observe the amount of use of these channels by educators and will determine what course of action should be taken to encourage the fullest development of the 2500-2690 Mc/s band.

17. Since the equipment which has been demonstrated for instructional television service is capable of transmitting a broadcast-quality video signal within a six megacycle bandwidth, the Commission is of the opinion that this increased efficiency of spectrum utilization permits a reevaluation of the policy set forth in Docket No. 11866, wherein it was stated that: "So far as the private services (excluding broadcasters) are concerned, therefore, we are of the view that, except for public safety organizations and control-repeater operations, consistency with this general premise requires that authorizations for future private point-to-point systems for intracity or local area operations be granted on frequencies above 10,000 Mc/s". Thus, the Commission will waive this "intracity or local area" policy for operational fixed stations in the 2500-2690 Mc/s band pro-

viding the transmitting equipment complies with the technical standards set forth in Part 4 of the Rules which apply to instructional television fixed stations. At the expiration of the three-year period, the Commission will examine the then existing use of the band in order to determine its future status.

18. In view of the fact that we have decided to place the new educational service in the 2500-2690 Mc/s band and have decided not to combine the 1850-1990 Mc/s band with the 1990-2110 Mc/s band for joint use by operational fixed and TV auxiliary stations, it is not necessary for us to reach a decision regarding removal of mobile operations from the 1990-2110 Mc/s band at this time. If this should subsequently become necessary it will be made the subject of a new rule making proceeding.

19. Virginia Polytechnic Institute suggested that some provision be made so that transmitters licensed in the new service could be moved about from building to building on-campus and to locations off-campus which would be the source of instructional material. This type of operation would pose the same problems as that created by portable or mobile use of TV pickup stations in the TV auxiliary service. Where there is a need for portable or mobile pickup by educational institutions for use on systems licensed under the new rules, such authorizations may be obtained under the rules governing the Business Radio Service on frequencies above 10 Mc/s.

20. Comments directed to other parts of the proposal were mostly concerned with interpretations and minor modifications. The following paragraphs will describe the rules adopted and the reasons therefor. Comments directed to any of the rules will be discussed under the rule heading.

21. The Commission made it abundantly clear in the notice of proposed rule making that the proposed new service was intended to supplement the educational television broadcast service and not to replace it. However, several parties suggested that we call the new service "Instructional Television Fixed Service" to avoid any confusion with the Educational Television Broadcast Service. Since the proposed term more accurately describes the principal function of the new service we are adopting the suggestion.

22. Section 4.901 merely defines the terms used in the new subpart. Except for the change in the name of the new service no other comments were filed.

23. Section 4.902 sets forth the frequencies allocated for the new service and the manner in which they will be assigned. In order to provide for the most effective use of the band the 31 channels have been arranged in six groups, five of which contain 5 channels and one which contains 6 channels. The grouping is designed to provide a pattern for interleaving assignments to meet the needs of several closely spaced but independent school systems and place a numerical limit on the number of channels available to a single licensee in a given area until we are able to make a more

accurate estimate of the potential demand for channels and have gained experience in the effectiveness of geometric arrangements of assignments. Although operational fixed stations will continue to share this band it is anticipated that similar channelling will be adopted for that service.

24. Section 4.903 is concerned with interference between stations operating in this band. Applicants for new instructional TV fixed stations are expected to select channels and make the most effective use of available techniques to prevent interference between existing stations and provide maximum channel availability to future stations. No comments were directed toward this proposal.

25. Section 4.931 describes the uses which may be made of stations licensed in the new service. The primary purpose of the new service is to provide for the licensing of transmitting facilities to send visual and accompanying aural instructional material to selected receiving locations in accredited public and private schools, colleges and universities for the formal education of students. Systems which have been licensed for this purpose may also be used for other incidental purposes among which are the transmission of cultural material and entertainment to these same receiving locations; the transmission of special training material to selected receiving locations outside the school system such as hospitals, nursing homes, training centers, clinics, rehabilitation centers, commercial and industrial establishments, etc.; the transmission of special material to professional groups or individuals to inform them of new developments and techniques in their fields and instruct them in their use; and to perform other related services directly concerned with formal or informal instruction and training. When not being used for such purposes, the facilities licensed under these rules may be used for handling administrative traffic of the licensee such as the transmission of reports and assignments, conferences with personnel, etc. Individual stations or complete systems will not be licensed solely for handling administrative traffic.

26. The original proposal would have allowed stations licensed under these rules to be used as relay stations to interconnect television fixed systems in different areas, to deliver material to commercial and non-commercial educational TV stations and to obtain program material from commercial and non-commercial educational TV stations. The rules adopted herein will permit the latter two types of relaying as proposed. However, the use of stations for relaying educational material between systems has been modified so as to restrict this use to the local exchange of material. Some relaying of educational program material between widely separated points is provided for under Part 11 of the rules in the Business Radio Service. No need exists for establishing a parallel service under these rules. On the other hand, we are continuing the provision for the use of stations licensed under these rules

to relay program material from one area of a common system to another area of the same system and for the exchange of program material between adjacent or nearby systems operated by different licensees. We have in mind, for example, the interchange of material between a local city school system and the school system in the surrounding county or between two independent school systems in nearby cities. The type of relaying that will be precluded is the establishment of relay systems to distribute material over an entire state or a large portion thereof.

27. Section 4.932 is concerned with the requirements for eligibility to hold licenses in the new service. A number of comments were directed to this point. The question was raised as to whether everyone eligible for holding a non-commercial educational TV license would be eligible in the new service. The original proposal would have limited eligibility in the new service to institutional organizations such as accredited public and private schools, colleges and universities engaged in a program of formal education. After considering the comments we have decided to make eligibility in the service identical with our non-commercial educational TV broadcast service. A community group formed for the purpose of operating an educational broadcast station would be eligible. Individual members of the group who are engaged in the operation of an educational system could be eligible. In either case, the licensee may also direct transmissions to others as provided in § 4.931.

28. Since the total requirements of those engaged in formal education are as yet unknown and may conceivably tax the capacity of the band, it would be premature to consider permitting commercial organizations such as private vocational schools, professional associations, language schools, dancing academies, etc. to use the channels. We have also considered suggestions that municipalities be made eligible to use the new service in connection with the public safety and welfare activities of the police, fire and public health departments. Such uses might include the training of policemen, doctors and nurses and the transmission of line-ups of criminals to the various police precincts. While these are worthwhile municipal activities, we have not provided for eligibility under the new service to municipalities for such purposes, feeling that they should and can more appropriately be conducted through the use of facilities licensed under the rules of the public safety radio services. Eligibility under the latter services for licensing for such purposes may be established by municipalities in accordance with the provisions of paragraphs 16 and 17 above. Licensees found eligible under the rules adopted herein may of course, provide special training courses to such municipal departments consistent with Section 4.931 but the use of the facilities for transmissions related to other activities of the municipal government will not be permitted.

29. We reach a similar conclusion with regard to suggestions that common

carriers engaged by educational organizations to provide transmission facilities for educational material be made eligible in the new service or at least have access to the frequencies. Such service performed by common carriers may be conducted on frequencies and under tariffs conforming to the rules governing the common carrier service. One manufacturer suggested that we expand the eligibility so as to encourage a great many users to enter the service. This, it was claimed, would increase the demand for equipment and result in lower costs to educators. Our problem will be to fit the expected demand for the proposed new service into the available spectrum space. It would not be in the public interest to create a demand far in excess of the capacity of the band.

30. Section 4.933 provides for the remote control of transmitters in the new service. Attention is invited to the definitions in Section 4.901 which give the distinction between remote control operation and unattended operation. This provision makes it possible to install the transmitter in a location where it would not be convenient or practical to have the operator physically present. For example, transmission line losses can be reduced substantially by having the transmitter close to the antenna. In a typical school building, the transmitter could be installed on the roof adequately protected from the weather, and controlled from a room in the school building. In some cases a nearby taller building might provide a better antenna location than the school building. Remote control will permit the installation of the transmitter on the nearby building and control from the school building. Remote control is a manned operation differing only in that the operator manning the station is not in the physical presence of the transmitter but exercises manual control from a different location. No comments were directed to this rule.

31. Section 4.934 is concerned with unattended operation. In this case the transmitter operates automatically. Simple apparatus such as that used to relay incoming signals is capable of automatic operation. Apparatus used for the origination of programs is more complex and requires attention from an operator to insure its proper functioning. The character and the level of the material used to modulate the transmitter can affect its external performance. Adjustments must be made from time to time to compensate for changes in the character and level of the material. If the manned transmitter transmits a proper signal the automatic repeater or relay stations will retransmit what it receives and in the absence of some serious malfunctioning will transmit a proper signal. Therefore, unattended operation is limited to the simple repeater type relay stations. In any unattended operation there is always an element of risk that malfunctioning of the transmitter will create interference to some other station or service. If this causes the automatic control to fail, it may be necessary for someone to go to the transmitter and turn it off manually. This may have to be done quickly, particularly if

interference is caused to a service operating for the safety of life and property. Most unattended installations will be made at places which can be reached by someone in a matter of 5 or 10 minutes, who can turn the transmitter off upon instruction. If the unattended transmitter is located on an isolated mountain peak or some other remote location where distance or weather conditions may make it impossible to reach the transmitter site quickly at some hours or during some seasons, it is essential that a positive on and off control be installed at some place which can be reached quickly at all hours and in all seasons. The rule adopted herein contains such a requirement.

32. Section 4.935 relates to the amount of power that will be authorized. The use of excessive power creates an unwanted interference hazard. The amount of power needed will vary from case to case. Applicants are expected to take advantage of all techniques which will provide as much signal as they need at all receiving locations in their system and at the same time avoid the radiation of excessive power in directions where no service is intended or far beyond the most distant receiver intended to be served. Ten watts of power out of the transmitter is considered to be a nominal amount of power and no special justification is needed for transmitter powers up to that amount. While the rules do not prohibit the use of higher transmitter powers we will examine such requests more critically to determine if the power requested is actually justified. That is why the rules adopted herein require a special showing where transmitter output of more than 10 watts is proposed.

33. Section 4.936 specifies the type of emission to be employed and regulates the amount of permissible out-of-band radiation. These limits can be achieved with properly designed transmitting equipment and are low enough to minimize the hazard of interference to other stations and services on other frequencies. Greater suppression can be achieved and if interference occurs as the result of such out-of-band emissions we may specify less tolerant requirements in individual cases.

34. Section 4.937 relates to both transmitting and receiving antennas. The requirements relating to transmitting antennas parallel the regulations concerning power and are intended to reduce the hazard of interference to other stations and services which might be caused by the unnecessary radiation of signals in directions where no reception is intended. The use of directive transmitting antennas also has the advantage of concentrating the available power where service is desired. Directive receiving antennas are a most effective tool in reducing interference because they may be designed and installed so as to enhance a wanted signal and discriminate against an unwanted interfering signal. While the rules adopted herein do not require the use of directive receiving antennas our efforts to provide interference-free reception to licensees will assume that full use is made of directive receiving antennas where neces-

sary. Users who are unwilling to install good directive receiving antennas must accept interference which results from the use of a less effective receiving antenna. The use of so-called "periscope" antenna systems, i.e., a highly directive antenna located at the base of a tower and aimed vertically at a large tilted reflecting screen mounted at the top of the tower, for transmitting will not be allowed. Scattering from the reflecting screen reduces the effectiveness of directivity and radiation in the vertical direction which "leaks" by or through the reflector may impair future usefulness of frequencies in this portion of the spectrum for space communication. Reflectors of sufficient area to eliminate such "leakage" are too bulky to be practical at 2,500 Mc/s.

35. We have also devoted a paragraph in Section 4.937 to the selection of transmitting antenna locations. Many school districts in planning systems will have a choice of several locations for the central transmitting point. The most effective use of directive receiving and transmitting antennas can be made if a judicious choice of transmitting points is made. For example, in an idealized "checkerboard" pattern where each square represents a separate school district, if one district locates its transmitter on the eastern side of the square and the immediately adjacent area to the west locates its transmitter on the western side of the square, the receiving antennas of each will be pointed away from the transmitter of the other. Now, if the northern adjacent district locates its transmitter on the northern edge of its square we have the same situation of making the receiving antennas point away from a source of potential interference. Such ideal arrangements may not occur in practice but the principle should be applied to the extent possible in all cases. Other techniques such as the use of cross-polarization or counter-rotating circular polarization may be effective tools in combating interference. The rules adopted herein permit the Commission to require the use of such techniques in individual cases.

36. Section 4.938 sets forth the transmission standards for stations operating in the new service. A number of comments were directed toward this part of the proposal. There were suggestions that we not establish standards at this time but class the new service as "developmental" so that various new techniques could be tried, looking toward the development of a better system. Pleas were made for wider channelling so that higher definition pictures could be transmitted and better color systems could be explored. A need for multiplexing picture, sound, and data transmission on single carriers was mentioned.

37. On the other hand, there were many arguments made for making the standards compatible with those employed in television broadcasting. The free exchange of educational and instructional material between stations operating under these rules and regular TV broadcast stations, educational and commercial, requires compatible standards. A few urged that we provide less strin-

gent tolerances for the new service and others objected to any degradation of regular TV standards on the grounds that this would encourage the production of inferior equipment which in the long run would prove unsatisfactory.

38. We have given careful consideration to all of these arguments. We do not believe that it would be in the public interest to classify the new service as developmental. This imparts a temporary aspect to the rules and standards and contains the implication that investments may be lost if some other system is ultimately adopted. Many of these systems will be built with public funds. Such investments should not be placed in jeopardy. The Commission rules have always contained provision for research and development and any qualified applicant desiring to explore improved techniques for transmitting television signals may apply for an experimental authorization. Such authorizations are not intended to provide a "service" and may be terminated without taking service from the public, if the experiment proves unsuccessful or for other reasons the Commission finds that it should not be authorized on a regular basis. If, on the other hand, the experiment leads to a new advance in the state of the art the Commission may then amend its rules to provide for the use of the new technique or service. While we admit that the use of wider channelling and incompatible standards could provide higher definition and might permit more faithful color transmissions, the price in spectrum space is too high. Regular TV standards are adequate for the basic uses which this service is intended to provide. The economy of being able to use conventional TV receivers in individual classrooms is obvious and the free exchange of educational and instructional material between these private systems and regular TV broadcast stations, is certainly desirable. Users having a need for higher definition and better color fidelity may operate systems under other parts of the rules where wider channels are provided. Permitting such operation under these rules would sharply reduce the number of channels available for assignment. We agree that the use of lower standards than those employed in regular TV broadcasting could lead to the offering of inferior equipment and the saving in cost would not be significant.

39. Therefore, we are adopting the TV broadcast standards as proposed except for those relating to suppression of the lower sideband and frequency tolerance. These exceptions are discussed in the following paragraphs.

40. Section 4.950 is concerned with the equipment performance and installation. Several comments argued that the frequency tolerance requirement for TV stations is overly strict for this service and should be relaxed. We have modified this requirement in the rules adopted herein. We also are eliminating those requirements relating to a specified degree of suppression of the lower sideband except in those cases where interference results from such emissions in which case the requirements applicable to reg-

ular TV stations will apply. Adler suggested that the requirements of § 3.687(a) (4) would be difficult to comply with because it requires measurements at the output frequency of 2,500 Mc/s. We wish to point out that these are measurements of video frequencies not radio frequencies and merely requires the rectification of the 2,500 Mc/s signal with a diode detector to extract the video signal. This should not pose any particular problem. The measurement is essential to determine the response characteristics of the visual transmitter. It was also noted that if separate measurements of the visual and aural power output had to be shown by indicating devices built into the transmitter, the cost of equipment would be increased substantially. Most of the low power equipment built for operation in this band will use a common final radio frequency amplifier for the aural and visual signals. It was urged that we permit the use of an indicating device that would measure the combined visual and aural signals for the routine operation of the equipment and that measurements of the separate visual and aural powers be required only once a month with the use of external measuring equipment. We are adopting the suggestion. However, the requirement that the peak visual power output of the transmitter not be permitted to exceed the authorized power by more than 10 percent is retained and manufacturers employing such measuring devices to indicate the combined visual and aural power output should instruct purchasers of the limitation of the indicating devices. The Commission will employ more sophisticated techniques for observing the transmission of such stations and failure of such meters to indicate deviations in visual and aural power output beyond the tolerances specified in the rules, will not excuse such violations.

41. Section 4.951 lists the changes in authorized facilities which require prior Commission approval of a formal application and those which may be made at the discretion of the licensee. No comments were directed to this rule. This same application form (FCC Form 330-P) will be used for new applications.

42. Section 4.952 is concerned with type acceptance of equipment for use in the new service. No comments were directed to this proposal.

43. Section 4.961 specifies the frequency tolerance, i.e., the maximum permissible deviation of the operating frequencies of the visual and aural carriers from the assigned frequencies. The purpose of such regulation is to prevent interference which would be caused if stations did not stay within their assigned channels. Ideally, stations should operate exactly on their assigned frequencies. However, such precise frequency control is impractical in the present state of the art. Therefore, we provide a tolerance to allow for a reasonable deviation. A tolerance somewhat less strict than that employed in TV stations would provide an adequate

safeguard against interference which might result from deviations of the operating frequencies and would be more economical to obtain. The suggested modification appears reasonable and the rule adopted herein specifies a tolerance of 1 percent of the assigned channel width, i.e., 60 kilocycles. Several comments seemed to interpret the requirement that the operating frequency be checked to mean that the output frequency must be measured. A measurement of the frequency of any stage of the frequency controlling circuits which determine the actual operating frequencies of the visual and aural carriers will provide an adequate check of the operating frequencies. Because of the high order of frequency multiplication usually employed in transmitters operating in this frequency range, it might be desirable to employ some rough check of the actual output frequency to insure that the correct multiplication has been used. Crude devices are adequate for this purpose.

44. Section 4.963 relates to the time of operation. No maximum or minimum limit is placed upon the amount of time these stations may be operated for performing their intended service. Superfluous or unnecessary transmissions are forbidden.

45. Sections 4.964 and 4.965 are concerned with station inspection and the posting of licenses. No comments were directed to these proposals.

46. Section 4.966 sets forth the operator requirements for stations operating in the new service. Transmitting apparatus employed for the generation of signals which are directly modulated with visual and aural signals either generated in studios associated with the transmitter or obtained by demodulation of signals obtained from other stations require supervision by technically qualified operators in order to assure proper operation of the apparatus and to prevent malfunctioning which could result in interference to other stations and possibly, destruction of the equipment. We consider the new service to be important enough to warrant a mature treatment. We realize that the employment of technically qualified radio operators will add somewhat to the operating costs of these stations. We have tried to minimize this by permitting remote control so that the transmitter may be observed and controlled from a place where the operator may perform other duties which do not impede or impair the necessary supervision of the transmitter. We will permit the routine operation of the transmitter by an operator having limited technical ability so that the technically qualified personnel may devote time to other elements of the system or perform other duties for which he may be uniquely qualified. We have provided for unattended operation of simple heterodyne repeating apparatus which will be located away from the central transmitting location. Since malfunctioning of such automatic equipment could go undetected we require that the transmissions be observed hourly at the receiving point. Although some com-

ments implied that this would place an unreasonable burden on the licensee, we do not agree. A radiotelephone third class operator could perform this chore. The examination for this grade of license merely requires a knowledge of basic radio law and rules and standard operating practices. Since no technical knowledge is required, almost any member of the teaching staff of a school in the area served by the automatic repeater could qualify. If the automatic relay station is delivering program material to the central transmitting location, this is already manned by qualified personnel. If it is delivering it to another system or to a TV broadcast station, qualified personnel are on duty at those points.

47. Section 4.967 refers to aeronautical hazard marking of antenna structures. Section 4.968 is a standard rule that places applicants and licensees on notice that special conditions may be placed on authorizations in individual cases. Section 4.969 requires licensees to have current copies of the rules governing the service on hand and indicates that we expect the licensee and the operator manning the equipment to know what they can and cannot do. Section 4.970 defines the modulation limits permitted in this service and § 4.971 requires the licensee to provide means for insuring that these limits are observed. No comments were directed toward these proposals.

48. Section 4.981 specifies the kind of information that must be entered in the station records. Logs provide a record of the day-to-day operation and performance of the equipment and a means to insure that certain necessary observations are performed at regular intervals. The manner in which they are kept provides a good indication of the licensee's sense of responsibility and should be reviewed at frequent intervals by the licensee to assure that they are being properly kept.

49. Section 4.982 deals with station identification. Station identification is required by our rules and by international treaty. It serves to identify the station to the person receiving the transmissions but more important, it shows that the operation is licensed. The transmission of false or fraudulent call signs is a violation of the Communications Act and punishable by heavy fine and imprisonment. In the case of manned stations the transmission of the assigned call sign by visual or aural means or both, is no problem. In the case of the unmanned station, which cannot be conveniently modulated with the visual or aural call sign, we will permit the automatic transmission of the call sign in telegraphy. Our original proposal specified that this should be done by interrupting the carrier frequencies. It was suggested that we make this rule similar to the TV translator rules where the apparatus may be operated unattended. We have adopted this suggestion.

50. Section 4.984 is concerned with retransmission of signals received from

other stations. The provisions of section 605 of the Communications Act of 1934, as amended, prohibit the unauthorized publication or use of communications received by anyone from any station other than broadcasting or amateur stations. The rule adopted herein will permit the retransmission of programs received from broadcasting stations, or any other class of station including other stations in the new service, with the consent of the originating station.

51. In the light of the foregoing: It is ordered, That effective September 9, 1963, Parts 2 and 4 of the Commission rules and regulations are amended as set forth below. By subsequent orders Parts 1, 7, 9, 10, 11, and 16 of the Commission rules and regulations will be amended to conform them to the provisions of paragraphs 16, 17, and 23 herein. The appropriate application forms are being prepared and will be made available in the near future.

52. Authority for the amendments adopted herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: July 25, 1963.

Released: July 30, 1963.

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

I. Part 2 is amended as follows:

1. In § 2.1 add the following definition in its proper alphabetical sequence:

§ 2.1 Definitions.

*Instructional television fixed station.* A fixed station operated by an educational organization and used primarily for the transmission of visual and aural instructional, cultural primarily and other types of educational material to one or more fixed receiving locations.

2. In § 2.106 the band 2500-2690 Mc/s is amended and NG47 is added, as follows:

§ 2.106 Table of frequency allocations.

Federal Communications Commission		
Band (Mc/s)	Service	Class of station
7	8	9
2500-2690 (NG8) (NG47)	FIXED.	International control. Operational fixed. Instructional television fixed.

NG47 Pending determination of final action concerning allocation of the 2500-2690 Mc/s band to the instructional television service and further order of the Commission, frequencies in this band are not available for operation of new radio systems comprised of operational fixed or international control stations except for those stations which comply with the technical standards established for the instructional television service. [Reference, Report and Order FCC 63-722, in Docket No. 14744.]

II. Part 4 is amended as follows:

1. Section 4.15 is amended by adding a new paragraph (f) to read as follows:

§ 4.15 License period.

(f) Licenses for instructional television fixed stations will be issued for a period of 5 years beginning with the date of the grant.

2. A new Subpart I is added to read as follows:

Subpart I—Instructional Television Fixed Services

- DEFINITIONS AND ALLOCATION OF FREQUENCIES
- Sec. 4.901 Definitions
  - 4.902 Frequency assignments
  - 4.903 Interference

ADMINISTRATIVE PROCEDURE

4.911 Cross reference

LICENSING POLICIES

- 4.931 Purpose and permissible service
- 4.932 Eligibility and licensing requirements
- 4.933 Remote control operation
- 4.934 Unattended operation

Sec.

- 4.935 Power limitations
- 4.936 Emissions and bandwidth
- 4.937 Antennas
- 4.938 Transmission standards
- 4.950 Equipment performance and installation
- 4.951 Equipment changes
- 4.952 Acceptability of equipment for licensing

TECHNICAL OPERATION

- 4.961 Frequency tolerance
- 4.962 Frequency monitors and measurements
- 4.963 Time of operation
- 4.964 Station inspection
- 4.965 Posting of station and operator licenses
- 4.966 Operator requirements
- 4.967 Marking and lighting of antenna structures
- 4.970 Modulation limits
- 4.971 Modulation monitors and measurements
- 4.981 Logs
- 4.982 Station identification
- 4.983 [Reserved]
- 4.984 Rebroadcasts

AUTHORITY: §§ 4.901 to 4.984 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

Subpart I—Instructional Television Fixed Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.901 Definitions.

*Attended operation.* Operation of a station by a qualified operator on duty

at the place where the transmitting apparatus is located with the transmitter in plain view of the operator.

*Instructional television fixed station.* A fixed station operated by an educational organization and used primarily for the transmission of visual and aural instructional, cultural, and other types of educational material to one or more fixed receiving locations.

*Remote control.* Operation of a station by a qualified operator on duty at a control position from which the transmitter is not visible but which control position is equipped with suitable control and telemetering circuits so that the essential functions that could be performed at the transmitter can also be performed from the control point.

*Unattended operation.* Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without attention by a qualified operator.

§ 4.902 Frequency assignments.

(a) The following frequencies may be assigned to instructional television fixed stations:

Group A		Group B		Group C	
Chan- nel No.	Band limit Mc/s	Chan- nel No.	Band limit Mc/s	Chan- nel No.	Band limit Mc/s
A-1...	2500-2506	B-1...	2506-2512	C-1...	2512-2518
A-2...	2536-2542	B-2...	2542-2548	C-2...	2548-2554
A-3...	2572-2578	B-3...	2578-2584	C-3...	2584-2590
A-4...	2608-2614	B-4...	2614-2620	C-4...	2620-2626
A-5...	2644-2650	B-5...	2650-2656	C-5...	2656-2662
A-6...	2680-2686				

Group D		Group E		Group F	
Chan- nel No.	Band limit Mc/s	Chan- nel No.	Band limit Mc/s	Chan- nel No.	Band limit Mc/s
D-1...	2518-2524	E-1...	2524-2530	F-1...	2530-2536
D-2...	2554-2560	E-2...	2560-2566	F-2...	2566-2572
D-3...	2590-2596	E-3...	2596-2602	F-3...	2602-2608
D-4...	2626-2632	E-4...	2632-2638	F-4...	2638-2644
D-5...	2662-2668	E-5...	2668-2674	F-5...	2674-2680

(b) The frequency band 2500-2690 Mc/s is shared with operational fixed and international control stations. Assignments to new instructional television fixed stations will not be made where interference will be caused to existing stations operating in accordance with the Table of Frequency Allocations in § 2.106 of this chapter. Similarly, assignments to new operation fixed or international control stations will not be made where interference will be caused to existing instructional television fixed stations. Operational fixed and international control stations may employ different channelling and this fact should be kept in mind in assessing potential interference.

(c) A single licensee will be normally limited to the assignment of not more than five channels selected from one of the Groups listed in paragraph (a) of this section, for use in a given area. The Commission may limit the total number of channels to less than five if such is found to be necessary in order to assure a fair and equitable distribution of the channels among several potential applicants. In individual cases, more than

five channels may be assigned to a single licensee upon a satisfactory showing of need and after a determination has been made that such additional assignments may be made without depriving other eligible users of adequate availability of channels.

(d) The same channel may be assigned to more than one station or more than one licensee in the same area if the geometric arrangement of the transmitting and receiving points or the times of operation are such that interference is not likely to occur.

#### § 4.903 Interference.

(a) Since interference in this service will occur only when an unfavorable desired-to-undesired signal ratio exists at the antenna input terminals of the affected receiver, the directive properties of receiving antennas can be used to minimize the hazard of such interference. Interference may also be controlled through the use of directive transmitting antennas, geometric arrangement of transmitters and receivers, and the use of the minimum power required to provide the needed service.

(b) An applicant for a new instructional television fixed station is expected to take full advantage of such techniques to prevent interference to the reception of any existing operational fixed and international control station or instructional television fixed station at authorized receiving locations. In cases where it can be demonstrated that potential interference could be effectively controlled with practical refinements at such existing receiving locations, the user of the receiving installation is expected to make the needed refinements if interference-free reception is desired.

(c) Existing licensees and prospective applicants are expected to cooperate fully in attempting to resolve problems of potential interference before bringing the matter to the attention of the Commission.

### ADMINISTRATIVE PROCEDURE

#### § 4.911 Cross reference.

See §§ 4.11 to 4.16.

### LICENSING POLICIES

#### § 4.931 Purpose and permissible service.

(a) Instructional television fixed stations are intended primarily to provide a means for the transmission of instructional and cultural material in visual form with an associated aural channel to specified receiving locations for the primary purpose of providing a formal education and cultural development to students enrolled in accredited public and private schools, colleges, and universities.

(b) Such stations may also be used for the additional purpose of transmitting visual and aural material to selected receiving locations for in-service training and instruction in special skills and safety programs, extension of professional training, informing persons and groups engaged in professional and technical activities of current developments in their particular fields, and other similar endeavors.

(c) During periods when the circuits provided by these stations are not being used for the transmission of instructional and cultural material, they may be used for the transmission of material directly related to the administrative activities of the licensee such as the holding of conferences with personnel, distribution of reports and assignments, exchange of data and statistics, and other similar uses. Stations will not be licensed in this service solely for the transmission of administrative traffic.

(d) Stations may be licensed in this service for operation as relay stations to interconnect instructional television fixed station systems in adjacent areas, to deliver instructional and cultural material to commercial and noncommercial educational television broadcast stations, to obtain program material from commercial and noncommercial educational television broadcast stations for use on the instructional television fixed system, and to deliver instructional and cultural material to and obtain such material from nearby terminals or connection points of closed circuit educational television systems employing wired distribution systems or radio facilities authorized under other parts of this chapter.

(e) Material transmitted by these stations may be intended for simultaneous reception and display or may be recorded for use at a later time.

#### § 4.932 Eligibility and licensing requirements.

(a) A license for an instructional television fixed station will be issued only to an institutional or governmental organization engaged in the formal education of enrolled students or to a nonprofit organization formed for the purpose of providing instructional television material to such institutional or governmental organizations, and which is otherwise qualified under the statutory provisions of the Communications Act of 1934, as amended. A nonprofit organization which would be eligible for a license for a noncommercial educational television broadcast station is considered to be eligible for a license for an instructional television fixed station.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of the appropriate state department of education will be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of the appropriate state department of education or the recognized regional and national accrediting organizations will be taken into consideration.

(b) No numerical limit is placed on the number of stations which may be licensed to a single licensee. However, individual licensees will be governed by the limitation of § 4.902 as to the number of channels which may be used. A single license may be issued for more than one transmitter if they are to be located at a common site and operated by the same licensee. Applicants are expected to accomplish the proposed operation by the use of the smallest number

of channels required to provide the needed service.

(c) An application for a new instructional television fixed station or for changes in the facilities of an existing station shall specify the location of the transmitter and all proposed receiving installations which will be under the control of the applicant or will be equipped for reception by the applicant. If reception is also intended at unspecified locations, i.e., if power is deliberately radiated to locations or areas so that voluntary reception will be possible, the applications shall include a complete statement as to the purpose of such additional reception.

#### § 4.933 Remote control operation.

(a) An instructional television fixed station may be operated by remote control if the following conditions are met:

(1) The transmitter and associated control system shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) An operator meeting the requirements of § 4.965 shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position shall also be equipped with devices suitable for observing the overall characteristics of the transmissions and a carrier operated device which will give a continuous visual indication whenever the transmitting antenna is radiating a signal. The transmitting apparatus shall be inspected as often as may be necessary to insure proper operation and in any event at least once a day.

(4) The control circuits shall be so designed and installed that short circuits, open circuits, other line faults, or any other cause which would result in loss of control of the transmitter, will automatically cause the transmitter to cease radiating.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes operation by remote control shall include an adequate showing of the manner of compliance with the requirements of this section.

#### § 4.934 Unattended operation.

(a) Unattended operation of an instructional television fixed station will be permitted only when it is used for relaying the signals of another station which is employing the transmission standards specified for stations operating in this service and then only if the following requirements are met:

(1) The transmitter shall be equipped with automatic circuits which will permit it to radiate only when a signal on the channel which it is intended to retransmit is present at the input terminals of the apparatus. The automatic circuit may be provided with a reasonable time-delay factor to prevent the transmitter from being turned off during momentary failures of the incoming signal.

(2) The transmitter shall accomplish the relaying of the incoming signal by direct heterodyne frequency conversion to a different channel, or linear amplification of the incoming signal. The use of a common oscillator to convert the incoming signal to a low frequency for amplification and to reconvert it to its original channel will be considered to be the same as linear amplification. In cases where frequency conversion to a different channel is employed, the electrical characteristics of the incoming signal when retransmitted shall not be significantly altered except as to frequency and amplitude. In cases where linear amplification is employed, the electrical characteristics of the incoming signal when retransmitted shall not be significantly altered except as to amplitude. Care shall be taken in the design and installation of an unattended relay station to prevent instability which could result in spurious or other unwanted radiation.

(3) If the transmitting apparatus is located at a site which is not readily accessible at all hours and in all seasons, means shall be provided for turning the transmitter on and off at will from a location which can be reached promptly at all hours and in all seasons.

(4) The transmitter and any associated control circuits shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(5) In cases where the antenna supporting structure of an unattended station is required to have aeronautical hazard markings pursuant to the provisions of Part 17 of this chapter, the licensee shall provide for inspection and logging of observations of such markings as required by §§ 17.37 and 17.38 of this chapter.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes unattended operation shall include an adequate showing as to the manner of compliance with the requirements of this section.

#### § 4.935 Power limitations.

(a) The power of an instructional television fixed station will be limited to that required to perform the proposed service. Applicants are expected to take full advantage of the power-concentrating properties of directive transmitting antennas and the collective properties of directive receiving antennas to provide the needed service.

(b) An application for a new instructional television fixed station or for changes in the facilities of an existing station proposing a peak visual power output from the transmitter in excess of 10 watts shall include a showing as to the distance and direction to each specified receiving point, the elevation above ground and the power gain of each receiving antenna at such receiving points, the vertical and horizontal directive patterns of the proposed transmitting antenna system in terms of power gain, the elevation of the transmitting antenna above ground and the

nature of significant terrain features over the transmission path or paths.

(c) The operating power (peak visual) of an instructional television fixed station shall not be permitted to exceed the authorized power by more than 10 percent at any time.

(d) The transmitter power output of the aural signal shall not be more than 70 percent nor less than 10 percent of the peak power output of the visual signal.

#### § 4.936 Emissions and bandwidth.

(a) An instructional television fixed station shall normally employ amplitude modulation (A5) for the transmission of the visual signal and frequency modulation (F3) for the transmission of the aural signal.

(b) The average power of radio frequency harmonics of the visual and aural carriers, measured at the output terminals of the transmitter, shall be attenuated no less than 60 decibels below the peak visual output power within the assigned channel. All other emissions appearing on frequencies more than 3 Mc/s above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than:

(i) 30 decibels for transmitters rated at less than 10 watts visual peak power output.

(ii) 40 decibels for transmitters rated at 10 watts or more visual peak power output.

(c) Should interference occur as the result of emissions outside the assigned channel, greater attenuation may be required.

#### § 4.937 Antennas.

(a) In order to minimize the hazard of harmful interference from other stations, directive receiving antennas should be used at all receiving points. The choice of receiving antennas is left to the discretion of the licensee. However, should interference occur and it can be demonstrated that such interference could be eliminated through the use of a more suitable yet practical directive receiving antenna, the licensee of the station causing the interference is absolved of the responsibility of correcting the interference condition.

(b) Directive transmitting antennas shall be used wherever feasible so as to minimize the hazard of harmful interference to other licensees. The radiation pattern shall be designed to minimize radiation in directions where no reception is intended.

(c) In selecting a location for the transmitting antenna it should be borne in mind that interference to the reception of its transmission is most likely to come from the direction in which receiving antennas must be aimed to receive its transmissions. Whenever possible the location should be chosen so that the receiving antennas in its system are aimed in directions from which interfering signals are least likely to come.

(d) The use of elevated receiving antennas is preferable to the use of elevated transmitting antennas or greater power to provide the desired service.

(e) The use of vertical or horizontal plane polarization or right-hand or left-hand rotating (circular) polarization may be used to minimize the hazard of harmful interference between systems. The Commission reserves the right to specify the polarization to be used.

(f) The power gain compared to an isotropic antenna and the directive properties of the transmitting and receiving antennas proposed to be employed as well as the geometric distribution of the transmitting and receiving points shall be supplied with each application for a new educational television fixed station or for changes in the antenna facilities of an existing station.

#### § 4.938 Transmission standards.

(a) Except as otherwise provided in this section, the transmission standards employed by television broadcast stations and set forth in § 3.682 of this chapter shall apply to instructional television fixed stations.

(b) Instructional television fixed stations are not required to attenuate the lower sideband by any specified amount unless interference to the reception of another station results from emissions in excess of those permitted television broadcast stations, in which case the attenuation specified in § 3.687(a)(3) of this chapter shall apply. However, in no case shall the amplitude of any lower sideband component exceed the amplitude of the upper sideband component having the highest amplitude.

(c) The visual transmission amplitude characteristics may vary from those specified in § 3.682 of this chapter to the extent that such variations result from permissible lower sideband radiation. Care should be exercised in the adjustment of the transmitter to insure correct overall response of the transmitter for transmission of the upper and vestigial lower sideband.

(d) The provisions of § 4.937 in lieu of § 3.682(a)(14) of this chapter apply with respect to polarization of the radiated signal.

(e) The provisions of § 4.935(d) in lieu of § 3.682(a)(15) of this chapter apply with respect to the ratio of visual to aural power.

#### § 4.950 Equipment performance and installation.

(a) Except as otherwise provided in this section, the requirements of § 3.687 of this chapter regarding the installation and performance of television broadcast transmitters and associated equipment shall apply to instructional television fixed stations.

(b) The overall attenuation characteristics of the transmitter may vary from those specified in § 3.687 of this chapter to the extent that such variations result from permissible lower sideband radiation. However, care should be exercised in the adjustment of the transmitter to insure correct overall response of the transmitter for proper transmission of the upper and vestigial lower sideband.

(c) The provisions of § 4.961 in lieu of § 3.687(c)(1) of this chapter apply

with respect to the frequency tolerance for the visual carrier.

(d) The provisions of § 4.936 in lieu of § 3.687(i)(1) of this chapter apply with respect to spurious emissions and radio frequency harmonics.

(e) The requirements of § 3.687(c)(2) of this chapter will be considered to be met insofar as measurements of operating power are concerned, if the transmitter is equipped with instruments for determining the combined visual and aural operating power. However, licensees are expected to maintain the operating powers within the limits specified in the rules of this part. Measurements of the separate visual and aural operating powers should be made at sufficiently frequent intervals to insure compliance with the rules and in no event less often than once a month.

(f) Transmitting apparatus used solely for relaying signals received from other stations and operating in the manner described in § 4.934(a)(2) shall, in lieu of the requirements of § 3.687 of this chapter, comply with the requirements of § 4.750 (c), (e), and (f).

#### § 4.951 Equipment changes.

(a) Formal application (FCC Form 303P) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with an identical transmitter, or any change in equipment which could result in a change in the electrical characteristics or performance of the station.

(2) Any change in the transmitting antenna system including the direction of radiation, directive pattern, antenna gain, or transmission line.

(3) Any change in the height of the antenna above ground or any horizontal change in the location of the antenna in excess of 500 feet.

(4) Any change in the transmitter control system.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole.

(6) Any change of frequency assignment.

(7) Any change of authorized operating power.

(b) Other equipment changes not specifically referred to in paragraph (a) of this section may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the station is located and the Commission in Washington, D.C., are notified in writing upon the completion of such changes and provided further, that the changes are appropriately reflected in the next application for renewal of license of the station.

#### § 4.952 Acceptability of equipment for licensing.

(a) Transmitters employed in this service must have type acceptance by the Commission. Type acceptance may be given under either of the following conditions:

(1) A transmitter or translator may be type accepted upon the request of any manufacturer of such equipment built in quantity by following the type accept-

ance procedure set forth in Part 2 of this chapter, provided that the date and information submitted indicates that the equipment meets all technical requirements applicable to this service. If accepted, such transmitting equipment will be included on the Commission's "Radio Equipment List, Part C, Equipment Acceptable for Licensing in the Radio Services Other than Broadcast." Applicants specifying equipment included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of the Radio Equipment List, Part C, are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter or translator not included on the Radio Equipment List, Part C, may be accepted upon the request of a prospective licensee submitting, with the application for construction permit, a complete description of the equipment, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, and a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file." Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(b) Additional rules with respect to withdrawal of type acceptance, modification of type accepted equipment, and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this chapter.

#### TECHNICAL OPERATION

##### § 4.961 Frequency tolerance.

(a) The frequency of the visual carrier shall be maintained within 60 kilocycles of the assigned frequency at all times when the station is in operation.

(b) The frequency of the aural carrier shall be maintained in accordance with the provisions of § 3.687(c)(1) of this chapter.

##### § 4.962 Frequency monitors and measurements.

(a) Suitable means shall be provided to insure that the operating frequencies of the station are within the prescribed tolerances.

(b) The operating frequencies shall be checked as often as is necessary to insure that they are within the prescribed tolerances at all times and in all cases the operating frequencies shall be checked at intervals of no more than 1 month.

(c) A determination of the operating frequencies of the visual and aural carriers may be made by measuring any exact submultiple of the actual output frequency. Any crude but suitable de-

vice, including a roughly calibrated receiver, may be used to determine that the output frequency is the correct multiple of the frequency controlling element in the transmitter.

##### § 4.963 Time of operation.

(a) An instructional television fixed station is not required to adhere to any regular schedule of operation. Unless otherwise specified in the license, the hours of operation are not limited.

(b) Except for purposes of tests and adjustments, the transmitter shall not be permitted to radiate unmodulated carriers or otherwise make unnecessary transmissions for extended periods of time.

##### § 4.964 Station inspection.

The station and all records required to be kept by the licensee shall be made available for inspection upon request by any authorized representative of the Commission.

##### § 4.965 Posting of station and operator licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted at the place where the transmitter is located, so that all terms thereof are visible except as otherwise provided in paragraphs (b) and (c) of this section.

(b) In cases where the transmitter is operated by remote control, the documents referred to in paragraph (a) of this section shall be posted in the manner described at the control point of the transmitter, and

(c) In cases where the transmitter is operated unattended, the name of the licensee and the call sign of the unattended station shall be displayed at the transmitter site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition at all times by the licensee. The station license and other documents referred to in paragraph (a) of this section shall be kept at the nearest attended station operated by the licensee of the unattended station or in cases where the licensee of the unattended station does not operate attended stations, at the point of destination of the signals relayed by the unattended station.

(d) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing the class of station and is there available for inspection by a representative of the Commission, a verification card (FCC Form 758-F) is acceptable in lieu of the posting of such license; *Provided further, however,* That if the operator on duty holds an operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

#### § 4.966 Operator requirements.

(a) An instructional television fixed station, used for the origination of visual and aural program material or the transmitter of which is modulated with visual and aural program material received from other sources, shall not be operated unless there is one (or more) operators holding a valid radiotelephone first-class or second-class operator license or radiotelephone third-class operator permit, on duty at the place where the transmitter is located or at an authorized control point established pursuant to the provisions of § 4.933, and in actual charge thereof.

(b) Except when under the immediate supervision of a radiotelephone first-class or second-class operator, the radiotelephone third-class operator permit holder may perform only the following functions:

(1) Those necessary to turn the transmitter on and off.

(2) Such adjustments as may be made by means of external controls and which are necessary to maintain modulation of the transmitter within the prescribed limits.

(3) Such adjustments as may be made by means of external controls and which are necessary to compensate for fluctuations of the power supply voltage which would otherwise result in changes in the authorized operating power.

(4) Make routine meter readings and inspection of antenna hazard marking for logging purposes.

(c) In cases where a transmitter is operated unattended pursuant to the provisions of § 4.934, an operator of the grade specified in paragraph (a) of this section shall observe the transmissions at the receiving point for the station or some other suitable place where the transmissions of the unattended station can be observed, at intervals of no more than 1 hour whenever the station is in operation. Should any condition of improper operation be observed, immediate measures shall be instituted to correct the condition of improper operation.

(d) Any tests, adjustments, or repairs made while the transmitter is in operation and which require technical skill and knowledge to avoid improper operation, shall be made by or under the immediate supervision of an operator holding a valid radiotelephone first-class or second-class operator license.

(e) The licensed operator on duty and in charge of an instructional television fixed station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class or operator license or permit which he holds and the rules and regulations governing such stations. However, such duties shall in no way impair or impede the required supervision of the instructional television fixed station.

#### § 4.967 Marking and lighting of antenna structures.

The marking and lighting of antenna structures authorized by the Commission, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the

circumstances under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

#### § 4.968 Additional orders.

In case the rules of this part do not cover all phases of operation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

#### § 4.969 Copies of the rules.

The licensee of an instructional television fixed station shall have current copies of Parts 3 and 4, and in cases where aeronautical hazard marking of antennas is required, Part 17 of this chapter available for use by the operator in charge. Both the licensee and the operator or operators responsible for the proper operation of the station are expected to be familiar with the pertinent rules governing instructional television fixed stations.

#### § 4.970 Modulation limits.

(a) *Visual transmitter.* The maximum excursion of the luminance signal in the white direction shall not exceed the value specified in § 3.682(a)(13) of this chapter for the reference white level.

(b) *Aural transmitter.* The maximum frequency swing of the aural carrier shall not be permitted to exceed  $\pm 25$  kc/s on peaks of frequent occurrence during any transmission. This is defined as 100 percent modulation.

#### § 4.971 Modulation monitors and measurements.

Suitable means shall be provided to insure that the modulation limits specified in § 4.970 are observed.

#### § 4.981 Logs.

(a) The licensee of an instructional television fixed station shall maintain an operating log showing the following:

(1) The date and time of the beginning of each period of operation of the transmitter.

(2) The date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof.

(3) The date and time of the end of each period of operation of the transmitter.

(4) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date and time of such events, the name and qualifications of the person or persons performing such tasks, and a brief description of the matter logged.

(5) Where an antenna structure is required to have aeronautical hazard markings, the information required by § 17.38 of this chapter.

(b) The log entries shall be made by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(c) The log shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data re-

quired are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

(d) No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.

(e) Operating logs shall be retained for a period of not less than 2 years. The Commission reserves the right to order, in individual cases, retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint to which information contained in the log may be pertinent, the log shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

#### § 4.982 Station identification.

(a) Call signs for instructional television fixed stations will consist of three letters and two digits pursuant to the provisions of § 2.302 of this chapter relating to fixed stations.

(b) Except as otherwise provided in paragraphs (c) and (d) of this section, each instructional television fixed station shall transmit its call sign at the beginning and end of each period of operation and during operation, on the hour. Visual or aural transmissions shall be employed.

(c) The hourly station identification announcement during operation may be deferred if it would interrupt a single consecutive demonstration, lecture, or other similar discourse or otherwise impair the continuity of a program in progress. In such cases the station identification announcement shall be made at the first normal break in the continuity of the program.

(d) In cases where an instructional television fixed station is operating as a relay for signals originating at some other station operated by the same licensee, its call sign shall be announced by the originating station at the times and in the manner prescribed in paragraph (b) of this section.

(e) In cases where an instructional television fixed station is operating as a relay for signals originating at a station operated by some other licensee, its call sign may be transmitted by the originating station if suitable arrangements can be made with the other licensee or in lieu thereof, means shall be provided for the transmission of the call sign by the relay transmitter itself. If the transmitter is operating unattended or if it is not equipped for direct modulation by a locally generated signal, the transmission of the call sign may be made automatically in the manner prescribed in § 4.783(a).

#### § 4.983 [Reserved]

#### § 4.984 Retransmissions.

An instructional television fixed station may not retransmit the signals of

any class of station without consent of the station originating the signals to be retransmitted.

[F.R. Doc. 63-8421; Filed, Aug. 7, 1963; 8:47 a.m.]

[Docket No. 14697, RM-340; FCC 63-762]

### PART 3—RADIO BROADCAST SERVICES

#### Table of Assignments, Television Broadcast Stations, Marietta and Atlanta, Georgia

1. The Commission has considered the proposal of the Board of Education of the City of Atlanta, Georgia (hereinafter "Atlanta Board"), to shift Channel 57+ from Marietta, Georgia, to Atlanta and reserve it for noncommercial educational use. The proposal was the subject of our notice of proposed rule making (FCC 62-691), released June 29, 1962, in this proceeding. There is no outstanding license or construction permit for Channel 57+ in Marietta, and no applications are pending therefor. No opposition to the proposed shift and reservation has been received, and comments supporting it have been filed by the National Association of Educational Broadcasters and the Board of Education of the City of Atlanta.

2. Atlanta, with a population of a half million, and 1,060,000 for the metropolitan area (which includes Marietta), currently has assigned to it Channels 2, 5-, 11+, \*30, and 36, all of which are licensed and operating except Channel 36, for which there is a construction permit presently outstanding.

3. Petitioner states that the Atlanta Standard Metropolitan Statistical Area showed a 46 percent population increase between 1950 and 1962. Projected figures indicate an increase in combined enrollments of the Atlanta and Fulton County Schools<sup>1</sup> from 122,388 in 1959-1960 to 150,820 in 1969-1970, representing an increase of 31 percent and 21 percent for the secondary and elementary schools respectively. Petitioner is the licensee of noncommercial educational stations WABE-FM and WETV, Channel \*30, in Atlanta. Over the latter station it broadcasts 33 hours of instructional in-school programs (mainly pre-high school) through the week for 189 schools, and offers to the general adult audience about 20 hours of evening and week-end programming per week. Atlanta Board contends that one channel in Atlanta cannot provide sufficient program offerings at desirable viewing times for elementary and secondary schools, in-service training and research, and adult programs. Petitioner further asserts that in addition to a greatly expanded secondary in-school daytime broadcast curriculum, a second educational facility would permit the use of the evening broadcast hours on the second ETV channel primarily for high school courses for credit, which would enable adults to complete requirements for high school certification. Under a plan of Petitioner and the Metropolitan School De-

<sup>1</sup>Atlanta is the county seat of Fulton County.

velopment Council, Channel \*30 would then be used for presentation of programs for elementary school use during the day, and remain the educational television outlet for the community at large in the evening hours, "telecasting informational and cultural programs of general enrichment." Petitioner suggests several specific ways in which the community education program could be improved and extended with a second educational television outlet in Atlanta, through additional programs including literacy courses, vocational education, technical and professional instruction, in-service teacher education, and the like, and also points out that since the City of Marietta is within the 80 dbu contour of Station WETV, Channel 57+ would adequately serve that city also, according to predicted coverage curves.

4. The proposal to assign Channel 57+ to Atlanta for noncommercial educational use conforms with all minimum spacing and other technical requirements of the rules. We are of the view that adoption of the proposal would enhance opportunities for needed educational television services in Georgia and more particularly, the Atlanta area, and will serve the public interest.<sup>2</sup> In adopting the channel assignments set forth in this Report and Order, the Commission calls attention to its announcement in Docket No. 14229 that it would examine the present Table of Assignments and method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in that proceeding, we are concluding the subject proceeding so as to avoid delay by the Atlanta Board in proceeding with its educational television plans. Although we are reasonably certain that we can continue to provide two educational television reservations at Atlanta, it may be necessary to change the specific channels assigned. If such becomes necessary, every effort will be made to avoid changing those channels on which stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of significant additional funds.

5. Authority for the amendment adopted herein is taken pursuant to sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective September 9, 1963, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to (1) change the Atlanta entry under the State of Georgia to read as follows:

City:	Channel No.
Atlanta, Ga---	2, 5-, 11+, *30, 36, *57+

<sup>2</sup>Because of the need for two reserved channels in the evening (for broadcast to the general public) as well as the daytime hours (for in-school programming and other purposes), the action taken by the Commission on July 25, 1963, in Docket No. 14744, which established a new class of educational service over the 2500-2690 Mc/s frequency band, does not obviate the need for a second educationally reserved channel for Atlanta in the regular television band.

and (2) delete the entry for Marietta, Georgia.

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

Adopted: July 30, 1963.

Released: August 2, 1963.

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

[F.R. Doc. 63-8416; Filed, Aug. 7, 1963; 8:45 a.m.]

[Docket No. 14991, RM-392; FCC 63-776]

### PART 3—RADIO BROADCAST SERVICES

#### Table of Assignments, Television Broadcast Stations, Hazard, Kentucky

1. The Commission has before it for consideration its notice of proposed rule making (FCC 63-216) released in this proceeding on March 8, 1963, in which comments were invited on the following proposal:

	Channel No.
City:	Present Proposed
Hazard, Ky-----	*19-, 68 *33+, 68

The notice was issued in response to a petition for rule making filed by The Kentucky Authority for Educational Television. No comments were filed in opposition to the proposal.<sup>1</sup>

2. Petitioner stated that, although Channel \*19 was reserved at Hazard in response to the request of the Commonwealth of Kentucky,<sup>2</sup> it now appears that Channel \*33 would be a better assignment since it would avoid the use of a channel adjacent to that used by Station WLEX-TV, Channel 18, Lexington, Kentucky. Moreover, rather than request the reservation of Channel 68 (presently assigned as a commercial channel at Hazard), it was indicated that Channel 33 was being requested because a lower channel is preferred.

3. The Commission has stated on other occasions that, in the present state of the art, advantages accrue to the use of a low UHF channel, although it is hoped that concomitant with the full development of all-channel receivers technological advances will diminish the gap between the lower and upper UHF channel coverage. Hence, we believe it in the public interest to assign Channel 33 to Hazard and reserve it for noncommercial

<sup>1</sup>After the release of the notice herein, petitioner on April 29, 1963, filed an "Amendment to Petition for Rule Making" in which it requested that its petition for rule making be amended to deal not only with the original Hazard proposal, but also with a proposal to assign Channel \*19 to Ashland, Kentucky. The latter proposal is being severed from the instant docket, and a notice of proposed rule making concerning it is being adopted today in Docket No. 15146.

<sup>2</sup>See Report and Order (FCC 62-873), Docket No. 14396, in which the television table of assignments was amended to provide Kentucky with nine new UHF educational reservations for a statewide educational network.

educational use rather than consider the reservation of Channel 68 in that city. Such an assignment, it appears, would be used to establish a station which would form an integral part of the Kentucky statewide educational television network, and may be made in conformance with the Commission's mileage separation and other technical requirements.

4. In adopting the channel assignment for Hazard, we call attention to our announcement in Docket No. 14229 that we would examine the present § 3.606 of the rules (television Table of Assignments) with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in that proceeding, we are concluding the subject proceeding so as to avoid delay by the State of Kentucky in proceeding with its educational television plans. Although we are reasonably certain that we can continue to provide an educational television reservation at Hazard, it may be necessary to change the specific channel assigned. If such becomes necessary, every effort will be made to avoid changing the channel if a station is operating on it or if authorized construction has reached a stage where a change in channel assignment would require the expenditure of significant additional funds.

5. Authority for the action taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, Effective September 9, 1963, That the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows with regard to Hazard, Kentucky:

City:	Channel No.
Hazard, Ky-----	*33+, 68+

7. *It is further ordered*, That this proceeding is terminated.

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

Adopted: August 1, 1963.  
Released: August 2, 1963.

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

[F.R. Doc. 63-8419; Filed, Aug. 7, 1963; 8:45 a.m.]

[Docket No. 14902, RM-360; FCC 63-763]

**PART 3—RADIO BROADCAST SERVICES**

**Table of Assignments, Television Broadcast Stations, Ogden, Utah**

1. On December 18, 1962, the Commission released a notice of proposed rule making in this docket in which comments were invited on a proposal to make the following change in the television table of assignments, § 3.606 of the rules, with respect to Ogden, Utah:

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

2. The request for this change in the rules was made by the Board of Education of Ogden City, Utah, which enumerated reasons why the change would be in the public interest. No comments opposing the proposal were filed.

3. According to the 1960 Census, Ogden has a population of 70,197, a Standard Metropolitan Statistical Area count of 110,744, and an Urban Area figure of 121,927 persons. The television situation at Ogden is as follows: There is no outstanding authorization for Channel \*24 and no applications for it are pending. The Weber County School District (Ogden is located in Weber County) is the licensee of Station KWCS-TV, Channel \*18. The United Telecasting and Radio Company was formerly the permittee of Station KVOG-TV, Channel 9, and was operating under program test authority, but found it necessary to discontinue operations because of lack of available capital. On October 3, 1962, the Commission granted a request for assignment of the permit to the petitioner herein, the Board of Education of Ogden City, Utah. (See Order released October 8, 1962, FCC 62-1017, File Nos. BAPCT-320 and BAPTS-72.) Later, on December 14, 1962, permission was granted to change the call letters of the station to KOET. The request for assignment represented that the assignee would operate the station as an educational station, and it is presently so operated. Ogden is approximately 35 miles north of Salt Lake City where three commercial stations operate on Channels 2, 4 and 5 and one educational station (KUED) operates on Channel \*7. It lies within the Grade A contours of all of these stations.

4. The use of educational television in relation to the curriculum of the Ogden City Schools has been studied by the petitioner as well as by a committee of 50 educators and laymen. Such study has led to the conclusion that educational television would be of considerable aid in meeting the educational needs of both youth and adults of the Ogden community. The record indicates that although programs of Station KUED, Channel \*7, at the University of Utah in Salt Lake City, and of Station KWCS-TV, Channel \*18, at Ogden, have been utilized in Ogden, these channels alone cannot serve the in-school television needs of the Ogden City schools. Moreover, a reservation of Channel 9 at Ogden will aid in stimulating the Ogden metropolitan area educationally and culturally. As a community station, the needs of that community will be paramount in developing program policy.

5. In authorizing the assignment of the permit for Station KVOG-TV, Channel 9, to the Board of Education of Ogden City, the Commission was aware of the fact that the assignee planned to operate the station as a noncommercial educational station, and made the finding that such operation would serve the public interest. Reservation of Channel 9 for noncommercial educational use comports with that previous Commission action,

and may also result in giving certain advantages to the station (for example, Federal aid for the station could be forthcoming only if the channel were reserved). Since there is no apparent need for continued reservation of Channel 24 for educational use, it appears that the reservation of that channel should be removed.

6. In view of the foregoing, the Commission finds that it is in the public interest to reserve Channel 9 for non-commercial educational use and remove such a reservation from Channel \*24.

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

8. *Accordingly, it is ordered*, Effective September 9, 1963, That the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended insofar as the community named is concerned to read as follows:

City:	Channel No.
Ogden, Utah-----	*9+, *18-, 24

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

Adopted: July 30, 1963.

Released: August 2, 1963.

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

[F.R. Doc. 63-8417; Filed, Aug. 7, 1963; 8:45 a.m.]

[Docket No. 15051, RM-421; FCC 63-764]

**PART 3—RADIO BROADCAST SERVICES**

**Table of Assignments, Television Broadcast Stations, Puerto Rico and the Virgin Islands**

1. On June 1, 1962, the Commission released a Notice of Proposed Rule Making (FCC 62-591) in Docket No. 14658 inviting comments on a petition of the Antilles Broadcasting Corporation, San Juan, Puerto Rico, filed on April 24, 1962, requesting an amendment of the Television Table of Assignments to permit the addition of UHF Channels 16 to Mayaguez, 22 to Ponce, and 19 to San Juan. On November 15, 1962, the Commission released its Report and Order assigning these channels as requested and additionally assigning Channel 28 to Ponce. On December 7, 1962, a "Petition for Modification or Amendment of Report and Order and Stay of Effectiveness" was filed in Docket No. 14658 on behalf of Quality Broadcasting Corporation, licensee of AM Station WKYN, San Juan, Puerto Rico, requesting that the Commission modify or amend its Report and Order of November 15, 1962, in that proceeding by adding Channel 25 to the Table of Assignments for San Juan. On February 21, 1963, a "Petition for Rule Making" was filed on behalf of Electronic Enterprises, Inc., licensee of Puerto Rican Stations WITA, San Juan, and WRJS, San German, requesting that the Commission institute

proceedings looking toward the allocation of Channels 27, 33, and 30 in San Juan, Ponce, and Mayaguez, Puerto Rico, respectively, stating its intention to make application for these channels if the allocations are made. On April 1, 1963, Electronic filed a supplement to its petition, requesting Channels 38, 41, and 39 in lieu of Channels 27, 33, and 30. A Response to the Electronic petition was filed on April 1, 1963, by Supreme Broadcasting Co., Inc., of Puerto Rico, licensee of Station WORA-TV (Channel 5) Mayaguez, questioning the requested assignment as to Mayaguez, and suggesting issuance by the Commission of a Table of Assignments of UHF channels for all of Puerto Rico and the Virgin Islands. On April 24, 1963 (FCC 63-376), the Commission released a notice of proposed rule making in a new Docket No. 15051, RM-421, and consolidated into it the Quality petition of December 7, 1962, proposing an expanded Television Table of Assignments to cover Puerto Rico and the Virgin Islands. The Commission's purpose was to insure that a fair, efficient, and equitable distribution of channels was made among the several communities in Puerto Rico and the Virgin Islands.

2. The Commission has before it for consideration its notice of proposed rule making released April 24, 1963 (FCC 63-376), proposing the following amendments to the table of assignments of the Commission, § 3.606:

PUERTO RICO

City	City population	Present	Proposed
Aguadilla	15,943		*33, 45
Arecibo-Aguadilla	44,771	12+	12+
Arecibo	28,828		55, 81
Bayamon	15,109		37
Caguas	32,015	11-	11-, *59
Carolina	3,075		53
Cayey	19,738		77
Fajardo	12,409	13+	13+, *41
Guayama	19,183		47
Humacao	8,005		69
Mayaguez	50,147	3+, 5-, 16	3+, 5-, 17, 23, 61
Ponce	114,286	7+ 9-, 22, 28	7+, 9-, 15, 21, *27, 49
San Juan	432,377	2+, 4-, *6+, 19	2+, 4-, *6+, 19, 25, 31, *75
San Sebastian	4,019		39
Utua	9,870		*71
Vega Baja	3,718		65
Yauco	8,996		43

VIRGIN ISLANDS

City	City population	Present	Proposed
Charlotte Amalie	12,880	10-	10-, 18, *24, 44
Christiansted	5,137	8+	8+, 16, *22, 28

Populations for hyphenated assignments are the consolidated populations of the communities named.

3. The following is a list indicating the current status and use of channels presently assigned to Puerto Rico and the Virgin Islands:

Channel, Community, and Status

- 2+ (WKAQ-TV); San Juan; licensed.
- 3+ (WIPM-TV); Mayaguez; licensed.
- 4- (WAPA-TV); San Juan; licensed.
- 5- (WORA-TV); Mayaguez; licensed.
- \*6+ (WIPR-TV); San Juan; licensed.
- 7+ (WRIK-TV); Ponce; licensed.

Channel, Community, and Status

- 8+ (WSVI); Christiansted; construction permit.
- 9- (WSUR-TV); Ponce; licensed.
- 10- (WBNE-TV); Charlotte Amalie; license pending.
- 11- (WKBM-TV); Caguas; license pending.
- 12+ (WOLE-TV); Arecibo-Aguadilla; license.
- 13+ (WSTE); Fajardo; construction permit.
- 16; Mayaguez; one application pending.
- 19; San Juan; two applications pending.
- 22; Ponce; application pending.
- 28; Ponce; no applications pending.

4. In Docket No. 14658, RM-326, brief comments were filed by Antilles Broadcasting Corporation and Portorican American Broadcasting Company, Inc. In Docket No. 15051, RM-421, brief comments were filed by Cornell University's Center for Radiophysics and Space Research Director, W. E. Gordon, Supreme Broadcasting Company, Inc. of Puerto Rico, Electronic Enterprises, Inc., Antilles Broadcasting Corporation, and Quality Broadcasting Corporation. Electronic Enterprises, Inc., also filed a reply comment on July 3, 1963, along with a "Motion to Accept Reply Comments Late" since the closing date for filing reply comments had been set for July 1, 1963. That motion is granted, and the reply comment was considered in this proceeding.

5. The only party which has filed comments in this proceeding suggesting any material variation of the Commission's proposals is Supreme Broadcasting Company, Inc. (Supreme). It maintains that too many channels are proposed for Mayaguez (Supreme is the licensee of WORA-TV, Channel 5, Mayaguez), and that there are several communities for which assignments are not made which should be assigned channels. Supreme has not indicated how a reduction in the number of channels proposed for Mayaguez will aid the communities, for which it shows concern, to obtain local channels. However, in the absence of any immediate demand for all of the channels originally proposed for Mayaguez, we are not assigning channel 60 at this time. This will leave it available for use in Mayaguez or another nearby community should a need arise.

6. Mr. W. E. Gordon of Cornell University's Center for Radiophysics and Space Research has brought to the attention of the Commission that the Department of Defense has provided financial support for a major radar-radio telescope at Arecibo, Puerto Rico, that that facility is scheduled for completion this summer, and that the scientific program of the facility in the field of radio astronomy will include observations in the frequency band of Channel 37 that will be coordinated with those observations made at other observatories throughout the world. While the Commission has reached no final decision as to the status of radio astronomy observations on Channel 37, in the matter before us we can easily adjust the originally proposed assignments so as to avoid the use of Channel 37 in Puerto Rico or the Virgin Islands. This will be accomplished by dropping each UHF channel

proposed in the Commission's Notice to the next lower channel.

7. In view of the above-set out facts, the fact that Puerto Rico and the Virgin Islands requires an expanded table of assignments for orderly development of UHF broadcasting, and the fact that each party showing an interest in operating a UHF channel in Puerto Rico will have a channel available for its use, the Commission believes that it is in the public interest to adopt in substance the proposals set forth in its Notice.

3. 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.

9. It is ordered, That effective September 9, 1963, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, with respect to assignments in Puerto Rico and the Virgin Islands, listed under "U.S. Territories and Possessions," to read as follows:

PUERTO RICO

City	Channel No.
Aguadilla	*32, 44
Arecibo-Aguadilla	12+
Arecibo	54, 80
Bayamon	36
Caguas	11-, *58
Carolina	52
Cayey	76
Fajardo	13+, *40
Guayama	46
Humacao	68
Mayaguez	*3+, 5-, 16, 22
Ponce	7+, 9-, 14, 20, *26, 48
San Juan	2+, 4-, *6+, 18, 24, 30, *74
San Sebastian	38
Utua	*70
Vega Baja	64
Yauco	42

VIRGIN ISLANDS

City	Channel No.
Charlotte Amalie	10-, 17, *23, 43
Christiansted	8+, 15, *21, 27

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

Adopted: July 30, 1963.

Released: August 2, 1963.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 63-8420; Filed, Aug. 7, 1963; 8:45 a.m.]

[Docket No. 14746, RM-294; FCC 63-780]

PART 3—RADIO BROADCAST SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

Operator Requirements for Standard and FM Broadcast Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1963;

The Commission having under consideration its report and order (FCC 63-646) released in this proceeding on July 15, 1963, and a petition for reconsideration

tion thereof filed by the National Association of Broadcast Employees and Technicians, AFL-CIO, on July 22, 1963;

It appearing, that the aforementioned report and order contains changes in the Commission rules and regulations pertaining to operator requirements at standard and FM broadcast stations; and It further appearing, that the effective date of such changes is August 19, 1963; and

and It further appearing, that further consideration of this matter may be appropriate; and

It further appearing, that pending such consideration it would be in the public interest to stay the effective date of the aforementioned rule changes;

It is ordered, On the Commission's own motion, That the effective date of the amendments to Parts 3 and 13 of the Commission rules and regulations (sections set forth in the caption hereof) contained in the Appendix to the report and order released in this docket on July 15, 1963 (FCC 63-646), is stayed until October 18, 1963, on which date said amendments shall become effective.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303).

Released: August 2, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 63-8418; Filed, Aug. 7, 1963; 8:45 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

##### Park Naturalist

Paragraph (a) of § 24.144 is amended as set out below.

§ 24.144 Park Naturalist, GS-452-0 (all grades).

(a) Educational requirement. (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study (a) in natural history or a closely related subject-matter field of natural science, such as ecology or wildlife management; (b) in botany, zoology, or geology, where the course of study emphasized the natural history aspects of these fields; or (c) in forestry, conservation, or science education, where the training has included at least 24 semester hours in botany, zoology, or geology emphasizing the natural history aspects of these fields.

(ii) Course-work in an accredited college or university with major study in botany, zoology, geology, natural history,

forestry, conservation, science education, or closely related fields of natural history, such as ecology or wildlife management, where the training has included at least 24 semester hours in botany, zoology, or geology emphasizing the natural history aspects of these fields, and has been supplemented by enough additional experience, or education, or an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 24 semester hours in botany, zoology, or geology, as enumerated above, it gives the applicant a technical and professional knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL, Executive Assistant to the Commissioners.

[F.R. Doc. 63-8468; Filed, Aug. 7, 1963; 8:56 a.m.]

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

#### PART 1—ADMINISTRATIVE REGULATIONS

##### Subpart F—Vending Stands To Be Operated by Licensed Blind Persons

Subpart F, Part 1, Subtitle A, Title 7 of the Code of Federal Regulations is amended by revising § 1.94(i) and adding a new paragraph (j), as follows:

(i) Disputes. In the event the Department Agency's designated representative and the State licensing agency failed to reach agreement concerning:

- (1) Granting of a permit,
- (2) Revocation or modification of a permit,
- (3) Suitability of stand location,
- (4) Assignment of vending machine proceeds,
- (5) Method of operation of the stand,
- (6) Other terms of the permit (including articles to be sold),

the State licensing agency may request the Director, Office of Plant and Operations, to determine such disagreement. As a part of his consideration, the Director shall obtain a full report from the Department Agency's designated representative from whose decision the appeal is being taken, as well as a statement from the State licensing agency of its position, and shall consult with the Vocational Rehabilitation Administration of the Department of Health, Education and Welfare. The decision of the Director shall be rendered within 90 days after receipt of the request by the State licensing agency for final determination of the dispute, and the decision shall be communicated to all interested parties including the State licensing agency and

the Department of Health, Education, and Welfare.

(j) The Director, Office of Plant and Operations, shall furnish to the Department of Health, Education, and Welfare at the end of each fiscal year a consolidated report of the total number of applications for vending stand locations received from State licensing agencies, the number accepted, the number denied and the number still pending. In order to prepare this report, each agency of the Department shall submit to the Director by August 1 the requisite data covering the preceding fiscal year.

(Sec. 1, 49 Stat. 1559, as amended; 20 U.S.C. 107)

Done at Washington, D.C., this 18th day of June 1963.

JOSEPH M. ROBERTSON, Administrative Assistant Secretary.

Approved: August 2, 1963.

KERMIT GORDON, Director, Bureau of the Budget.

[F.R. Doc. 63-8491; Filed, Aug. 7, 1963; 8:59 a.m.]

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

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

#### PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Sec.	
718.1	Basis, purpose, and applicability.
718.2	Definitions.
718.3	Functions of county committee, State committee, Director, and Deputy Administrator.
718.4	Identification of farms.
718.5	Determination of crop and land use acreages.
718.6	Equipment and materials.
718.7	Farm inspection and determination of compliance.
718.8	Report of acreage.
718.9	Computation of acreage.
718.10	Notice to farm operators.
718.11	Spot checks.
718.12	Cost of measurement.
718.13	Redetermination of acreages.
718.14	Adjustment of acreage.
718.15	State committee options.

AUTHORITY: §§ 718.1 through 718.15 issued under secs. 301, 313, 314, 334, 335, 353, 354, 355, 358, 374, 375, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 53, as amended, 54, as amended, 57, as amended, 58, as amended, 61, as amended, 62, as amended, 65, as amended, 66, as amended, 55 Stat. 88 as amended, secs. 101, 105(c), 401, 63 Stat. 1051, as amended, 1054, as amended, 75 Stat. 6, as amended, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198, secs. 16(e), 16(g), 76 Stat. 606, 612; 7 U.S.C. 1301, 1313, 1314, 1335, 1344, 1345, 1353, 1354, 1355, 1358, 1374, 1375, 1441, 1441 note, 1421, 1153, 1812, 16 U.S.C. 590 (p).

##### § 718.1 Basis, purpose, and applicability.

(a) Basis and purpose. The regulations set forth in this part are reissued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Sugar Act of 1948, as amended (7 U.S.C.

1100 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), and the Food and Agriculture Act of 1962 (Public Law 87-703, approved September 27, 1962, and Public Law 87-801, approved October 11, 1962) for the purpose of prescribing the provisions governing the determination of acreages and compliance under the marketing quota, acreage allotment, sugar, soil bank, wheat stabilization, feed grain, and related programs administered by the Agricultural Stabilization and Conservation Service. This reissuance is for the purpose of reorganizing and consolidating existing regulations (24 F.R. 4223, 25 F.R. 1743, 2385, 5754, 7237, 12166, 12588, 26 F.R. 2552, 5747, 7259, 11813, 27 F.R. 3793, 6480), and prescribing changes and additions required to implement the Food and Agriculture Act of 1962.

(b) *Applicability.* This part shall apply to the determination of acreage and compliance for 1963 and subsequent years for programs established pursuant to the acts cited in paragraph (a) of this section. Acreages determined prior to the effective date of the reissuance of this part in accordance with §§ 718.1 through 718.15 (24 F.R. 4223, as amended) shall be used where pertinent in determining acreages and compliance for 1963 crops seeded in the fall of 1962.

#### § 718.2 Definitions.

As used in §§ 718.1 to 718.15, inclusive, and in all instructions, forms, and documents issued in connection therewith, the words and phrases defined in this section shall have the meanings assigned to them unless the text or subject matter otherwise requires.

(a) The term, words, or phrases "allotment," "committees," "county," "county office manager," "cropland," "department," "deputy administrator," "farm," "farm serial number," "operator," "person," "producer," "reconstitution," "representative of the State committee," "secretary," "soil bank contract," and "State executive director" shall have the same meanings as are assigned to them in Part 719 of this chapter (27 F.R. 6482), or as may be hereafter amended.

(b) "Allotment crop" means any crop for which an acreage allotment or proportionate share is established pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, as amended, or the Sugar Act of 1948, as amended.

(c) "County compliance supervisor" means the person delegated responsibility for the day-to-day field operations in connection with the compliance work in the county.

(d) "Cut-out" means a portion of a photograph showing one farm or a part of a farm.

(e) "Director" means the Director, or Acting Director, Farmer Programs Division.

(f) "Field" means a part of a farm which is separated from the balance of the farm by permanent boundaries.

(g) "Normal row width" means the distance between rows of crops in the field provided such distance is 36 inches or more.

(h) "Permanent boundary" means a fixed boundary such as a fence, permanent ditch, creek, lane, wood line, farm boundary, or similar permanent features or combinations thereof.

(i) "Photograph number" means the number assigned to the photograph for the purpose of identification and may be either the roll and exposure number or a number assigned by the county committee which is recognized in identifying the photograph for internal operations.

(j) "Reporter" means the person employed by the county office manager to secure the necessary information and measurements to determine the acreage of crops for which measurements are required.

(k) "Scale of photograph" means the number of feet measured on the ground represented by one inch on the photograph.

(l) "Sketch" means an approximate map of a farm, field, or other area drawn from observations.

(m) "Sled row" means a strip not planted to tobacco at least one normal row wide between strips of rows of flue-cured tobacco.

(n) "Spot check" means a determination of the acceptability of the work performed by a reporter, or a check of the reliability of operator certifications or of measurements by water or irrigation companies as provided in these regulations, by an authorized representative of the Department.

(o) "State compliance specialist" means the person responsible for operations of the compliance work in the State.

(p) "State supervisor" means a person employed to assist the State compliance specialist in carrying out the compliance work in the State.

(q) "Subdivision" means a part of a field which is separated from the balance of the field by a temporary boundary.

(r) "Temporary boundary" means a crop line or other apparent boundary not fixed which would disappear when the crops are removed or which could be moved easily as in the case of a temporary fence.

#### § 718.3 Functions of county committee, State committee, Director, and Deputy Administrator.

The county committee shall provide for the measurement of farms and the determination of compliance under the regulations of this part. The State committee, through the State executive director, shall be responsible for furnishing such guidance and direction as is necessary to insure, insofar as practicable, uniform understanding and application of the provisions of the regulations in this part. The Director shall direct the preparation of operating procedures and such forms as are necessary for applying the regulations in this part. The forms and procedures so prepared shall be approved and issued by the Deputy Administrator.

#### § 718.4 Identification of farms.

Land areas constituted as a farm, pursuant to Part 719 of this chapter, for

which the State and county committees have program responsibility are identified by a farm number. All records pertaining to the measurement and determination of acreages for purposes of this Part 718 shall be identified by such number.

#### § 718.5 Determination of crop and land use acreages.

(a) *Use of aerial photographs.* Subject to the provisions of paragraph (b) of this section, aerial photographs shall be used when available for acreage determinations unless, based on State committee recommendations, the Director determines that because of age, use, or other reasons the use of available photographs is not practicable for a particular area at a particular time.

(b) *Use of ground measurements.* Acreage determinations shall be made by ground measurements only when aerial photographs are not available or their use is not practicable for acreage determinations for individual fields due to cultural changes, size of the fields, or the disapproval of the use of available photographs under the provisions of paragraph (a) of this section.

(c) *Official acreages.* Acreages determined in previous years for any area delineated by a reporter in the field on photography currently in use may be recognized as the official acreage for the area as delineated. The acreage determined for any area designated under the conservation reserve program shall be considered as official for the period of the contract and the period of extended protection pursuant to Public Laws 86-793 and 87-703 irrespective of the use of new photography for other acreage determinations on the farm, unless the boundaries of the designated area are changed or the original acreage determination is found to be in error.

(d) *Reliance on previously determined acreage.* An acreage determined and recorded for an area in a previous year which is found to be incorrect shall be corrected and the farm operator shall be notified in writing. If such notice has not been given and the farm operator can prove to the satisfaction of the county committee that he relied, for planting and program purposes, on the acreage previously determined and recorded for the identical area in question, the acreage on which he relied shall stand for that program year only.

(e) *Acreage devoted to a crop or land use—(1) General.* The acreage of a crop or land use shall be the acreage devoted to the crop or land use except as otherwise provided in subparagraphs (2), (3), and (4) of this paragraph (e) and paragraphs (f) and (g) of this section. In determining the acreage of any row crop, measurements shall extend beyond the planted area to a point equal to one-half the distance between the rows or 2 links (16 inches), whichever is larger. Deviations from prescribed width requirements which are attributable to variations which are normal to the operation of mechanical equipment shall not serve to disqualify a planting pattern or a deductible strip.

(2) *Row crops other than tobacco and peanuts—(i) Alternate rows.* When the

row crop being measured is planted in alternate rows with a different row crop and the distance between the rows of the crops is less than 4 links (32 inches), the entire area shall be considered as devoted to that crop.

(ii) *Wide rows (excluding crops for which a row width greater than 8 links is normal)*. When the row crop (other than tobacco) being measured is planted in unusually wide rows or in alternate rows with a different crop and the distance between the rows of the crops is greater than 8 links (63 inches), each row of the crop being measured shall be considered as 8 links (63 inches) and only that portion of the area shall be considered as devoted to the crop being measured.

(3) *Tobacco*—(i) *Single wide rows or alternate rows*. When tobacco is planted in unusually wide rows or in alternate rows with another crop and the distance between the tobacco rows (measured from plant to plant) is less than five normal rows, the entire area shall be considered as tobacco. The minimum normal row width for tobacco shall be used in making this determination and in determining the acreage devoted to tobacco when the minimum width has been met.

(ii) *Strips*. When tobacco is planted in strips with other crops, idle or fallow land (including strips used for dusting, irrigating, or harvesting), or a combination thereof which are not as wide as four normal rows of tobacco, the entire area shall be considered as tobacco, except that individual strips which are as wide as four normal rows of tobacco shall not be considered as tobacco.

(4) *Peanuts*—(i) *Intertilled planting*. When peanuts are planted in alternate rows or in strips of two or more rows with another allotment row crop or a competitive row crop, the acreage shall be considered as intertilled. A "competitive crop" is a crop which is planted at approximately the same time in alternate rows or strips with another row crop both of which will mature at approximately the same time and will compete equally for air, sunlight, moisture, and plant foods during the entire growing season. Acreages shall be determined as follows:

(a) *Alternate rows*—(1) *Normal rows*. If the distance between the rows of the crops is not less than the normal row width for peanuts, only the land actually occupied by the peanuts shall be considered as planted to peanuts.

(2) *Less than normal rows*. If the distance between the rows of the crops is less than the normal row widths for peanuts, the entire intertilled area shall be considered as planted to peanuts.

(b) *Alternate strips*—(1) *Less than one normal row*. If the distance between the strips of peanuts is less than one normal row width, the entire area shall be considered as planted to peanuts.

(2) *Less than four normal rows*. If the distance between the strips of peanuts is as wide as one but less than four normal rows of peanuts, the acreage of peanuts shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(3) *Four normal rows or more*. If the distance between the strips of peanuts is at least as wide as four normal rows of peanuts, only the area occupied by the peanuts shall be considered as planted to peanuts.

(ii) *Fallow-stripped planting*. When peanuts are planted in alternate rows or strips with non-competitive crops or in alternate rows or strips with idle land or fallow land, the acreage shall be considered as fallow-stripped. A "non-competitive crop" is a crop planted in alternate rows or strips with another crop which does not compete equally for air, sunlight, moisture, and plant foods during the entire growing season because of later planting or earlier maturity. Acreages shall be determined as follows:

(a) *Less than four normal rows*. If the strips of idle land, fallow land, non-competitive crops, or a combination thereof are not as wide as four normal rows of peanuts, the entire area shall be considered as planted to peanuts.

(b) *Four normal rows or more*. If the strips of idle land, fallow land, non-competitive crops, or a combination thereof are at least as wide as four normal rows of peanuts, only the land actually occupied by the peanuts shall be considered as planted to peanuts. Individual strips which are not as wide as four normal rows shall be considered as planted to peanuts.

(5) *Areas diverted under the wheat stabilization and feed grain programs*. The area(s) designated by the farm operator as being diverted from the production of wheat, barley, corn, or grain sorghums under the wheat stabilization and feed grain programs must be eligible land, as defined in program regulations. Strips of less than four normal rows in skip-row planting patterns will not qualify as diverted acreage.

(6) *Reliance on erroneous advice*. Notwithstanding the provisions of this paragraph (e), if the State committee, with the concurrence of the Deputy Administrator, determines that the farm operator acted in good faith in reliance upon advice not in accordance with such provisions given by a representative of the county or State Agricultural Stabilization and Conservation committee authorized to furnish information concerning the determination of acreage, the acreage devoted to, or diverted from, a crop may be determined in accordance with an alternate method (reasonable for determining such acreage) prescribed by the Deputy Administrator.

(f) *Deductions*. In determining initial acreage of any field or subdivision, any continuous area which is not devoted to the crop or land use being measured (or which is not considered as devoted to the crop or land use under the provisions of paragraph (e) (2) (i), (3), and (4) of this section) is eligible for deduction if it meets the minimum area and width requirements prescribed in this paragraph (f) or as increased under the provisions of § 718.15, whichever is applicable. Areas not considered as devoted to the crop under the provisions of paragraph (e) (2) (ii) of this section are not subject to the minimum area and width requirements of this paragraph (f).

(1) *Minimum area requirements*. Three-hundredths (0.03) acre, except that for tobacco a minimum of one-hundredths (0.01) acre will apply to turn rows and to non-cropland areas which could not be planted to tobacco. Eligible areas in skip-row planting patterns which meet the applicable width requirements prescribed in paragraph (e) (2), (3), and (4) of this section and terraces, sod waterways, permanent irrigation and drainage ditches, and sled rows in flue-cured tobacco which meet the minimum width requirements of subparagraphs (2) and (3) of this paragraph (f) may be combined to meet the 0.03 acre minimum area requirement.

(2) *Minimum width requirements*. 4 links (32 inches).

(3) *Sled rows (flue-cured tobacco)*. Minimum width, one normal row. The area included in sled rows shall be deducted provided there is not more than one sled row for each four rows of tobacco, except that where an acceptable sled row pattern has been followed in the field, a sled row nearest one edge of the field may be deducted even though it serves less than four rows.

(g) *Adjustment credit*—(1) *General*. Any area which is not eligible for deduction under the provisions of paragraph (f) of this section is not eligible for adjustment credit except that areas ineligible because of size may be enlarged to meet the minimum adjustment requirements. Otherwise, adjustment credit may be permitted as provided in subparagraphs (2) and (3) of this paragraph (g) subject to such further limitations as may be imposed under § 718.15.

(2) *Crops*. Adjustment credit shall be given for any area in which the crop is disposed of in accordance with program provisions, provided the area is 4 links (32 inches) or more in width and contains at least one-tenth (0.1) acre for crops other than tobacco and at least three-hundredths (0.03) acre for tobacco. If a crop is disposed of in an alternating pattern where single rows of the crop are left standing within the adjusted area, adjustment credit shall not exceed the acreage reduction obtained by recomputing the standing crop acreage of the adjusted area under the rules governing initial acreage determinations. Notwithstanding the area and width requirements otherwise prescribed in this paragraph (g), the crop in an entire field or subdivision may be disposed of in adjusting excess acreage and adjustment credit may be allowed for an area smaller than the minimum if such area constitutes the total excess for the farm or the excess remaining after disposition of the crop in an entire field or subdivision.

(3) *Diverted acreage*. To be eligible for adjustment credit, an area designated by the farm operator must be at least 4 links (32 inches) in width and must contain at least one-tenth (0.1) acre. Credit may be allowed for an area smaller than the minimum if an entire field or subdivision is designated or if the total deficiency for the farm is less than the minimum, in which case, the minimum shall be the amount of the deficiency.

(h) *Premeasurement service*—(1) *Cotton*. The county committee shall provide a premeasurement service for cotton when the farm operator requests such premeasurement and pays the cost. Rates to be charged shall be recommended by the county committee and approved by the State committee. The measurement shall be performed prior to the beginning of the regular compliance check on the farm. The acreage premeasured shall not exceed the farm cotton allotment. If the entire farm allotment is premeasured and all the cotton on the farm is planted within the premeasured area, the farm shall be considered to be in compliance with the farm acreage allotment.

(2) *Other crops and land uses*. The State committee may authorize a premeasurement service for other crops and land uses subject to the same general conditions as are applicable under subparagraph (1) of this paragraph (h).

(3) *Limited service authorized*. The State committee may authorize premeasurement of an acreage less than a commodity allotment, the permitted acreage, or the acreage limitation for any other program and on a producer-allotment basis in producer-allotment States. The acreage premeasured under this provision shall be considered as an official acreage for compliance purposes if the producer requests such a service and pays the cost thereof as determined by the county committee. Compliance with the farm acreage allotment, the permitted acreage, or the acreage limitation for any other program shall not be guaranteed unless the premeasurement service is requested and performed for the full commodity allotment or permitted acreage established for the farm.

(i) *Early measurement*. The county committee, with the approval of the State committee, may provide for a determination of acreage for any crop prior to the regular compliance period, after planting of the crop is completed on the farm, if the farm operator requests such service and pays the cost. Such cases shall be handled in accordance with procedures prescribed in this part for regular compliance. The farm shall be subject to such further compliance determinations as may be necessary to establish a final acreage.

#### § 718.6 Equipment and materials.

Equipment and materials to be used by reporters in making measurements and recording acreage data shall be prescribed by the Deputy Administrator. Any basic equipment and materials not so prescribed shall not be used.

#### § 718.7 Farm inspection and determination of compliance.

Each farm for which an allotment or acreage limitation for any program has been established and any other farm on which there is reason to believe an allotment crop has been planted or will be harvested shall be visited for the purpose of obtaining a report of acreage. This report of acreage shall be obtained by a reporter or other authorized employee of the Department. The county office manager shall be responsible for assigning to a reporter each farm for which in-

spection, measurement, or other determinations may be required. This assignment shall constitute the reporter's authority to visit the farm and enter thereon. If requested to do so by any producer interested in the farm, the reporter shall present a written certification from the county office manager authorizing him to secure measurements and other compliance data applicable to that farm. The farm operator, his representative, or a producer on the farm shall be responsible for designating all fields and crops on the farm for which inspection or measurement is required and for assisting the reporter in required measurements. If a farm operator refuses to permit inspection, measurement, or other determinations which may be required, the county office manager, after making a reasonable effort to secure such determinations, shall refer the case to the State committee. The State committee shall take such action as is practicable to inspect, measure, and make such other determinations as may be required to determine compliance with the allotment or other program provisions.

#### § 718.8 Report of acreage.

(a) *Obtained by a farm visit*. When a farm inspection, measurement of acreage, or other compliance determination is required under the provisions of § 718.7, the farm operator or his representative shall file a report of acreage with the county committee, or a representative of the county committee, on the form provided for that purpose. A report of acreage shall not be considered complete unless signed by the farm operator or his representative.

(b) *Obtained by certification*—(1) *General*. Notwithstanding other provisions of these regulations requiring farm inspection and measurement, a certification of the acreage and land use made on a form prescribed for such use and signed by the farm operator may be accepted in lieu of such farm inspection and measurement under the conditions prescribed in subparagraphs (2), (3), and (4) of this paragraph (b). A separate certification may be required for each allotment crop and for each conservation reserve contract, except as otherwise provided in subparagraph (5) of this paragraph (b). When a certification in lieu of inspection and measurement is accepted, the farm shall be subject to the following provisions:

(i) Spot checks to determine acreage and compliance at any time during the program year.

(ii) If, at the time of the spot check, the farm is found not to be in compliance, the acreage, as determined by the spot check measurement, will be the official acreage unless remeasurement is requested under § 718.13.

(2) *For wheat on a farm not participating in the wheat stabilization program*. When the farm operator certifies that:

(i) The acreage of wheat on the farm is zero, or

(ii) The total acreage of wheat on the farm does not exceed 15 acres if the farm has no allotment or an allotment of 15 acres or less.

(iii) Notwithstanding the provisions of subdivision (ii) of this subparagraph (2), a farm visit will be made to measure the acreage of wheat for harvest as grain on any farm for which a certification in lieu of a farm visit is accepted if a producer on the farm later applies for price support on wheat or if it is determined that any producer on the farm is participating in the wheat stabilization program on another farm and the acreage accepted in accordance with subparagraph (1) (ii) of this paragraph exceeds the small farm base.

(3) *For cotton, rice, peanuts, and tobacco*. When the farm operator certifies that an acreage of cotton, rice, peanuts, and tobacco has not been planted on the farm or, in case of peanuts, that none of the peanuts planted on the farm will be dug.

(4) *For conservation reserve farms*. When a conservation reserve contract is in effect on the farm and the farm operator certifies that:

(i) No new land has been or will be broken out during the program year, and

(ii) No soil bank base crops have been or will be planted on the farm during the current year, or an acreage of soil bank base crops has been or will be planted on the farm during the current year but an examination of the contract reveals that the soil bank base established for the farm is equal to the total land in the farm, and

(iii) No soil bank base crops planted or to be planted are or will be located on the designated reserve area on the farm.

(5) *"Whole farm" conservation reserve contracts*. The acceptance of a certification in lieu of a farm visit pursuant to subparagraph (4) of this paragraph may be considered as meeting the conditions prescribed under subparagraph (3) of this paragraph when a "whole farm" conservation reserve contract is in effect on the farm.

(c) *Obtained from rice or sugar companies*—(1) *General*. Notwithstanding other provisions in these regulations requiring farm inspection and measurement, acreage measurements made by the water or irrigation company furnishing water for the production of rice on the farm or by the company contracting for the processing of sugar cane or sugar beets on the farm may be accepted in lieu of farm inspection and measurement subject to the provisions of § 718.13 provided:

(i) Substantially all of the rice or sugar acreage in the county will be determined by the company,

(ii) The county committee is willing to accept such measurements, and

(iii) A random spot check is made in accordance with subparagraph (2) of this paragraph.

(2) *Spot check requirements*. When the use of company measurements has been authorized, a random spot check of a representative number of company acreage determinations shall be made to determine their acceptability. If the difference between the acreage determined by county office personnel and that determined by company representatives for any farm does not exceed 2 percent or five-tenths (0.5) acre, which-

ever is larger, the acreage determination made by the company shall be considered acceptable. When the difference exceeds this variance, the acreage determination made by county office personnel shall be used. If the county committee determines, as a result of the spot check, that the company's measurements are not acceptable, the acreage for each farm shall be determined by county office personnel.

(3) *Exceptions.* The rice or sugar crop acreage for any farm on which a conservation reserve contract is in effect and the rice acreage on any farm on which the company shares in the rice crop shall be determined by county office personnel irrespective of the acceptance of company measurements on other farms in the area.

#### § 718.9 Computation of acreage.

(a) *General.* Acreages shall be determined by personnel of the county office from data secured by the reporter. The rules of fractions and extent of calculations prescribed in this section govern the computation of acreages.

(b) *Rule of fractions—(1) Tobacco.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping all thousandths, except where the field or subdivision being measured is less than one-hundredth (0.01) acre in which case the computations shall be carried to five decimal places and the acreage recorded in acres and thousandths. The total farm acreage of each kind of tobacco shall be the sum of the field and subdivision acreages of each kind of tobacco and shall be recorded in acres and hundredths of acres, dropping all thousandths.

(2) *Crops and acreages other than tobacco.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping all thousandths. The total farm acreage for each allotment crop, other crops classification, or land use shall be the sum of the field and field subdivision acreages of each allotment crop, other crop classification, or land use and shall be recorded in acres and tenths, dropping all hundredths.

#### § 718.10 Notice to farm operator.

(a) *General.* After the determination of acreages for the farm which are relevant in determining compliance with the allotment for an allotment crop or compliance with respect to any program, a written notice of such acreages shall be signed and mailed to the farm operator by the county office manager or by an employee on behalf of the county office manager. The notice shall be on a form prescribed by the Deputy Administrator and the mailing of the notice to the farm operator shall constitute notice to all producers on the farm.

(b) *Erroneous notice.* If, under applicable regulations, a farm is determined to be out of compliance for marketing quota, price support, or soil bank purposes, the farm nevertheless shall be deemed in compliance with the acreage allotment for marketing quota and price support purposes and not in violation of the conservation reserve contract with

respect to the farm (unless excess acreage is located on the conservation reserve area) if the county committee, with the approval of the State executive director, determines that lack of compliance was caused by all of the following:

(1) Reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder; and

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; and

(3) The incorrect notice was the result of an error made by the compliance reporter or by another employee of the county or State office in reporting, computing, or recording an acreage for the farm; and

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

#### § 718.11 Spot checks.

The State or county committee or the Deputy Administrator may at any time require a spot check of the acceptability of the work performed on any farm by any reporter. If requested to do so by any producer interested in the farm, the person authorized to make the spot check shall present his written authorization to spot check that farm.

#### § 718.12 Cost of measurements.

The cost of initially determining the acreage of a crop or land use for which measurements are required shall be paid from administrative funds. Additional determinations shall be made in accordance with §§ 718.13 and 718.14.

#### § 718.13 Redetermination of acreage.

(a) *General—(1) Authorized by ASCS.* The State or county committee or the Deputy Administrator may require a redetermination of the acreage and compliance at any time with respect to any program for any farm. A redetermination of acreage shall be based on measurements made by a person authorized to make such measurements.

(2) *Requested by producer.* If the farm operator or other producer interested in the crop requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer deposits the cost of remeasurement with the county office and files a request for remeasurement within 15 days from the date the initial notice of acreage is mailed to the farm operator for all crops except tobacco, and in the case of tobacco within 10 days of such date. For flue-cured tobacco, the State committee may provide for the reduction of such time to 7 days. The applicable time limit shall be shown on the notice of acreage. The rates to be charged for the remeasurement service shall be recommended by the county committee and approved by the State committee.

(3) *Methods authorized.* Remeasurement may be accomplished by use of a

transit, alidade, or other precision instrument or by any other method authorized by this part. Acreages determined or redetermined by authorization of ASCS shall rule over any acreage determination made by an unauthorized person.

(4) *Notifying producer.* After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement.

(b) *Late-filed requests.* If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the end of the prescribed period, deposits the cost of the remeasurement with the county office, and establishes to the satisfaction of the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing.

(c) *Conditions governing refund of deposit.* The deposit made for the expense of the remeasurement of the initially determined acreage or of the adjusted acreage shall be refunded when because of an error made in the determination of such acreage:

(1) The acreage as redetermined is considered to be within the allotment, permitted, or intended acreage, whichever is applicable, or

(2) The redetermination of the acreage involved in the remeasurement results in a change in the corresponding previously determined acreage of as much as three percent or five-tenths (0.5) acre, whichever is larger, subject to the related provisions of § 718.15.

(d) A second succeeding remeasurement at the request of the producer shall be made only upon approval of the State committee.

#### § 718.14 Adjustment of acreage.

(a) *General.* If the farm operator or other producer on the farm elects to dispose of excess acreage or otherwise adjust a previously determined acreage in accordance with the applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions prescribed in this section. Disposition of excess tobacco must be witnessed by a representative of the county committee unless disposition is made before any tobacco on the farm has matured sufficiently for harvest. Unless the requirements for the measurement of an adjusted acreage are met, the acreage as determined prior to such adjustment shall be considered as the acreage for the farm in determining whether the applicable farm allotment has been exceeded or whether the applicable acreage requirements for any other program have been met. When the producer must pay the cost of determining the adjusted acreage, the rates to be charged shall be recommended by the county committee and approved by the State committee and shall be paid before the service is rendered.

(b) *Timing requirements*—(1) *Notification of adjustment.* If the farm operator or other producer on the farm elects to adjust an acreage, he shall notify the county office manager by the applicable date specified in subdivisions (i) through (vii) of this paragraph (b) that he has adjusted the acreage or that he intends to adjust the acreage in case of tobacco or peanuts. Notification is not required if the final acreage of the crop will be determined at ASCS expense under the conditions prescribed in paragraph (c) (1) of this section.

(i) *For wheat, barley, rice, and non-allotment soil bank base crops.* By the established disposition date or 15 days from the date of the notice of acreage, whichever is later.

(ii) *For cotton.* 15 days from the date of the notice of acreage.

(iii) *For corn and grain sorghums.* 15 days from the date of the notice, except that in areas where initial acreage determinations for wheat, barley, corn, and grain sorghums normally are made concurrently, by the established disposition date for wheat or 15 days from the date of the notice, whichever is later.

(iv) *For tobacco*—(a) To be eligible for price support, 10 days from the date of the notice of acreage, except in States where a 7-day period has been established for flue-cured tobacco.

(b) To avoid a marketing quota penalty, before any marketing.

(v) *For peanuts.* Before any marketing.

(vi) *For deficient diverted acreage.* 15 days from the date of the notice.

(vii) *For excess diverted acreage.* Before using land for any other purpose.

(2) *Substitution of diverted acreage.* A request for substitution of diverted acreage shall be accepted under the following conditions only:

(i) *Farms participating in the wheat stabilization program.* Not later than the established disposition date for wheat.

(ii) *Farm participating in both the wheat stabilization and feed grain programs or in the feed grain program only*—(a) If barley is the only feed grain crop involved, not later than the established disposition date for barley.

(b) If feed grains other than barley are involved, not later than the time the reporter secures the initial acreage report for corn and grain sorghums.

(c) *Responsibility for cost of revisits to farms*—(1) *Adjustment of acreage.* If the farm operator or other producer on the farm elects to adjust an acreage, the cost of revisiting the farm shall be paid by the producer, except that the visit will be made at ASCS expense when:

(i) The entire excess is caused by an acreage of wheat mixture in approved wheat-mixture counties or by an acreage of wheat initially reported for purposes other than for harvest as grain and the revisit is for the purpose of determining the classification or disposition of such acreage.

(ii) The entire excess under the feed grain program is caused by a barley mixture or barley initially reported for purposes other than for harvest as grain and the revisit is for the purpose of de-

termining the classification or disposition of such acreage.

(iii) No excess is reported under the feed grain program but an acreage of barley, corn, or sorghums was estimated on the initial visit and the revisit is made only for the purpose of determining the classification or disposition of such acreage.

(iv) The entire excess for peanuts is caused by an acreage initially reported for hogging and the revisit is the first revisit made for the purpose of determining the disposition of such acreage.

(v) The revisit is for the purpose of determining the classification of a crop which may be classified as a soil bank base crop on the basis of the use made of the crop.

(vi) The revisit is for the purpose of verifying or determining the classification of an approved cover crop on diverted acreage.

(vii) The entire acreage of a crop is abandoned because of the destruction or failure of the crop caused by reasons beyond the control of the producer.

(2) *Release of diverted or conservation reserve acreage in designated emergency areas.* If a farm visit which would not otherwise be required is necessary in a designated emergency area for the purpose of determining an acreage of designated conservation reserve or diverted acreage which has been released for grazing or for the harvesting of a crop of hay, the cost of the visit shall be paid by the producer.

(3) *Substitution of diverted acreage.* If a farm visit which would not otherwise be required is necessary to obtain a report of acreage diverted in lieu of an acreage previously designated, the cost of the visit shall be paid by the producer.

(d) *Measurement of acreage prior to adjustment.* The county committee may provide for the measurement of acreage prior to adjustment, and for verification of the disposition in case of excess, if the producer files a request and pays the cost of the service.

(e) *Extension of time for adjustment of acreage*—(1) *By county.* If producers on a farm are unable to adjust an acreage within the time limit specified on the notice of acreage, any producer having an interest in the crop or program involved may request the county office manager to grant an extension of time. The request must be filed in writing by the date specified on the notice of acreage and must state why the producers are unable to adjust the acreage within the time limit specified. If the county office manager determines from the facts stated that the producers were prevented by reasons beyond their control from adjusting the acreage within the time specified, the date for adjustment may be extended to grant an additional period of time equal to that provided by the latest notice of acreage but not to exceed 15 days. If an extension is granted, a revised notice of acreage shall be mailed to the farm operator showing the extended date. If the extension is denied, he shall be notified by letter.

(2) *By State.* If producers on a farm are unable to adjust the acreage within the time limit specified on the notice of

acreage because of reasons beyond their control, any producer having an interest in the crop may file a written request at the county office, before or after the time established has expired, asking that the State executive director grant an extension or further extension of time. Reasons why the producers were unable to comply with the time limitation must be stated. If the State executive director determines from the information presented that the producer was in fact unable to comply with the date of which he was notified by reasons beyond his control, he may authorize the county office manager to grant an extension or further extension of time. Upon receipt of such authorization, the county office manager shall extend the time to grant the producers a reasonable period in which to adjust the acreage not to exceed 15 days. If the extension is granted, a revised notice of acreage shall be mailed to the farm operator, showing the final date for adjustment. If the extension is denied, he shall be notified by letter.

(f) *Further adjustment after remeasurement or initial adjustment*—(1) *Remeasurement.* If the determination made as a result of the remeasurement of an adjusted acreage reveals that the acreage is still in excess or is deficient in case of diverted acreage, a revised notice of acreage shall be mailed to the farm operator providing for the disposition of the remaining excess or for the designation of additional diverted acreage within 7 days from the date of such notice in case of corn, grain sorghums, cotton, or diverted acreage and within 7 days from the date of such notice or by the applicable disposition date, whichever is later, in case of barley, wheat, rice, or non-allotment soil bank base crops.

(2) *Initial disposition.* If the acreage remains in excess, or is still deficient in case of diverted acreage, after the initial adjustment and the county office manager determines that the producer made an honest effort to meet the acreage adjustment requirements, a revised notice of acreage shall be mailed to the farm operator providing for the disposition of the remaining excess or for the designation of additional diverted acreage within 7 days from the date of such notice in case of corn, grain sorghums, cotton, or diverted acreage and within 7 days from the date of such notice or by the applicable established disposition date, whichever is later, in case of barley, wheat, rice, or non-allotment soil bank base crops.

(g) *No adjustment after harvest.* No adjustment shall be made in the planted acreage of any crop by disposition of excess acreage after any of the crop has been harvested from such acreage, except that adjustment of the farm peanut acreage or the acreage of any kind of tobacco shall be made in accordance with applicable regulations.

(h) *Failure to notify county office of intent or completion of disposition of excess acreage or request for release of excess diverted acreage*—(1) *Notice of disposition.* If the farm operator or other producer on the farm failed to notify the county office of intent or com-

pletion of disposition of excess acreage in accordance with the provisions of paragraph (b) of this section, credit for disposition may be given for crops other than tobacco if, prior to the completion of harvest of the crop on the farm, the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee that the crop on the excess acreage was in fact disposed of prior to the disposition date. In case of tobacco, the county committee may accept a notice of intention filed after the date specified on the notice of acreage upon receipt of satisfactory proof that the producer was prevented from notifying the county office by the date specified because of conditions beyond his control.

(2) Request for release of excess diverted acreage. If all program require-

ments relating to diverted acreage are met except the making of a request by the producer for the release of diverted acreage prior to making other use of such land, the farm may be deemed in compliance with the diverted acreage requirements if the county committee determines that the producer failed to request a release before making other use of the land due to a misunderstanding of his responsibility under the program regulations or the control crop is planted on the diverted acreage and the necessary adjustment is made in connection with the determination of the final acreage of the control crop.

§ 718.15 State committee options.

(a) The State committee, upon approval of the Deputy Administrator, may establish a minimum row width for

specific crops of less than 36 inches prescribed in § 718.2(h) if general cultural practices in the area warrant such action, may increase the minimum area which may be deducted under § 718.5(f) (1), may increase the minimum width requirement for deductible areas under § 718.5(f) (2), may increase the minimum area and width requirements for adjustment credit under § 718.5(g), and may decrease the five-tenths (0.5) acre minimum error requirement under § 718.13 (c) (2) except that in no case shall the minimum be less than one-tenth (0.1) acre.

(b) The State committee determinations prescribed in this paragraph (b) deviate from the standards otherwise prescribed in this part, are effective for 1963, and will remain effective for subsequent years unless and until amended:

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO § 718.15 (a)

State	§ 718.2(h)	§ 718.5(f)		§ 718.5(g)		§ 718.13(c) (2)
		(1)	(2)	(2)	(3)	
Alabama	16 inches for peanuts	0.1 acre				
Arizona				Disposition of excess acreage for any crop must be accomplished in not more than 2 plots. A block of 2 or more full-length strips of eligible width, disposed of in a uniform and consecutive pattern in one field, will qualify as a one plot disposition. Areas disposed of must be of regular shape with not more than 6 sides, one of which must border on a side or an end of a field.		
California		0.1 acre	(1) Around the perimeter of the field, one row for row crops. (2) Within the planted area, 4 rows for all row crops except cotton; 20 links for close-sown crops.	Minimum widths: (1) One row for cotton; (2) 4 rows for all other row crops; (3) 20 links for close-sown crops. Areas disposed of shall be limited to 2 areas per field except that 2 or more alternate rows or strips of cotton and strips of 4 rows or more of any crop, extending the entire length of the field and disposed of in a block of uniform pattern may be counted as one area. Irrigation ditches constructed subsequent to the initial acreage determination, which meet the minimum requirements, will be credited in addition to the 2 areas per field. Areas eligible for adjustment credit must have at least one side on the perimeter of the field and not more than 8 sides, except where disposition of a block of alternate rows or consecutive strips are counted as one area. Sides must be straight except when formed by the perimeter of the field, contour levees in rice field, or a crop row.	Minimum width, 20 links. Areas to be designated shall be limited to 2 per field, with one side on the perimeter of the field and not more than 8 sides, except that when an area in which a crop was disposed of under the provisions of § 718.5(g) (2) is designated as diverted acreage in adjusting a deficiency, the same area and width requirements shall apply.	
Colorado		0.1 acre				
Connecticut						
Delaware		0.1 acre for all crops except tobacco.				0.25 acre. 0.2 acre.
Florida	18 inches for peanuts					
Georgia	16 inches for peanuts					
Idaho		0.1 acre	36 inches	Minimum width, 36 inches.	Minimum width, 36 inches.	0.1 acre.
Illinois		0.1 acre	36 inches, except for terraces and sod waterways the minimum width shall be 72 inches.	Minimum width, 36 inches.	Minimum width, 36 inches.	
Indiana		0.1 acre for all crops except tobacco.	5 links (40 inches) except that for terraces, permanent irrigation and drainage ditches, and sod waterways, the minimum width shall be 15 links.	0.5 acre for all crops except tobacco. Minimum width, 5 links (40 inches).	0.5 acre. Minimum width, 5 links (40 inches).	0.1 acre for tobacco.

RULES AND REGULATIONS

State	§ 718.2(h)	§ 718.5(f)		§ 718.5(g)		§ 718.13(c) (2)
		(1)	(2)	(2)	(3)	
Iowa				The area to be disposed of must be a continuous area along one side or one end of one field. If the excess to be disposed of is greater than an entire field(s) or subdivision(s) selected for adjustment credit, the additional amount may be disposed of along one side or one end of another field.		
Kansas	20 inches for sugar beets.	0.1 acre for all crops except tobacco.		0.5 acre for all crops except tobacco and sugar beets. Areas to be destroyed must be of uniform shape with not more than 4 sides.	0.5 acre. Areas to be designated must be of uniform shape with not more than 4 sides.	
Kentucky				Minimum width for tobacco: (1) Inside planted area and along end boundaries, the smaller of 10 links or 2 rows; (2) along boundaries parallel to the rows in the field, one row.		
Louisiana		Unplanted contour levees within rice fields are not eligible for deduction.		1.0 acre with a minimum width of 0.5 chain for all crops except cotton, peanuts, corn, grain sorghums, and barley, except when an area along one edge or down the middle of the field is destroyed provided all the excess for the farm is destroyed in one area, and the area extends the entire length of the row(s).		
Maryland		For terraces, permanent irrigation and drainage ditches, sod waterways, and eligible areas in skip-row planting patterns, each area deducted must meet the minimum requirement of 0.03 acre.				
Minnesota	20 inches for sugar beets.	0.1 acre for tobacco and sugar beets; 0.25 acre for all other crops.	10 links.	0.1 acre for tobacco and sugar beets; 0.25 acre for all other crops. Minimum width, 10 links.	0.25 acre. Minimum width, 10 links.	
Mississippi		0.1 acre.	(1) For terraces, 36 inches; (2) for irrigation and drainage ditches and sod waterways, 0.1 chain; (3) for deduction around the perimeter of the field, 2 rows (72 inches) for row crops; 0.1 chain for close-sown crops; (4) for deductions within the planted area 4 rows (144 inches) for row crops when an intertilled or fallow-strip planting pattern is not involved; 0.2 chain for close-sown crops.	0.3 acre. After one or more areas(s) to be disposed of has been determined, the final area shall be the balance of the excess even though it does not meet the minimum requirement of 0.3 acre. Areas to be disposed of must not have more than four sides and, in case of rice, one side must be along the perimeter of the field. All sides must form straight lines except any side which is part of the perimeter of the field, constitutes another crop boundary, or, in case of rice, is formed by levees within the field. Block-planted row crops may be disposed of in a recognized fallow-strip pattern and row crops planted in a fallow-strip pattern may be disposed of by one of the following methods: (1) By disposing of successive strips of the crop on the entire row length, except that only the number of rows needed to adjust the excess are required in the last successive strip; (2) by disposing of the crop on one or more rows in each successive strip so that the rows of the crop left standing within the adjusted area conform to the rules governing initial acreage determinations. Notwithstanding the above restrictions, cotton destroyed by the installation of an irrigation system subsequent to the initial acreage determination may be accepted for adjustment credit provided each area deducted meets the minimum area requirement of 0.1 acre and is at least 0.1 chain in width.	0.3 acre. After one or more areas(s) has been designated, the final area may be the balance of the deficiency even though it does not meet the minimum requirement of 0.3 acre. Minimum width, 0.1 chain.	

State	§ 718.2(h)	§ 718.5(f)		§ 718.5(g)		§ 718.13(c)(2)
		(1)	(2)	(2)	(3)	
Missouri		0.1 acre for all crops except tobacco.			1.0 acre, except that areas of less than 1.0 acre (but in no case less than 0.1 acre) may be accepted if they are strips of not less than 4 normal rows in width in skip-row planting patterns.	0.1 acre for tobacco.
Nebraska	22 inches for sugar beets.	0.1 acre. For terraces, permanent irrigation ditches, sod waterways, and eligible areas in skip-row planting patterns, each area deducted must meet the minimum requirement of 0.1 acre.		0.5 acre for all crops except sugar beets.		
New Hampshire		0.06 acre				
New York						0.2 acre.
North Carolina	18 inches for peanuts; 30 inches for corn.			For row crops, areas to be destroyed must be square, rectangular, or trapezoidal in shape with one side or one end of the area parallel with the rows or the field boundary.		
North Dakota	20 inches for sugar beets.	0.1 acre				
Ohio	28 inches for sugar beets and horticultural crops.	0.3 acre for all crops except tobacco, except that eligible areas of 0.1 acre on the perimeter of a field may be deducted.	(1) Areas along the perimeter of a field, 9 links; (2) areas within the planted area, 15 links for all crops except tobacco; for tobacco, 9 links; (3) for terraces and sod waterways, 15 links.	0.3 acre for all crops except tobacco. Minimum widths: (1) For tobacco, (a) within the planted area, 9 links; (b) along side(s) of a field, one row; (c) on end(s) of a field, 9 links. (2) For all other crops, (a) within the planted area, 18 links. Areas disposed of must be rectangular in shape; (b) along field boundaries, 9 links.	0.3 acre. Minimum width, 18 links.	0.1 acre for tobacco
Oklahoma		0.1 acre				
Oregon	20 inches for sugar beets.	0.1 acre	For close-sown crops within planted area, 6 feet.			
South Dakota		0.5 acre for all crops except sugar beets.		0.5 acre for all crops except sugar beets.	0.5 acre	
Tennessee				Minimum widths: (1) For row crops other than tobacco, 4 rows; (2) For tobacco: (a) Along field boundary, one row; (b) Within planted area, 2 rows.		For tobacco, 0.1 acre.
Texas	18 inches for vegetable crops; 30 inches for sugar beets.	(1) Around perimeter of the field 0.05 acre; (2) Within planted area, 0.1 acre.		Areas to be disposed of shall be of regular shape with not more than 4 sides. One side or one end of the disposition area shall be parallel with the rows or field boundary when row crops are destroyed in a square, rectangular, or trapezoidal pattern. These restrictions may be disregarded when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision, provided the perimeter of the area within the field is parallel to such terrace.		
Utah	22 inches	0.1 acre		The acreage to be disposed of must be in one plot or in one or more field(s) or subdivision(s) plus one plot which is readily measurable. Adjustment credit will not be allowed for areas extending around the perimeter of a field, such as a fireguard.	Areas to be designated must be in one plot or in one or more field(s) or subdivision(s) plus one plot which is readily measurable. Adjustment credit will not be allowed for areas extending around the perimeter of a field.	
Virginia	32 inches for peanuts					For areas of less than 5 acres, 10 percent or 0.1 acre, whichever is larger.

State	§ 718.2(h)	§ 718.5(f)		§ 718.5(g)		§ 718.13(c)(2)
		(1)	(2)	(2)	(3)	
Washington	22 inches for sugar beets and beans.	0.1 acre		Areas to be disposed of shall be of such shape as to be readily measurable. The number of eligible areas to be disposed of shall be limited to one border strip of uniform width per whole field plus one area per ownership tract. To qualify in meeting the one area requirement, the disposition area must be in a square, rectangular, triangular, or trapezoidal pattern. If excess remains after the initial adjustment, the final adjustment shall be restricted to one area.	Areas to be designated shall be of such shape as to be readily measurable. The number of eligible areas to be designated in adjusting a deficiency shall be limited to one border strip of uniform width per whole field plus one area per ownership tract. To qualify in meeting the one area requirement, the designated area must be in a square, rectangular, triangular, or trapezoidal pattern. When an area in which a crop was disposed of under the provisions of § 718.5(g)(2) is designated, the same restrictions shall apply. If a deficiency remains after the initial adjustment, the final adjustment shall be limited to one area.	
Wisconsin	32 inches for tobacco		(1) For all crops except tobacco, 6 links; (2) For terraces, permanent irrigation and drainage ditches, and sod waterways, 72 inches.		Minimum width, 6 links.	0.1 acre for tobacco.
Wyoming	20 inches for sugar beets.	0.1 acre				

**Effective date.** Since the determination of acreage and compliance for the 1963 program year is now in progress, it is imperative that these regulations be issued as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that the provisions of this part shall become effective upon publication in the FEDERAL REGISTER subject to the provisions of § 718.1(b).

Signed at Washington, D.C., on August 1, 1963.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-8342; Filed, Aug. 7, 1963; 8:45 a.m.]

**Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture**

[Milk Order No. 30]

**PART 1030—MILK IN CHICAGO, ILLINOIS, MARKETING AREA**

**Order Amending Order**

**§ 1030.0 Findings and determinations.**

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

tions 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 Chicago, Illinois 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.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date

would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued July 11, 1963, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 29, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the

effective date hereof, the handling of milk in the Chicago, Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

- (1) Revoke § 1030.18.
  - (2) Revoke § 1030.30(a)(3).
  - (3) In § 1030.30(b)(1) revoke the provision "and for the delivery periods of September through November, and March through June, the number of days on which milk was received,".
  - (4) Revoke § 1030.69.
  - (5) Revoke § 1030.71(d).
  - (6) In § 1030.71(f), revoke the provision "except that for the months of March, April, May and June the price resulting from the computations, made pursuant to this section shall be the uniform price for base milk".
  - (7) Revoke § 1030.71(g).
  - (8) In § 1030.80(b), revoke the provision "of July through February".
  - (9) Revoke § 1030.80(c).
  - (10) In the introductory text of § 1030.81, revoke the provision "and (c)".
- (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on August 2, 1963.

CHARLES S. MURPHY,  
Acting Secretary.

[F.R. Doc. 63-8487; Filed, Aug. 7, 1963; 8:58 a.m.]

[Milk Order No. 31]

**PART 1031—MILK IN SOUTH BEND-LAPORTE-ELKHART, INDIANA, MARKETING AREA**

**Order Amending Order**

**§ 1031.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the 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 South Bend-LaPorte-Elkhart, Indiana 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.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued July 11, 1963, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 29, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

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

- (1) Revoke § 1031.18.
- (2) Revoke § 1031.22(k).
- (3) Revoke § 1031.30(a)(4).
- (4) Revoke § 1031.31(b)(3) and (4).
- (5) Revoke § 1031.62.
- (6) Revoke § 1031.63.
- (7) In the introductory text of § 1031.71, revoke the provision "of August through March".
- (8) Revoke § 1031.72.
- (9) In § 1031.80(a), revoke the provision "for the months of August through March and the uniform prices for base milk and excess milk for the months of April through July".
- (10) In the first column heading of the schedule in § 1031.80(c), revoke the provision "or base price".
- (11) In § 1031.81(b), revoke the provision "per hundredweight for the months of August through March, and the uniform price per hundredweight for base milk for the months of April through July".

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

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on August 2, 1963.

CHARLES S. MURPHY,  
Acting Secretary.

[F.R. Doc. 63-8488; Filed, Aug. 7, 1963; 8:58 a.m.]

[Milk Order No. 62]

**PART 1062—MILK IN ST. LOUIS, MISSOURI, MARKETING AREA**

**Order Suspending Certain Provisions**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of August 1963.

(1) In § 1062.7(b)(1) the following: "any number of days during the months of March through July or for a period not in excess of 16 days' production during each of the months of August through February"; and

(2) In § 1062.7(b)(2) the following: "any number of days during the months of March through July".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension relates to the limit on diversion of producer milk to nonpool plants during the month of August. It will facilitate the orderly disposition of the market's reserve supply of milk which will not be needed for

fluid purposes during the month of August 1963.

(4) Substantial evidence pertaining to the need for permitting unlimited diversion of producer milk by both cooperative associations and proprietary handlers during the month of August was presented by producer and handler witnesses on the record of a hearing held at Springfield and St. Louis, Missouri, on June 4-11, 1963, pursuant to notice thereof which was issued May 6, 1963 (28 F.R. 4665). The period from the close of the hearing through July 29, 1963, was allowed for filing briefs. None were filed in opposition to the proposal to include August in the period for unlimited diversion of producer milk.

(5) This action was requested by cooperative associations which represent about three-fourths of the producers supplying the market.

Therefore, good cause exists for making this order effective August 1, 1963.

*It is therefore ordered*, That the aforesaid provisions of the order are hereby suspended for the month of August 1963.

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

Effective date: August 1, 1963.

Signed at Washington, D.C., on August 2, 1963.

CHARLES S. MURPHY,  
*Acting Secretary.*

[F.R. Doc. 63-8489; Filed, Aug. 7, 1963; 8:58 a.m.]

[Milk Order No. 126]

## PART 1126—MILK IN NORTH TEXAS MARKETING AREA

### Order Amending Order

#### § 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the 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 North Texas 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; and

(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.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than August 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued June 21, 1963, and the decision of the Acting Secretary containing all amendment provisions of this order was issued July 22, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1963, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

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

1. In § 1126.9 (a), (b) and (c) the references "§ 1126.20" are changed to read "§ 1126.18".

2. Sections 1126.18 and 1126.19 are revoked in their entirety.

3. Section 1126.20 is redesignated as § 1126.18.

4. Section 1126.27(j) (2) is revised to read as follows:

#### § 1126.27 Duties.

\* \* \* \* \*

(j) \* \* \* \* \*  
(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1126.72 and the butterfat differential computed pursuant to § 1126.91, both applicable to milk delivered during the preceding month;

5. Section 1126.30(a) is revised to read as follows:

#### § 1126.30 Reports of receipts and utilization.

\* \* \* \* \*

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

6. Section 1126.31(a) is revised to read as follows:

#### § 1126.31 Payroll reports.

\* \* \* \* \*

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer;

7. Section 1126.60 is revised to read as follows:

#### § 1126.60 Producer handlers.

Sections 1126.40 through 1126.46, 1126.50 through 1126.53, 1126.70 through 1126.72, and 1126.90 through 1126.97 shall not apply to a producer handler.

8. The introductory text preceding paragraph (a) of § 1126.71 is revised to read as follows:

#### § 1126.71 Computation of aggregate value used to determine the uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

9. Section 1126.72 is revised to read as follows:

#### § 1126.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1126.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

10. Section 1126.73 is revoked.  
11. Sections 1126.80, 1126.81, and the center head "Determination of Base" are revoked in their entirety.

12. Section 1126.90(a) is revised to read as follows:

**§ 1126.90 Time and method of payment.**

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1126.72, adjusted by the butterfat differential computed pursuant to § 1126.91(a) and the location differential computed pursuant to § 1126.91(b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1126.94 he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

13. Section 1126.91(b) is revised to read as follows:

**§ 1126.91 Butterfat and location differentials to producers.**

(b) In making payments to producers pursuant to § 1126.90 (a) or (c) the uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall in Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 15 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

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

Effective date: August 1, 1963.

Signed at Washington, D.C., on August 2, 1963.

CHARLES S. MURPHY,  
*Acting Secretary.*

[F.R. Doc. 63-8490; Filed, Aug. 7, 1963; 8:59 a.m.]

**Title 19—CUSTOMS DUTIES**

Chapter I—Bureau of Customs,  
Department of the Treasury

[T.D. 55959]

**PART 16—LIQUIDATION OF DUTIES  
Sugar Content of Certain Articles From  
Australia; Countervailing Duties**

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1963 of approved fruit products and other approved

products containing sugar are the amounts set forth in the following table:

*Merchandise—Approved Fruit Products and Other Approved Products*

1963:	Net amount of bounty per 2,240 pounds of sugar content	A¢
January	-----	23.4.0
February	-----	9.5.0
March	-----	4.16.0
April	-----	0.0.0
May	-----	0.0.0
June	-----	0.0.0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, except those commodities covered by T.D. 55716, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: July 30, 1963.

JAMES A. REED,  
*Assistant Secretary of the  
Treasury.*

[F.R. Doc. 63-8477; Filed, Aug. 7, 1963; 8:58 a.m.]

**Title 14—AERONAUTICS AND  
SPACE**

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-WA-90]

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

**PART 73—SPECIAL USE AIRSPACE**

**Alterations**

On May 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4857) stating that the Federal Aviation Agency (FAA) proposed to alter certain low and intermediate altitude VOR Federal airways in the vicinity of Jacksonville/Daytona Beach and Orlando, Fla. In addition, the FAA proposed to alter the boundaries of Restricted Area R-2907.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and no adverse comments were received regarding the proposed amendments.

The substance of the proposed amendments having been published and for

the reasons stated in the notice, the following actions are taken:

1. In § 71.123 (27 F.R. 220-6, November 10, 1962; 28 F.R. 3482) V-267 is amended to read:

V-267 From Biscayne Bay, Fla., via Miami, Fla.; Pahokee, Fla., including an E alternate from Biscayne Bay to Pahokee via INT of Biscayne Bay 346° and Pahokee 143° radials; Orlando, Fla.; Jacksonville, Fla., including the additional airspace between lines diverging from Orlando to points of tangency to a 6-mile radius circle centered at the INT of Jacksonville 174°, Daytona Beach, Fla., 308° radials, within the circle and between lines tangent to the circle, converging to Jacksonville, including an E alternate from Orlando to the INT of the Daytona Beach 308° and the Jacksonville 174° radials via Daytona Beach; INT of Jacksonville 334° and Dublin, Ga., 137° radials; Dublin; Norcross, Ga.; INT of Norcross 011° and Knoxville, Tenn., 181° radials; to Knoxville, including an E alternate.

2. In § 71.143 (27 F.R. 220-38, November 10, 1962, 27 F.R. 11939, 12167).

a. V-1507 is amended as follows: "INT Orlando 359°, Jacksonville, Fla., 167° radials; Jacksonville;" is deleted and "INT Orlando 354°, Daytona Beach, Fla., 289° radials, including the additional airspace between lines diverging from Orlando to points of tangency to a 5.2-mile radius circle centered at INT Orlando 354°, Daytona Beach 289° radials, and within the circle; 12 miles wide INT Jacksonville 174°, Daytona Beach 317° radials; 10 miles wide Jacksonville;" is substituted therefor.

b. V-1513 is amended as follows: "INT Daytona Beach 360°, Jacksonville, Fla., 144° radials;" is deleted and "INT Daytona Beach, 344°, Jacksonville, Fla., 159° radials;" is substituted therefor.

c. V-1515 is amended as follows: "INT Daytona Beach 360°, Jacksonville, Fla., 144° radials;" is deleted and "INT Daytona Beach 344°, Jacksonville, Fla., 159° radials;" is substituted therefor.

d. V-1536 is amended as follows: "Jacksonville, Fla." is deleted and "Jacksonville, Fla.; INT Jacksonville 144°, Daytona Beach, Fla., 360° radials; Daytona Beach." is substituted therefor.

3. In § 73.29 (28 F.R. 19-14, January 26, 1963) R-2907 Lake George, Fla., is amended to read:

R-2907 Lake George, Fla.  
Boundaries. Beginning at latitude 29°-23'00" N., longitude 81°31'30" W.; to latitude 29°20'00" N., longitude 81°30'40" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to the point of beginning.  
*Designated Altitudes*—Surface to flight level 500.

*Time of Designation*—Continuous.  
*Controlling Agency*—Federal Aviation Agency, Jacksonville, ARTC Center.  
*Using Agency*—Commander, Fleet Air Jacksonville, NAS, Jacksonville, Fla.

These amendments shall become effective 0001 e.s.t., September 19, 1963.

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

Issued in Washington, D.C., on August 2, 1963.

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

[F.R. Doc. 63-8436; Filed, Aug. 7, 1963; 8:50 a.m.]

RULES AND REGULATIONS

Chapter III—Federal Aviation Agency  
SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1817; Amdt. 331]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES  
Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:  
1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 3 AUG. 1963.

City, Daggett; State, Calif.; Airport Name, Daggett; Elev., 1927'; Fac. Class., SBRAZ; Ident., DAG; Procedure No. 1, Amdt. 6; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 5; Dated, 17 Nov. 56

PROCEDURE CANCELLED, EFFECTIVE 3 AUG. 1963, OR UPON DECOMMISSIONING OF LFR.

City, East Hartford; State, Conn.; Airport Name, Rentscheler Field; Elev., 45'; Fac. Class., SBMRAZ; Ident., HFD; Procedure No. 1, Amdt. 1; Eff. Date, 25 May 57; Sup. Amdt. No. Orig.; Dated, 29 Apr. 54

PROCEDURE CANCELLED, EFFECTIVE 3 AUG. 1963, OR UPON DECOMMISSIONING OF LFR.

City, Hartford; State, Conn.; Airport Name, Brainard Field; Elev., 18'; Fac. Class., SBMRAZ; Ident., HFD; Procedure No. 1, Amdt. 4; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 3; Dated, 25 May 57

Plainville Int.....	Syracuse LFR.....	Direct.....	2000	T-dn*.....	300-1	300-1	200-1 $\frac{1}{2}$
Lakeport Int.....	Syracuse LFR.....	Direct.....	2000	C-d.....	700-1	700-1	700-1 $\frac{1}{2}$
				C-n.....	700-2	700-2	700-2
				S-d-10.....	600-1	600-1	600-1
				S-n-10.....	600-2	600-2	600-2
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 277° Outbnd, 097° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 100°—6.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SR LFR, climb to 1800' direct to SY LOM. Hold E of SY LOM, 278° Inbnd, 1-minute, right turns.

CAUTION: 838' antenna 1.1 miles S of approach end of Runway 28.

AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.

\*600-1 required for takeoff on Runway 14.

City, Syracuse; State, N.Y.; Airport Name, Hancock; Elev., 421'; Fac. Class., SBRAZ; Ident., SR; Procedure No. 1, Amdt. 6; Eff. Date, 27 July 63; Sup. Amdt. No. 5; Dated, 1 Apr. 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pelzer Int.....	LOM (final).....	Direct.....	2500	T-dn.....	300-1	300-1	200-1/2
Cleveland Int.....	LOM.....	Direct.....	3200	C-dn.....	500-1	500-1	500-1 1/2
Inman Int.....	LOM.....	Direct.....	3000	S-dn-3.....	400-1	400-1	400-1
Spartanburg VOR.....	LOM.....	Via SPA-VOR R-233.....	2500	A-dn.....	800-2	800-2	800-2
Princeton Int.....	LOM.....	Direct.....	2500				

Radar vectoring to LOM authorized in accordance with approved patterns.

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 032°—5.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 3000' on crs 032° within 20 miles of LOM or, when directed by ATC, turn right, climb to 2100', proceed direct to SPA RBN. Hold SW, 1-minute right turns.

CAUTION: Water tank 1100' 1/4 mile NW of instrument runway.

City, Greer; State, S.C.; Airport Name, Greenville-Spartanburg; Elev., 961'; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 1; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 1; Dated, 17 Nov. 62

OKC VOR.....	LOM.....	Direct.....	2600	T-dn.....	300-1	300-1	200-1/2
OKC RBN.....	LOM.....	Direct.....	2600	C-dn.....	400-1	500-1	500-1 1/2
Bethany Int.....	LOM.....	Direct.....	2600	S-dn-35.....	400-1	400-1	400-1
Cashion Int.....	TWO RBN.....	Direct.....	3100	A-dn.....	800-2	800-2	800-2
Newcastle Int.....	LOM (final).....	Direct.....	2300				
TWO RBN.....	LOM.....	Direct.....	2600				

Radar transitions authorized in accordance with approved patterns.

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2600' within 10 miles.

Minimum altitude over LOM Inbnd final, 2300'.

Crs and distance, facility to airport, 350°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 3100' on 350° crs within 15 miles or when directed by ATC, turn left, climb to 2500' direct to the OKC VOR, or direct to the OKC RBN.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284'; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 10; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 9; Dated, 21 July 62

Roanoke VOR.....	Leslie RBN.....	Direct.....	4700	T-dn#*.....	1000-2	1000-2	1000-2
Bedford Int.....	Leslie RBN.....	Direct.....	4100	C-dn#*.....	1000-2	1000-2	1000-2
Moneta Int.....	Leslie RBN.....	Direct.....	4100	A-dn#*.....	2500-2	2500-2	2500-2

Radar vectoring to final approach or procedure turn required.

Procedure turn N side of crs 126° Outbnd, 306° Inbnd, 4100' within 10 miles.

Minimum altitude over facility on final approach crs, 3000'.

Crs and distance, facility to airport, 306°—6.8 miles; CLV RBN to airport, 306°—1.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Cloverdale RBN, make climbing left turn to cross LLE RBN at 3400' or above. Hold SE on LLE RBN, 1-minute right turns at 4100'.

NOTE: This ADF procedure predicated on the combined use of Leslie and Cloverdale RBN. Both facilities must be operational.

AW CARRIER NOTE: Sliding scale not authorized. No reductions in landing minimums due to local visibility conditions.

\*For air carrier use only: 600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR VOR, cross Leslie RBN at 2400' or above, climb to 4000' in Leslie holding pattern. VOR and ADF receivers required.

\*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal; Elev., 1174'; Fac. Class., MHW; Ident., LLE; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Aug. 63

Dover Int.....	LOM.....	Direct.....	3000	T-dn*.....	300-1	300-1	200-1/2
				C-dn.....	500-1	600-1	600-1 1/2
				S-dn-13.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2
				The following minimum applies for aircraft equipped with VOR after passing TOP-VOR R-230:			
				S-dn-13.....	400-1	400-1	400-1

Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2500' within 10 miles of TOP RBN. Nonstandard due traffic.

Minimum altitude over TOP RBN on final approach crs, 2100'.

Crs and distance, TOP RBN to airport, 125°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TOP RBN, climb to 2600' on 125° crs within 15 miles or, when directed by ATC, (1) turn left, climbing to 2600', proceed to TOP VOR; (2) turn left, climbing to 2500' and return to TOP LOM.

NOTE: Approach from holding pattern at TOP LOM NA. Procedure turn required.

\*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., MHW; Ident., TOP; Procedure No. 1, Amdt. 15; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 14; Dated, 16 June 62

				T-dn.....	300-1	300-1	200-1/2
				C-dn.....	500-1	500-1	500-1 1/2
				S-dn-11.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1200' within 10 miles.

Minimum altitude over facility on final approach crs, 1000'.

Course and distance, facility to airport, 111°—3.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing VRB RBN, make left turn and return to VRB-RBN, climbing to 1200'.

CAUTION: Warning area 7.6 miles east of airport.

City, Vero Beach; State, Fla.; Airport Name, Vero Beach; Elev., 24'; Fac. Class., H; Ident., VRB; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Aug. 63, or upon commissioning of "H" facility

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Whitehall LFR.....	BTM-VOR.....	Direct.....	10,000	T-d..... T-n..... C-d..... C-n..... A-d..... A-n.....	1500-1 1500-2 2300-1 2300-2 2300-1½ 2300-2	1500-1 1500-2 2300-1½ 2300-2 2300-1½ 2300-2	1500-1 1500-2 2300-1½ 2300-2 2300-1½ 2300-2

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 9000' within 10 miles. Not authorized beyond 10 miles (nonstandard due to terrain).  
 Minimum altitude over facility on final approach crs, 7900'.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing BTM-VOR, climb to 10,000 on R-093 within 10 miles.  
 CAUTION: Obstruction 8212' MSL 2 miles E of Butte Airport.  
 AIR CARRIER NOTE: Sliding scale not authorized for landing.  
 NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.

City, Butte; State, Mont.; Airport Name, Silver Bow County; Elev., 5554'; Fac. Class., BVOR; Ident., BTM; Procedure No. 1, Amdt. 2; Eff. Date, 3 Aug 63; Sup. Amdt. No. 1; Dated, 7 May 55

				T-dn.....	300-1	NA	NA
				C-d.....	500-1	NA	NA
				C-n.....	500-2	NA	NA
				A-dn.....	800-2	NA	NA

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2800' within 10 miles.  
 Minimum altitude over facility on final approach crs, 2300'.  
 Crs and distance, facility to airport, 305°—3.0 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing EMP-VOR, make right turn climbing to 2900' and return to EMP-VOR.  
 NOTES: Lights installed Runway 18-36 only. Final approach from holding pattern not authorized. Procedure turn required.

City, Emporia; State, Kans.; Airport Name, Emporia; Elev., 1204'; Fac. Class., BVORTAC; Ident., EMP; Procedure No. 1, Amdt. 4; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 3; Dated, 28 July 62

				T-dn.....	300-1	300-1	200-½
				C-dn.....	500-1	500-1	500-1½
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 309° Outbnd, 129° Inbnd, 3000' within 10 miles.  
 Minimum altitude over facility on final approach crs, 2400'.  
 Crs and distance, facility to airport, 129°—3.9 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing HRO VOR, turn left, climb to 3000' returning to HRO VOR.

City, Harrison; State, Ark.; Airport Name, Harrison Municipal; Elev., 1375'; Fac. Class., BVOR; Ident., HRO; Procedure No. 1, Amdt. 2; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 1; Dated, 20 Apr. 63

TOP RBn.....	TOP-VOR.....	Direct.....	2600.....	T-dn.....	300-1	300-1	200-½
				C-dn.....	600-1	600-1	600-1½
				S-dn-22.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of crs, 030° Outbnd, 210° Inbnd, 2600' within 10 miles. Nonstandard due traffic.  
 Minimum altitude over facility on final approach crs, 2300'.  
 Crs and distance, facility to airport, 210°—4.9 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing TOP-VOR, climb to 2600' on R-165 within 20 miles or, when directed by ATC, turn left, climb to 2600' and return to TOP-VOR.  
 NOTE: No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard; Elev., 880'; Fac. Class., BVORTAC; Ident., TOP; Procedure No. 1, Amdt. 5; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 4; Dated, 1 June 54

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RA RBn	Leslie RBn	Direct	4000	T-Dn#	1000-2	1000-2	1000-2
Roanoke VOR	Leslie RBn	Direct	4000	C-dn	1000-2	1000-2	1000-2
Cloverdale VOR	ODR VOR	Direct	4900	A-dn	2500-2	2500-2	2500-2
Bedford Int	Leslie RBn	Direct	4000				

Radar vectoring authorized in accordance with approved radar patterns. Procedure turn N side of crs, 126° Outbnd, 306° Inbnd, 3600' within 10 miles of Leslie RBn.

Minimum altitude over Leslie RBn on final approach, 3000'. Crs and distance, Leslie RBn to airport, 306°—6.8 miles.

Crs and distance, Cloverdale RBn to airport, 306°—1.0 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Cloverdale RBn, make climbing left turn to 4600' outbnd R-170 ODR-VOR within 20 miles.

ABN CARRIER NOTE: Sliding scale not authorized. No reduction in landing minimums authorized due to local visibility conditions.

NOTE: This procedure requires the following aids to be operating: ODR-VOR, Leslie RBn and Cloverdale RBn. Aircraft must be equipped to utilize the facilities.

#For air carrier use only: 600-2 minimums on runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR-VOR, across Leslie MHW at 2400' MSL or above, climb to 4000' in Leslie holding pattern—VOR and ADF receivers required.

\*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR (R-126), Amdt. 3; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 2; Dated, 14 Apr. 62

SJP RBn	SJU-VOR	Direct	1500	T-dn	300-1	300-1	200-1/2
SJU HH	SJU-VOR	Direct	1600	C-dn	500-1	500-1	500-1 1/2
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1100' within 9 miles.

Facility on airport.

Minimum altitude over facility on final approach crs, 400'.

Crs and distance, breakoff point to Runway 25, 255°—0.8 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile of VOR, turn right, climb to 2000' on R-359 within 20 miles of SJU-VOR.

NOTE: Procedure turn distance restricted to 9 miles of VOR due to warning area N of procedure turn area.

City, San Juan; State, Puerto Rico; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class., BVOR; Ident., SJU; Procedure No. TerVOR-25, Amdt. 3; Eff. Date 3 Aug. 63; Sup. Amdt. No. 2; Dated, 20 July 63

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA-VOR	LOM	Direct	5000	T-dn	300-1	300-1	200-1/2
AMA RBn	LOM	Direct	5000	C-dn	500-1	500-1	500-1 1/2
Borger Int	LOM	Direct	5000	S-dn-03#	300-1/2	300-1/2	300-1/2
Canyon Int	LOM	Direct	5000	A-dn	600-2	600-2	600-2
Claude Int	LOM	Direct	5000				
Finley Int	LOM	Direct	5000				
Palo Duro Int	LOM	Direct	5000				
Plant Int	LOM	Direct	5300				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5300				
West Side Int	LOM	Direct	5000				
ARO-VOR	LOM	Direct	5000				

Radar transitions and vectoring using Amarillo Radar authorized in accordance with approved radar patterns.

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000' within 10 miles.

Altitude of glide slope and distance to approach end of runway at OM, 5000'—5.0 miles; at MM, 3815'—0.5 mile.

Minimum altitude at glide slope int Inbnd on final, 5000'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5000' on NE crs ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 5000' and intercept R-076 AMA-VOR within 20 miles or (2) turn left, climb to 5300' on R-307 AMA-VOR within 20 miles.

CAUTION: Towers 3994' MSL 3.4 miles SW; 3886' MSL 2.1 miles SW; 3885' MSL 2.7 miles SW of airport. 3764' MSL grain elevator located adjacent to SW boundary of airport.

NOTE: Glide slope restricted below 300' AGL.

\*400-3/4 required when glide slope not received.  
#300-3/4 required when approach lights inoperative.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3604'; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-3, Amdt. 6; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 5; Dated, 13 Apr. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BIL VOR	Pryor Creek Int**	Direct	5200	T-dn*	300-1	300-1	200-1/2
BIL LOM	Pryor Creek Int**	Direct	5200	C-dn	400-1	500-1	500-1 1/2
				S-dn-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

When authorized by ATC, DME may be used to position aircraft on final approach course at 5200' via 16-mile DME arc 040° clockwise to 114° with elimination of procedure turn.

Procedure turn N side of crs, 095° Outbnd, 275° Inbnd, 5200' within 10 miles of Pryor Creek Int.\*\*

Minimum altitude over Pryor Creek Int\* on final approach crs, 4700'.

Crs and distance, Pryor Creek Int\* to airport, 275°—5.4 miles.

No glide slope.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.6-mile DME arc BIL VOR, climb to 5300' on R-24 within 20 miles.

\*Takeoff below 300-1 not authorized on Runways 4-22 and 16-34.

\*\*Pryor Creek Int: Int E crs BIL ILS and 10-mile DME arc BIL VOR.

City, Billings; State, Mont.; Airport Name, Logan; Elev., 3606'; Fac. Class., ILS; Ident., I-BIL; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 3 Aug. 63

FAR VOR	Harwood Int**	Direct	2300	T-dn	300-1	300-1	200-1/2
FA LOM	Harwood Int**	Direct	2300	C-dn	500-1	500-1	500-1 1/2
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

When authorized by ATC, DME may be used to position aircraft on final approach course at 2300' via 21-mile DME arc 340° clockwise to 005°.

Procedure turn W side of crs, 351° Outbnd, 151° Inbnd, 2300' within 10 miles of Harwood Int.\*\*

Minimum altitude over Harwood Int\* on final approach crs, 1900'.

Crs and distance, Harwood Int\* to airport, 151°—5.0 miles.

No glide slope.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Harwood Int,\* climb to 2300' direct to LOM or, when directed by ATC, make left-climbing turn to 2600' on 080° bearing from FAR RBN within 15 miles.

\*Harwood Int: Int N crs Fargo ILS and 15-mile DME arc FAR VOR.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900'; Fac. Class., ILS; Ident., I-FAR; Procedure No. ILS-17, Amdt. Orig.; Eff. Date, 3 Aug. 63

Pelzer Int	LOM (final)	Direct	2500	T-dn	300-1	300-1	200-1/2
Cleveland Int	LOM	Direct	3200	C-dn	500-1	500-1	500-1 1/2
Inman Int	LOM	Direct	3000	S-dn-3*	200-1/2	200-1/2	200-1/2
Spartanburg VOR	LOM	Via SPA-VOR	2500	A-dn	600-2	600-2	600-2
		R-233.					
Princeton Int	LOM	Direct	2500				

Radar vectoring to LOM authorized in accordance with approved patterns.

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 2500' within 10 mile.

Minimum altitude at glide slope Int Inbnd, 2500'.

Altitude of glide slope and distance to approach end of runway at OM, 2470'—5.2 miles; at MM, 1157'—0.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on crs of 032° from LOM within 20 miles or, when directed by ATC, turn right, climb to 2100', proceed direct to SPA RBN. Hold SW 1-minute right turns.

CAUTION: Water tank 1100' 1/4 mile NW of instrument runway.

\*400-3/4 required when glide slope not utilized.

City, Greer; State, S.C.; Airport Name, Greenville-Spartanburg (Greer); Elev., 961'; Fac. Class., ILS; Ident., I-GSP; Procedure No. ILS-3, Amdt. 3; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 2; Dated, 20 Apr. 63

GS LOM	Wellford Int*	Direct	2500	T-dn	300-1	300-1	200-1/2
SPA RBN	Wellford Int*	Direct	2500	C-dn	500-1	500-1	500-1 1/2
SPA VOR	Wellford Int*	Direct	2500	S-dn-21	400-1	400-1	400-1
Carter Int**	Wellford Int* (final)	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.

Procedure turn S side of crs 033° Outbnd 213° Inbnd 2500' within 10 miles of Wellford Int.\*

Minimum altitude over Wellford Int on final approach crs 2000'.

Crs and distance, Wellford Int to airport, 213°—5.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Wellford Int,\* climb to 2500' on front crs of GSP localizer to GS LOM. Hold SW of GS LOM (213°) 1-minute right turns.

CAUTION: Water tank 1100' 1/4 mile NW of instrument runway.

\*\*Wellford Int: Int GSP ILS NE crs and R-257 SPA VOR or 303° bearing from SPA RBN.

\*\*Carter Int: Int GSP ILS NE crs and R-324 SPA VOR.

City, Greer; State, S.C.; Airport Name, Greenville-Spartanburg; Elev., 961'; Fac. Class., ILS; Ident., I-GSP; Procedure No. ILS-21, Amdt. 2; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 1; Dated, 6 July 63

OKC VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-1/2
OKC RBN	LOM	Direct	2600	C-dn	400-1	500-1	500-1 1/2
Bethany Int	LOM	Direct	2600	S-dn-35	200-1/2	200-1/2	200-1/2
Cashion Int	TWO RBN	Direct	3100	A-dn	600-2	600-2	600-2
Newcastle Int	LOM (final)	Direct	2300				
TWO RBN	LOM	Direct	2600				

Radar transitions authorized in accordance with approved patterns.

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2600' within 10 miles.

Minimum altitude at glide slope Int Inbnd, 2500'.

Altitude of glide slope and distance to approach end of runway at OM, 2329'—3.8 miles; at MM, 1494'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3100' on N crs ILS within 20 miles, or when directed by ATC, turn left, climb to 2500' direct to the OKC VOR or direct to the OKC RBN.

City, Oklahoma; State, Okla.; Airport Name, Will Rogers; Elev., 1284'; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-35, Amdt. 8; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 7; Dated, 21 July 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*-----	300-1	300-1	200- $\frac{1}{2}$
				C-dn-----	600-1	600-1	600- $\frac{1}{2}$
				S-dn-12R-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

Radar vectoring using Moffett Radar authorized in accordance with approved patterns.

No procedure turn. Radar vectoring to final approach crs required.

Minimum altitude over Sunnyvale Int# on final approach crs, 2000'.

Crs and distance, Sunnyvale Int# to airport, 122°—5.6 miles.

No glide slope.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Sunnyvale Int#, make a left-climbing turn, climb to 2000' on the NW crs of SJC ILS within 15 miles.

AIR CARRIER NOTE: No reduction in visibility minimums authorized, except for alternate visibility minimums.

#Sunnyvale Int: Int NW crs SJC ILS and OSI R-062.

\*500-1 required for takeoff on Runway 12L and R.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class., ILS; Ident., I-SJC; Procedure No. ILS-12R, Amdt. Orig.; Eff. Date, 3 Aug. 63

Dover Int-----	LOM-----	Direct-----	3000	T-dn-----	300-1	300-1	200- $\frac{1}{2}$
				C-dn-----	500-1	600-1	600- $\frac{1}{2}$
				S-dn-13*-----	300- $\frac{3}{4}$	300- $\frac{3}{4}$	300- $\frac{3}{4}$
				A-dn-----	600-2	600-2	600-2

Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope int Inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at LOM 2030'—3.9 miles; at MM 1078'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climbing to 2600', proceed to TOP VOR or turn left, climbing to 2500' and return to TOP LOM.

NOTE: Approach from holding pattern at TOP LOM not authorized. Procedure turn required.

\*400- $\frac{3}{4}$  required when operating under the provisions of inoperative ILS components. No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS-13, Amdt. 16; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 15; Dated, 16 June 62

TOP-VOR-----	Powerhouse Int-----	Direct-----	2600	T-dn*-----	300-1	300-1	200- $\frac{1}{2}$
TOP LOM-----	Powerhouse Int-----	Direct-----	2600	C-dn-----	500-1	600-1	600- $\frac{1}{2}$
				S-dn-31-----	500-1	500-1	500-1
				A-dn-----	800-2	800-2	800-2

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2600' within 10 miles.

No glide slope.

Minimum altitude over Powerhouse Int on final approach crs, 1700'.

Crs and distance, Powerhouse Int to airport, 305°—2.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing Powerhouse Int, climb to 2700' on NW crs ILS within 20 miles or, when directed by ATC, turn right, proceed direct to TOP-VOR climbing to 2600'.

NOTE: Procedure authorized only for aircraft equipped to simultaneously receive ILS and VOR. Approach from holding pattern at Powerhouse Int not authorized.

Procedure turn required.

Other change: Deletes transition from Richland Int.

\*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS-31, Amdt. 6; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 5; Dated, 16 June 62

Waterville Int-----	UTI RBn-----	Direct-----	3400	T-dn-----	300-1	300-1	200- $\frac{1}{2}$
UCA VOR-----	UTI RBn (final)-----	Direct-----	3000	C-dn-----	400-1	500-1	500- $\frac{1}{2}$
				S-dn-33-----	200- $\frac{1}{2}$	200- $\frac{1}{2}$	200- $\frac{1}{2}$
				A-dn-----	600-2	600-2	600-2
				With no glide slope			
				C-d-----	600-1	600-1	600- $\frac{1}{2}$
				C-n-----	600-2	600-2	600-2
				S-d-33-----	600-1	600-1	600-1
				S-n-33-----	600-2	600-2	600-2
				The following minimums apply with no glide slope and Utica OM is received:			
				C-dn*-----	400-1	500-1	500- $\frac{1}{2}$
				S-dn-33*-----	400- $\frac{3}{4}$	400- $\frac{3}{4}$	400- $\frac{3}{4}$

Radar vectoring and transitions by Griffiss RAPCON authorized in accordance with approved patterns.

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 3200' within 10 miles of UTI RBn.

Minimum altitude at glide slope int Inbnd, 3100'.

Altitude of glideslope and distance to approach end of runway at UTI RBn, 3051'—7.3 miles; at OM, 1937'—3.8 miles; at MM 937'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing left turn to 3200', return direct to UTI RBn.

Hold SE of UTI RBn, 329° Inbnd, right turns, 1 minute.

\*Do not descend below 1340' until after passing Utica OM. (Radar fix may be substituted for Utica OM.)

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742'; Fac. Class., ILS; Ident., I-UCA; Procedure No. ILS-33, Amdt. 5; Eff. Date, 27 July 63; Sup. Amdt. No. 4; Dated, 25 Aug. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for on route approach in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions.....		Within 5- to 20-mile radius.	2000	T-dn..... C-dn..... A-dn.....	300-1 500-1 800-2	300-1 500-1 800-2	200-1½ 500-1½ 800-2

Radar vectoring authorized in accordance with approved patterns. (Radar site—Love Field, Dallas, Tex.)  
 Aircraft on any direct course to Addison VOR may descend to 1100' from 5-mile radar fix.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing Addison VOR, proceed direct to DAL-VOR, climbing to 2000'.  
 NOTE: Air carrier use not authorized. No weather service available.

City, Dallas; State, Tex.; Airport Name, Addison; Elev., 637'; Fac. Class. and Ident., Dallas Radar; Procedure No. 1, Amdt. 4; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 3; Dated, 13 Apr. 63

000##.....	360.....	0-25 miles.....	2600	Precision approach			
				T-dn***.....	*300-1	*300-1	**300-1
				C-dn#.....	600-1	700-1	700-1½
				S-dn-18%.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar transition altitudes: All bearings and distances are from Kansas City Municipal Airport.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn climbing to 2700', intercept the 310° bearing to Farley RBN. Proceed to Farley RBN or, when directed by ATC, make right turn climbing to 2700', intercept BSP-VOR R-283, proceed to Lansing Int.  
 NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.

CAUTION: Numerous obstructions 1100' or below NE, SW and NW quadrants within 3.0 miles of airport.  
 #2700' within 0-3 miles of 1664' tower located 2.5 miles S of airport. 3000' within 0-3 miles of 2049' tower located 2.7 miles SSE of airport. 2900' within 0-3 miles of 1949' tower located 4.0 miles S of airport.

#500-1 required when approach lights inoperative.  
 \*AIR CARRIER NOTE: No reduction in takeoff minimums except on Runway 36.  
 \*\*AIR CARRIER NOTE: 200-½ authorized Runway 36 only.  
 %Circling not authorized E of airport in sector 090° through 180° due to numerous tall obstructions.  
 \*\*\*Unless radar vectored when weather is below 1000-3: Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS-VOR R-210 or MKC-VOR R-190, climb to 2500, before proceeding on course. Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.

City, Kansas City; State, Mo.; Airport Name, Kansas City Municipal; Elev., 758'; Fac. Class. and Ident., Kansas City Radar; Procedure No. 1, Amdt. 4; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 3; Dated, 29 June 63

All directions.....	Radar site.....	Within: 25 miles..... 20 miles.....	2500 1500	Precision approach			
				C-dn.....	300-1	500-1	500-1½
E of NE-SW crs LGA-LFR.....	Radar site.....			S-dn-4R**.....	200-1½	200-1½	200-1½
				A-dn-4R.....	600-2	600-2	600-2
				Surveillance approach			
				T-dn*.....	300-1	300-1	200-1½
				C-dn.....	600-1	600-1	600-1½
				S-dn-4L, 13L.....	600-1	600-1	600-1
				S-dn-22R, 25L.....	500-1	500-1	500-1
				S-dn-7R, 31R.....	400-1	400-1	400-1
				A-dn-A11.....	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 4R, 4L, 7R: Make right-climbing turn to 3000, on IDL VOR R-077 to DPK VOR. Hold E 1-minute left turns, Inbnd crs 257°. Runway 13L: Make right-climbing turn to 2000' on IDL VOR R-190 to Sandy Hook Int. Hold S, 1-minute right turns, Inbnd crs 010°. Runways 22R, 25L, 31R: Make left-climbing turn to 2000' on IDL VOR R-190 to Sandy Hook Int. Hold S, 1-minute right turns, Inbnd crs 010°.

CAUTION: Circling minimums do not provide standard clearance over 278' stack 1.1 miles SSE of airport.  
 \*Runway visual range 2000' is authorized for takeoff on Runways 4R and 31L in lieu of 200-½ when 200-½ is authorized; provided associated high-intensity runway lights are operational.

\*\*Runway visual range 2000' also authorized for landing on Runway 4R; provided that all components of the PAR, high-intensity runway lights, approach lights, centerline discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

Other change: Deletes air carrier note.  
 City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class. and Ident., Idlewild Radar; Procedure No. 1, Amdt. 4; Eff. Date 3 Aug. 63; Sup. Amdt. No. 3; Dated, 20 July 63

All directions.....		Within 30 miles...	5500	Surveillance approach			
				T-dn*.....	300-1	300-1	200-1½
				C-dn.....	600-1	600-1	600-1½
				S-dn-30L.....	600-1	600-1	600-1
				S-dn-12R.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 30L: Climb to 2000' on the SJC VOR R-308 within 15 miles or, when directed by ATC, climb to 2000' on 302° crs from the SJC ILS LMM within 15 miles. Runway 12R: Make left-climbing turn, climb to 2000' on the SJC VOR R-308 within 15 miles or, when directed by ATC, make left-climbing turn, climb to 2000' on 302° crs from the SJC ILS LMM within 15 miles.

AIR CARRIER NOTE: No reduction in visibility minimums authorized, except for alternate visibility minimums.  
 \*500-1 required when taking off on Runway 12L-R.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class., and Ident., Moffett Radar; Procedure No. 1, Amdt. 3; Eff. Date, 3 Aug. 63; Sup. Amdt. No. 2; Dated, 5 Jan. 63

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots										
															65 knots or less	More than 65 knots	
240	360	5	4700	10	6000										Surveillance approach		
360	100	5	3800											T-dn***	1000-2	1000-2	1000-2
100	240	5	3000											C-dn**	1200-2	1200-2	1200-2
360	110			10	4200									S-dn-33*	1200-2	1200-2	1200-2
110	180			10	3700	15	3700							A-dn**	2000-2	2000-2	2000-2
180	240			10	5000												
180	080					15	6000										
080	110					15	5000										

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished abeam the Roanoke RBN, make immediate right-climbing turn to Woodrum VOR R-126, climb on R-126 to cross Leslie RBN at 3100' or above, hold SE on Leslie RBN at 4100', 1-minute right turns.

CAUTION: Execute missed approach abeam Roanoke RBN.

NOTE: VOR and ADF receiver required.

\*Maintain 3700' to 7-mile radar fix; then maintain 3200' to 6-mile radar fix; then maintain 2400' to 2.0-mile radar fix.

#For air carrier use only; 600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR-VOR, cross Leslie RBN at 3000' or above, climb to enroute altitude in Leslie holding pattern. Sliding scale not authorized.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal; Elev., 1174'; Fac. Class. and Ident., Roanoke Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Aug. 63

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on June 28, 1963.

W. LLOYD LANE,  
Acting Director, Flight Standards Service.

[F.R. Doc. 63-7037; Filed, Aug. 7, 1963; 8:45 a.m.]

[Reg. Docket No. 1836; Amdt. 332]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OGG VOR.....	MAU LFR.....	N crs MAU-LFR.	8000	T-dn#.....	300-1	300-1	200-1/2
				C-d.....	1000-2	1000-2	1000-2
				C-n.....	1000-3	1000-3	1000-3
				A-dn.....	1500-3	1500-3	1500-3

Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 5600' within 10 miles.

Minimum altitude over facility on final approach crs, 3600'.

Crs and distance, facility to airport, 351°—15.3 miles.\*

If visual contact not established upon descent to authorized landing minimums within 5 miles,\* or if landing not accomplished, climb to 4000' on N crs within 20 miles, continue climb to 8000' within 5 miles,\* returning to station.

CAUTION: 1. Rapidly rising terrain NE of range station. 1000' at 2 miles, 3000' at 3 miles, 10,025' at 10 miles. 2. 570' tower 4 miles W of airport.

\*Contact must be established on N crs within 5 miles of range station at 1400'. Flight to airport under visual conditions.

#Takeoff minimums Runways 23, 20 and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on course.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., SBRAZ; Ident., MAU; Procedure No. 1, Amdt. 3; Eff. Date, 10 Aug. 63; Sup. Amdt. No 2; Dated, 19 Dec. 57

2. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Transition		Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
	To—	Course and distance			2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland VOR.....	BMG VOR.....	Direct.....	2400	T-dn.....	300-1	300-1	200-1/4
Spencer Int.....	BMG VOR.....	Direct.....	2400	C-dn.....	500-1	500-1	500-1 1/2
Paragon Int.....	BMG VOR.....	Direct.....	2400	S-dn-6.....	500-1	500-1	500-1
Sanders Int.....	BMG VOR.....	Direct.....	2400	A-dn.....	800-2	800-2	800-2
Wilbur Int.....	BMR VOR.....	Direct.....	2400				

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2400' within 10 miles.  
 Minimum altitude over facility on final approach crs, 1300'.  
 Crs and distance, breakoff point to Runway 6, 059°—0.6 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BMG VOR, climb to 2400' on R-054 and return to BMG VOR.

City, Bloomington; State, Ind.; Airport Name, Monroe County; Elev., 840'; Fac. Class., BVOR; Ident., BMG; Procedure No. TerVOR-6, Amdt. Orig.; Eff. Date, 10 Aug. 63

Maui LFR.....	OGG VOR.....	Direct.....	8000	T-dn#.....	300-1	300-1	200-1/4
				C-dn.....	600-1	600-1	600-1 1/2
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of crs, 027° Outbnd, 207° Inbnd, 1500' within 20 miles. Beyond 20 miles not authorized.  
 Facility on airport.  
 Minimum altitude over facility on final approach crs, 700'.  
 Crs and distance, breakoff point to Runway 20, 200°—1 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OGG VOR, turn left, climb to 3000' on R-027 within 20 miles, reverse course and climb to 5000' to VOR.  
 CAUTION: 570' tower 4 miles W of airport.  
 #Takeoff minimums Runways 23, 20 and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on course.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., VOR; Ident., OGG; Procedure No. TerVOR R-027, Amdt. 2; Eff. Date, 10 Aug. 1963  
 Sup. Amdt. No. TerVOR-20, Amdt. 1; Dated, 21 Dec. 57

Harpoon Int.....	Mango Int.....	Direct.....	4000	T-dn#.....	300-1	300-1	200-1/4
Mango Int.....	Int OGG R-190 and LNY R-081 or 148° bearing to MAU LFR.	Direct.....	3000	C-d.....	700-1	700-1	700-1 1/2
Int OGG R-190 and LNY R-081 or 148° bearing to MAU LFR.	OGG-VOR (final).....	Direct.....	800	C-n.....	700-2	700-2	700-2
				A-dn.....	800-2	800-2	800-2

Procedure turn not authorized. Straight-in approach from Mango Int only.  
 Facility on airport.  
 Minimum altitude over facility on final approach crs, 800'.  
 Crs and distance, breakoff point to Runway 2, 020°—0.5 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000' on R-027 within 20 miles, reverse course climbing to 5000' over OGG-VOR.  
 CAUTION: 570' tower 4 miles W of airport.  
 #Takeoff minimums Runways 23, 20 and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on course.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., VOR; Ident., OGG; Procedure No. TerVOR R-190, Amdt. 5; Eff. Date, 10 Aug. 63;  
 Sup. Amdt. No. TerVOR-2, 4; Dated, 15 Sept. 62

Long Beach VOR.....	Firestone Int**.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1/4
Santa Ana VOR.....	Firestone Int**.....	Direct.....	2000	S-dn 25L.....	500-1	500-1	500-1
Downey RBN/FM.....	Freeway Int* (final).....	Direct.....	1800	C-dn.....	500-1	600-1	600-1 1/2
Firestone Int**.....	Freeway Int* (final).....	Direct.....	1800	A-dn.....	800-2	800-2	800-2
LAX VOR.....	Freeway Int*.....	Direct.....	2400				

Radar vectoring authorized in accordance with approved patterns.  
 Procedure turn\*\*\* S side of crs, 068° Outbnd, 248° Inbnd, 2400' within 10 miles of Freeway Int\*.  
 Minimum altitude over Freeway Int on final approach course 1800'.  
 Course and distance, Freeway Int to airport, 248°—5.4 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Freeway Int\*, climb to 2000' via LAX R-248 within 20 miles.

NOTES: \*Freeway Int: LAX VOR R-068 and LGB VOR R-297 (LAX ILS LOM). \*\*Firestone Int: LAX VOR R-068 and LGB VOR R-311. \*\*\*Nonstandard procedure turn due to traffic restrictions N of final approach course. All turns S of course.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., BVOR; Ident., LAX; Procedure No. TerVOR-25L, Amdt. 1; Eff. Date, 10 Aug. 63; Sup. Amdt. No. Orig.; Dated, 8 June 63

3. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OBK VOR.....	Stock Int* (final).....	Via OBK R-271...	2400	T-dn..... C-dn..... A-dn#.....	300-1 700-1 NA	300-1 700-1 NA	NA NA NA

Radar vectoring to final approach course authorized by Chicago approach control in accordance with approved patterns.  
 Procedure turn N side of crs, 091° Outbnd 271° Inbnd, 2400' within 10 miles of Stock Int.\*  
 Minimum altitude over facility on final approach course 2400'.  
 Course and distance, Stock Int\* to airport 271°—5 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 17-mile DME Fix R-271, climb to 2400', turn right and return to Stock Int.\*  
 \*Stock Int: Int 12-mile DME Fix OBK R-271.  
 #No weather available.

City, Crystal Lake; State, Ill.; Airport Name, Crystal Lake; Elev., 890'; Fac. Class., BVORTAC; Ident., OBK; Procedure No. VOR/DME 1, Amdt. 1; Eff. Date, 10 Aug. 63; Sup. Amdt. No. Orig.; Dated, 15 June 63

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Saratoga Int.....	Lick RBn/FM.....	Direct.....	4500	T-dn*.....	300-1	300-1	200-1/2
Cathedral Int.....	Lick RBn/FM.....	Direct.....	4200	C-dn.....	600-1	600-1	600-1 1/2
SJC VOR.....	Lick RBn/FM.....	Direct.....	4000	S-dn-30L#.....	300-3/4	300-3/4	300-3/4
Morgan Int.....	Lick RBn/FM (final).....	Direct.....	3700	A-dn.....	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.  
 Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 4000' within 10 miles of Lick RBn/FM.  
 Minimum altitude over Lick RBn/FM on final approach crs, 3700'.  
 Minimum altitude at glide slope interception Inbnd, 3700' at Lick RBn/FM.  
 Altitude of glide slope and distance to approach end of runway at Lick RBn/FM, 3654'—11.1 miles; at OM, 1734'—5.1 miles; at MM, 292'—0.5 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on NW crs of SJC ILS within 15 miles.  
 AIR CARRIER NOTE: No reduction in visibility minimums authorized, except for alternate visibility minimums.  
 \*500-1 required for takeoff on Runway 12R-L.  
 #700-1 required if glide slope not received.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class., ILS; Ident., I-SJC; Procedure No. ILS-30L, Amdt. Orig.; Eff. Date, 10 Aug. 63

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on July 9, 1963.

WILLARD LANE,  
 Acting Director, Flight Standards Service.

[F.R. Doc. 63-7417; Filed, Aug. 7, 1963; 8:45 a.m.]

# Title 18—CONSERVATION OF POWER

## Chapter I—Federal Power Commission

### SUBCHAPTER O—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-238; Order No. 269]

### PART 141—STATEMENTS AND REPORTS (SCHEDULES)

#### Annual Report Form for Electric Utilities, Licensees and Others

AUGUST 1, 1963.

This Commission has under consideration in this proceeding revisions in its F.P.C. Form No. 1, Annual Report Form Prescribed for Class A and Class B Electric Utilities, Licensees and Others<sup>1</sup> subject to the provisions of the Federal Power Act, and § 141.1, Subchapter D, Approved Forms, Federal Power Act, prescribing F.P.C. Form No. 1.

That Report Form, as revised, is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1963 or subsequently during the calendar year 1963 if an established fiscal year is other than the calendar year, and thereafter.

In addition, seven revised schedules and one new schedule in the form attached hereto,<sup>2</sup> are prescribed, and shall be properly completed and filed as a part of 1962 Reports on Form No. 1 within 90 days from the date of this order.<sup>3</sup>

This proceeding was commenced by notice of proposed rulemaking describing the proposed changes. That notice was served upon interested parties, including State and Federal regulatory agencies, and by publication in the FED-

<sup>1</sup> Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, of Chapter I—Federal Power Commission. Title 18—Conservation of Power, of the Code of Federal Regulations.

<sup>2</sup> The following schedules are filed as part of the original document:

Title	Page
Steam-Electric Generating Plant Statistics (Large Plants)-----	432-432a
Steam-Electric Generating Plant Statistics (Large Plants)—Average Annual Heat Rates and Corresponding Net kwh Output for Most Efficient Generating Units [New Schedules]-----	432b
Hydroelectric Generating Plant Statistics (Large Plants)-----	433a-433b
Generating Plant Statistics (Small Plants)-----	434
Changes Made or Scheduled To Be Made in Generating Plant Capacities-----	435
Steam-Electric Generating Plants--	436-437
Hydroelectric Generating Plants--	438-439
Internal-Combustion Engine and Gas-Turbine Generating Plants--	440-441

<sup>3</sup> By letter of the Commission's Secretary of February 4, 1963, all Class A and B private utilities were advised:

The Commission has under consideration for reports for 1962 and subsequent years

ERAL REGISTER on April 25, 1963 (28 FR 4097). Copies of the revised schedules and new schedule, as proposed, were served as a part of the notice of rulemaking as well as being filed with the FEDERAL REGISTER as a part of the notice (28 FR 4097). That notice afforded a period of 30 days for the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 1 and Part 141. Numerous responses were received and all are now before the Commission for consideration. As pointed out hereinafter the conclusions expressed in certain of the data, views, comments and suggestions are adopted and others are rejected.

Pages 432 through 441, F.P.C. Form No. 1, containing the seven revised and one new schedule as promulgated herein, are set forth in the attached Appendix A<sup>4</sup> showing the changes adopted in typed or handwritten form rather than the printed form in which those changes will ultimately appear. Copies of these eight schedules will be made available in printed format by the Commission on or before September 1, 1963. Copies of the complete F.P.C. Report Form No. 1, including the revisions promulgated herein, also will be available from the Commission or the Superintendent of Documents, United States Government Printing Office. The 90 day period from the time of promulgation of this order and the due date for filing the revised schedules as a part of 1962 F.P.C. Form No. 1 Reports will afford time for familiarization with the schedules herein adopted.

Generally, the changes adopted herein bring the subject eight schedules into agreement with the revised production expense account classifications under the uniform system of accounts which became effective January 1, 1961. In addition, those schedules have been revised to eliminate detailed reporting for certain smaller generating plants; i.e., of less than 10,000 kw for steam electric generating plants and of less than 5,000 kw for internal combustion and gas turbine plants. The one new schedule requests data on Btu's per net kilowatt hour of generation, net generation in million kilowatt hours, and kind of fuel for the reporting system's ten most efficient generating units and corresponding information for the company's total system.

Comments and suggestions were filed by 31 privately-owned Class A&B electric utilities and the Tennessee Valley Authority.

Three of the 32 respondents suggested deletion of the new (heat rate) schedule, and one indicated it would have difficulty in completing the schedule. These objections were based upon the

certain revisions in the schedules on pages 432 through 441. In preparing your report, omit the data required by these schedules. After rulemaking proceedings are ended, copies of such revised schedules as may be prescribed will be supplied for completion and filing as a supplement to your 1962 report.

need for additional instrumentation, recording and estimating procedures required for individual units coming within the scope of the new schedule and not an objection to reporting system heat rate data. Although precise data may not be available in all cases, experience gained in supplying the requested data should resolve the relatively few objections which have been advanced to the schedule. The Commission is of the opinion that the benefits to be derived from the new schedule warrant its adoption. Other suggested changes to the proposed revisions of Form No. 1 as attached to the notice of rulemaking have been adopted as indicated in the attached Appendix A.<sup>4</sup>

A total of 16 companies suggested a separate schedule for reporting pumped storage plants in lieu of Schedule 433a, together with revisions in expense accounts as applied to pumped storage projects. There are only a few pumped storage plants in existence at the present time, although additional large installations are expected to be in operation in the near future. Adequate provision for reporting data from this method of operation is necessary and this matter will be studied for future consideration. Operating experience in connection with the pumped storage plants will disclose more clearly the need for specific revisions which may be desirable.

One company suggested the existence of an ambiguity in Schedule 432 lines 38, 39, and 41-43 as noticed for rulemaking. Those lines have been changed to read "Quantities of fuel burned" and "Average cost per unit of fuel burned", respectively. Instruction 6 has been revised for purpose of clarification to read: "Quantities of fuel burned (line 38) and average cost per unit of fuel burned (line 41) should be consistent with the charges to expense accounts 501 and 547 (line 42) as shown on line 21."

The Commission's staff recommends our adoption of the revised schedules and new schedule as set forth in the annexed Appendix A as pages 432 through 441 inclusive, F.P.C. Form No. 1.

The Commission further finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that:

(a) Report Form F.P.C. No. 1 be revised to include pages 432 through 441 inclusive as set forth in annexed Appendix A<sup>4</sup> and as so revised be adopted and promulgated as this Commission's F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning Janu-

<sup>4</sup> Filed as part of original document.

ary 1, 1963 or subsequently during the calendar year 1963 if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) The eight schedules of Form No. 1 consisting of pages 432 through 441 inclusive as set forth in annexed Appendix A be adopted and promulgated as a part of the Report Form F.P.C. No. 1 prescribed for use in reporting for the year 1962; such schedules to be filed within 90 days from the issuance of this order.

(c) Section 141.1(d), Title 18 of the Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Federal Power Act, as amended, particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309 and 311 thereof (16 U.S.C. 796(13), 797 (a), (b), (c), 825(a), 825c, 825h, and 825j) orders:

(A) Report Form F.P.C. Form No. 1 as prescribed in § 141.1, is hereby revised to include pages 432 through 441 inclusive as set forth in annexed Appendix A and as so revised is hereby adopted and promulgated as this Commission's Annual Report, F.P.C. Form No. 1 effective for use in reporting for the calendar year beginning January 1, 1963, or subsequently during the calendar year 1963 if an established fiscal year is other than the calendar year, and years thereafter.

(B) The eight schedules of Form No. 1 consisting of pages 432 through 441 inclusive as set forth in annexed Appendix A are hereby adopted and promulgated as a part of the Report Form F.P.C. No. 1, prescribed for use in reporting for the year 1962 and such schedules shall be filed within 90 days from the issuance of this order.

(C) Paragraph (d) of § 141.1, Subchapter D—Approved Forms, Federal Power Act of Chapter I of Title 18 of the Code of Federal Regulations, is hereby amended to list the following schedules in lieu of the schedules presently listed between the schedules entitled "Monthly Peaks and Output" and "Transmission Line Statistics":

- Steam-Electric Generating Plant Statistics (Large Plants)
- Steam-Electric Generating Plant Statistics (Large Plants) (continued)
- Steam-Electric Generating Plant Statistics (Large Plants) Average Annual Heat Rates and Corresponding Net kwh Output for Most Efficient Generating Units
- Hydroelectric Generating Plant Statistics (Large Plants)
- Hydroelectric Generating Plant Statistics (Large Plants) (continued)
- Generating Plant Statistics (Small Plants) Changes Made or Scheduled to be Made in Generating Plant Capacities
- Steam-Electric Generating Plants (continued)
- Hydroelectric Generating Plants (continued)
- Hydroelectric Generating Plants (continued)
- Internal-Combustion Engine and Gas-Turbine Generating Plants
- Internal-Combustion Engine and Gas-Turbine Generating Plants (continued)

(Secs. 3(13), 4 (a), (b), (c), 41 Stat. 1065, as amended, secs. 301(a), 302, 304, 309, 311, 49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796(13), 797 (a), (b), (c), 825 (a), 825c, 825h, 825j)

(D) This order shall be effective upon the date of issuance thereof.

(E) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-8438; Filed, Aug. 7, 1963; 8:51 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

#### SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

#### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

#### PART 1001—GENERAL PROVISIONS

##### Subpart A—Introduction

1. Add new § 1001.109-1, as follows:

##### § 1001.109-1 Applicability.

The privilege given by § 1.109-1(a) of this title to off-shore contracting activities to deviate from ASPR contract clauses is hereby extended on the same terms to the same contracting activities with respect to AFPI clauses. Off-shore contracting activities will furnish the Procurement Committee (MCPC), Hq AFLC and the Procurement Committee (SCK-3) Hq AFSC, one copy of each nonstandard clause used by them pursuant to the authority of this section.

2. Revise § 1001.109, the heading and paragraph (b) of § 1001.109-2, and §§ 1001.109-3 and 1001.109-51(d) (2) as follows:

##### § 1001.109 Deviations from ASPR, AFPI and Department of Defense publications covering procurement.

##### § 1001.109-2 ASPR deviations affecting one contract or transaction.

\* \* \* \* \*

(b) \* \* \*

(1) Requests by AFSC and the Office of Aerospace Research will be sent through the AFSC Procurement Committee (SCK-3) to Hq USAF (AFSPP-S).

(2) Requests for deviations by AFLC and other major commands, except those in subparagraph (1) of this paragraph, will be sent through the AFLC Procurement Committee (MCPC) to Hq USAF (AFSPP-S).

Procurement Committees will forward deviation requests, with which they concur, with their recommendations.

##### § 1001.109-3 ASPR deviations affecting more than one contract or contractor.

Deviations which affect more than one contract or contractor will be processed

to Hq USAF (AFSPP-S), in the same manner as prescribed in § 1001.109-2(b). The Hq USAF Responsible Office for the section, subpart or part of Subchapter A, Chapter I of this title from which the deviation is requested will effect necessary Air Staff coordination, including the Office of the Assistant Secretary of the Air Force (Materiel) and the Office of the General Counsel of the Air Force, and if the deviation is favorably considered prepare a request for deviation to the Chairman, ASPR Committee. This request will be submitted to the Air Force Policy Member, ASPR Committee (AFSPP-S), for presentation to the ASPR Committee.

##### § 1001.109-51 Deviations, contract clauses.

\* \* \* \* \*

(d) \* \* \*

(2) The section number in Subchapter A, Chapter I of this title or this subchapter from which deviation is requested.

##### Subpart C—General Policies

1. Add new §§ 1001.318 and 1001.364, as follows:

##### § 1001.318 Contracts conditioned upon the availability of funds.

(a) [Reserved]

(b) Contracts containing the "Availability of Funds" clause may be executed, approved if necessary, and distributed prior to fund availability.

(1) The letter transmitting the contractor's copy will reference the clause and caution the contractor not to commence performance until he is notified that funds are available.

(2) The contracting officer will not notify the contractor of fund availability until funds have been certified in writing by the comptroller activity. Fund citation may then be added to the contract by change order.

##### § 1001.364 Procurement of parts and accessories for commercial equipment.

This section applies to all base procurement activities and may in appropriate cases be applied to central procurements. In commercial practice, many spare parts and accessories are rebuilt and carry the same guarantee as new items. Each solicitation for spare parts or accessories will contain a statement as to whether only new, used, and/or rebuilt items will be acceptable. The offeror will be required to identify those items in their offer which are used or rebuilt and furnish the source of such items. The resulting contract or purchase order will identify the used or rebuilt items.

2. Revise § 1001.360(g) and §§ 1001.305-51 and 1001.363 in their entirety, as follows:

##### § 1001.360 Requests from foreign entities for information as to acquisition of production and sales rights to United States military end items.

\* \* \* \* \*

(g) If a request is received from a foreign entity which contemplates production in other than a friendly coun-

try or if the AF item is classified, the request will be referred with recommendations to Hq USAF (AFSPP).

**§ 1001.305-51 Establishment of delivery schedules on basic ordering agreements.**

(a) The following procedures will be followed when the ACO negotiates delivery schedules for orders issued under BOAs.

(b) The ACO will:

(1) Review the contractor's proposed schedule with production personnel at the CMD or AFPRO, as appropriate.

(2) If the order issued by the PCO indicates that the delivery schedule is required, and if the contractor is unable to meet the required schedule, the ACO will obtain the best delivery schedule possible without the use of overtime and coordinate same with the PCO. The PCO, after coordination with the requirements activity, will either approve the proposed delivery schedule or request further information from the ACO to permit processing a request for overtime necessary to meet the required delivery schedule.

(3) If the order issued by the PCO indicates that the delivery schedule is desired and if the contractor's proposed delivery schedule is within 60 days of the original desired schedule, not coordinate further with the activity issuing the order. If the contractor's proposed delivery schedule is more than 60 days later than the original desired schedule, coordinate with requirements personnel at the activity issuing the order to assure that the revised delivery schedule is consistent with AF needs and requirements. When necessary, coordinate with the contractor to establish a delivery schedule which is acceptable to both the Government and the contractor. No coordination need be effected with the PCO unless the use of overtime becomes necessary.

**§ 1001.363 Responsibility of procurement personnel to question procurements.**

All procurement personnel will use the knowledge gained by daily contact with industry, commodities, markets, prices and normal process of doing business to support the overall Air Force mission. This will include questioning any contemplated procurement action that appears inconsistent with this knowledge. Procurement of items questioned will not be made until the matter is resolved by the principal staff officer responsible for the requiring activity and the director of procurement and production of the procuring activity. Questioning may include:

(a) Where items contemplated to be procured require development and it can be reasonably ascertained that suitable commercial items are available which essentially meet the requirements.

(b) Where procurement data furnished appears to be either more or less restrictive than necessary to assure quality items from a production or performance standpoint.

(c) Where sufficient quality assurance data appears to be lacking.

(d) Where quantity, including economic reorder amounts appear inconsistent.

(e) Where addition or deletion of component improvement requirements appear desirable.

**Subpart D—Procurement Responsibility and Authority**

1. In § 1001.457(a), the last sentence of subparagraph (1) is deleted and the word "content" was omitted from the line 7 of the Note. Subparagraph (1) and the Note now read as follows:

**§ 1001.457 Authority to enter into, execute and approve contracts.**

(a) \* \* \*

(1) *Commanders of major air commands within the continental United States except AMC and ARDC.* Authority is limited to making awards and manually approving contracts involving \$100,000 or less except Commander, Military Air Transport Service, who has been authorized to make awards and manually approve contracts involving \$350,000 or less. Commanders may delegate authority to manually approve contracts not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. Commanders may authorize contracting officers within the major air command to make awards and execute contracts involving \$100,000 or less.

NOTE: Reference is made to paragraph 14, AFR 91-5 (Utility Services), concerning review of rate schedules, technical sufficiency, and contract content of utility contracts. The regulation pertains to responsibilities for review of rate schedules, technical sufficiency and contract content only and does not pertain to or restrict contract approval authorities.

2. Revise §§ 1001.465 and 1001.466 to read as follows:

**§ 1001.465 Release of program data and procurement information.**

(a) Information concerning proposed procurement and purchases of supplies, including construction and maintenance projects, will not be released prior to the issuance of invitation for bids or requests for quotations. In the preparation of work projects estimates, local contractors often render invaluable aid to AF base personnel in supplying information concerning local wage rates, material costs, etc. The Air Force does not intend that such contacts be curtailed; however, preliminary or approved project estimates will not be discussed with prospective contractors or made a matter of public knowledge (except as provided in § 1.311(c) of this title) until after an award has been made, whether the contract is advertised or negotiated. The foregoing statement is particularly applicable to engineers and project estimators of AF civil engineering or maintenance offices and to purchasing and contracting personnel.

(b) The Deputy Chief of Staff, Systems and Logistics, Hq USAF, and the Commander AFSC/AFLC, are authorized

to release approved programing data when essential to prospective bidders, contractors, or subcontractors in planning long range production requirements or for insuring timely availability of their field engineers and technical representatives. The authority granted herein may be redelegated. Bidders, contractors, or subcontractors requiring classified programing data must be properly cleared according to section II, part 1, AFR 205-4 (Armed Forces Industrial Security Regulations).

(c) Requests for programing data will be submitted to the appropriate Directorate, Hq USAF, or to the appropriate AFLC/AFSC organizations as follows:

(1) For approved program data affecting production requirements, except as set forth in subparagraph (2) of this paragraph, to the appropriate AFSC division.

(2) For approved program data affecting production requirements of items where the AMA is assigned commodity class procurement responsibility, to the Commander of the appropriate AMA with power of redelegation to the director of procurement and production.

(3) For approved program data affecting use of technical representatives and contract technicians within AFSC/AFLC, to AFSC (SCMMM) or AFLC (MCMBC), as applicable.

(4) For approved program data affecting use of technical representatives and contract technicians within major commands other than AFLC/AFSC to Hq USAF (AFSME-CTS).

(5) For approved depot level maintenance program data affecting production requirements, to AFLC (MCMP).

(6) For forecasts of industrial facilities deficiencies, to AFSC (SCKM).

(7) For approved program data pertaining to communications electronic systems to the AFSC Electronic Systems Division.

(8) For types of program and planning data not specifically listed above, to the Commander, AFSC/AFLC. The office of primary responsibility at Hq AFSC/AFLC will contact the appropriate office in Hq USAF for concurrence or approval, as appropriate.

(d) Responsibility: (1) *All AF personnel.* All military and civilian personnel will refrain from releasing to individual business concerns or their representatives any preknowledge they may possess concerning proposed procurements or purchases of supplies (including construction or maintenance projects) by any AF procuring activity. Such information will be released to all potential contractors at the same time, as nearly as possible, and only through duly designated agencies so that one potential contractor may not be given an unfair advantage over another. All dissemination of such information will be according to existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

(2) *Approving activity.* The approving AF activity will insure that the release of programing data, as described in paragraph (b) of this section, to com-

mercial sources is permitted only when thoroughly justified as providing necessary support to the assigned logistical responsibilities of the Air Force and when fully compatible with governing security regulations.

(e) The authority described in paragraph (b) of this section, has been re-delegated as follows:

(1) Commander, AFSC, to the Director of Procurement, Hq AFSC, and commanders, AFSC divisions, with power of re-delegation. The authority is limited to approval of release of program data affecting production requirements.

(2) Commander, AFLC, to:

(i) Director of Procurement and Production, Hq AFLC: The authority is limited to approval of release of program data affecting production requirements.

(ii) Director and Deputy Director of Maintenance Engineering, Hq AFLC: The authority is limited to approval of release of program data affecting utilization of field engineers and technical representatives.

(iii) Commanders of AMAs: The authority is limited to approval of release of program data where the AMA has been assigned commodity class procurement responsibility. Release of program data affecting utilization of field engineers and technical representatives is not authorized. The authority may be re-delegated to the AMA director of procurement and production or to the deputy commander during the absence of the commander.

(3) Commanders of AMAs, with power of re-delegation: The authority is limited to approval of release of program data where the AMA has been assigned commodity class procurement responsibility. Release of program data affecting utilization of field engineers and technical representatives is not authorized.

**§ 1001.466 Participation by airlines representatives in flights of commercially adaptable military aircraft.**

(a) Requests of contractors to permit participation by representatives of domestic or foreign commercial airlines, for demonstration purposes, in flights of commercially adaptable military aircraft will be reviewed on an individual basis only when submitted in writing through the military representative responsible for local administration of the production contract.

(b) Authority to act on these requests is delegated to the Commanders AFSC and AFLC, provided:

(1) No classified military information is revealed or discussed.

(2) Adequate measures are taken to indemnify the Government against any liability to personnel to whom the aircraft is being demonstrated.

(3) The proposed demonstration is limited to normal production test flights conducted by the contractor's test pilots in connection with contract performance prior to acceptance of the aircraft by the Government.

(4) No additional cost will accrue to the Government because of the demonstration.

(c) The authority described in paragraph (b) of this section is delegated to the Director and Deputy Director of Procurement, Hq AFSC, and the Director and Deputy Director of Procurement and Production, Hq AFLC, without power of re-delegation. The authority will be exercised on an individual basis only on contractors' requests submitted in writing through the AF representative responsible for local administration of the production contract.

**Subpart I—Responsible Prospective Contractors**

1. Revise § 1001.902-2(b) (5) to read as follows:

**§ 1001.902-2 Exemptions.**

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

(5) Basic ordering agreements and call procurement arrangements (§§ 1003.-410-2 and 1003.409-50 of this subchapter). (Financial clearance required within the general limitations of § 1001.902-1—see § 1001.902-3). However, an FCR is required for orders or calls of more than \$20,000, where the PCO negotiates a firm delivery schedule.

2. Revise § 1001.905-1(a) (3) (v) to read as follows:

**§ 1001.905-1 General.**

(a) \* \* \* \* \*

(3) \* \* \* \* \*

(v) If the proposed contract is for manufacture, supplies, or construction, indicate whether the bidder is a manufacturer, regular dealer, or construction contractor. (Sections 12.603 and 1.903-1 of this title.)

**Subpart J—Publicizing Procurement Actions**

Revise § 1001.1003-1(e) to read as follows:

**§ 1001.1003-1 General.**

(e) Orders issued under Basic Ordering Agreements and other orders which obligate new funds for additional services or products will be synopsisized for subcontracting opportunities according to § 1.1003-3 of this title and § 1001.-1003.3.

**Subpart M—Transportation**

Section 1001.1305-3 is republished to correct the omission of the small type as it appears in the 1963 CFR revision:

**§ 1001.1305-3 F.o.b. destination.**

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

F.o.b. point: Supplies shall be shipped direct by the Contractor to the specified destinations on commercial bills of lading at the expense of the Contractor.

**PART 1002—PROCUREMENT BY FORMAL ADVERTISING**

**Subpart A—Use of Formal Advertising**

Revise § 1002.104-50 (c) to read as follows:

**§ 1002.104-50 Firm Fixed-price materials reimbursable contracts.**

(c) The clauses set forth in Subpart SS, Part 1007 of this subchapter, will be used, provided the "Payments" clause (§ 1007.4503-4 of this subchapter) includes the sentence prohibiting payment of profit on materials, as prescribed for use in formally advertised contracts in the note set forth in § 1007.4503-4 of this subchapter.

**Subpart B—Solicitation of Bids**

In § 1002.201 revise paragraph (a) (18) (iii) and add new subparagraphs (b) (21) (ix) and (x), as follows:

**§ 1002.201 Preparation of invitation for bids.**

(a) \* \* \* \* \*

(18) \* \* \* \* \*

(iii) IFBs for sealed bid sales will be prepared according to instructions contained in volume VI, AFM 67-1, except that IFBs and contracts for the disposal of edible garbage will also contain the following provision:

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

(21) \* \* \* \* \*

(ix) Used or rebuilt parts and accessories for commercial equipment. See § 1001.364 of this subchapter.

(x) The following provision will be included in all Invitation for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION  
NOT APPLICABLE (MARCH 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to Paul vs. United States, decided by the Supreme Court of the United States on January 14, 1963, state minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

**Subpart D—Opening of Bids and Award of Contract**

**§ 1002.403 [Amendment; redesignation]**

In § 1002.403(b) (9), delete subdivision (iv) and redesignate subdivision (v) as (iv).

**PART 1003—PROCUREMENT BY NEGOTIATION**

**Subpart D—Types of Contracts**

1. Revise § 1003.409(c) (2) to read as follows:

**§ 1003.409 Indefinite delivery type contracts.**

(c) *Indefinite quantity contract (IQ)* \* \* \* \* \*

(2) *Applicability.* After an indefinite quantity contract which includes the first call has been executed, this type of contract offers a means of expeditious contractual coverage where quantity and

delivery are not known but where recurring emergency requirements for similar supplies and services are anticipated. Foreign purchase activities may add the clause in § 1007.4205-27 of this subchapter.

2. Add new § 1003.410-2, as follows:

**§ 1003.410-2 Basic ordering agreement.**

(a) *Description.* (1) Basic Ordering Agreements (BOAs) are authorized for the procurement of applicable replenishment spare parts, modification kits, assemblies, operational and technical data, repair, modification, overhaul, engineering services, etc. A BOA with a particular contractor will include as many of these different types of requirements as possible to keep the number of BOAs with a contractor to a minimum. For this purpose, a contractor may be a company, corporation, division, subsidiary or the like. Separate BOAs may be written to cover different pricing arrangements, or when the procurement of all supplies or services under one BOA from one contractor would be unwieldy, but then only with the approval of the director of procurement and production, or the equivalent, of the activity issuing the BOA.

(2) BOAs will include a clause authorizing contracting officers of central procurement activities to issue orders thereunder except in those cases where the BOA is of a specialized nature and should not be used by other activities.

(3) BOAs will refer to the ordering document as an order and not as a production list, call, service order, etc.

(4) BOAs will prescribe that orders will be issued only on DD Form 1155. Any convenient form may be used as a continuation sheet to list additional items or to provide additional instructions. Procurement activities should make arrangements with requirement activities for the submission of requirements in such a form as to avoid the necessity of retyping.

(5) BOAs will provide a procedure for the acceptance of orders. Acceptance of orders where the contractor is not authorized to proceed with production will be made after prices and delivery schedules have been negotiated. Acceptance of orders requiring contractors to immediately proceed with production will be made on receipt of the order.

(6) BOAs will provide for issuance of orders by procurement contracting officers (PCOs) as follows:

(i) For supplies or services at prices and delivery schedules established as a result of having obtained competition. These orders will specifically state that the contractor is required to proceed upon receipt and acceptance. These orders must also clearly state that the price and delivery schedule indicated therein have already been agreed to by the contractor and that upon acceptance of the order by the contractor they become the final contract price and delivery schedule. The purpose of this provision is to permit the use of BOAs in situations where a contractor having a BOA is the successful offeror on a competitively negotiated procurement and thus avoid the necessity for issuing a separate contract.

(ii) For routine requirements of supplies or services at prices and delivery schedules to be negotiated. These orders will specifically state that the contractor is not authorized to proceed with production until he has received a properly executed and approved priced exhibit. They will also state that if the order is withdrawn or cancelled prior to execution of a priced exhibit there will be no termination charges.

(iii) For urgent requirements of supplies or services at prices to be negotiated where it has been determined that the contractor must be permitted to proceed immediately. These orders will specifically state that the contractor is required to proceed with production upon receipt and acceptance of the order. They will also state that delivery schedules, including those indicated as being required, are subject to negotiation.

(7) BOAs will provide for the negotiation of prices and delivery schedules for orders issued pursuant to subparagraph 6 (ii) and (iii) of this paragraph by either the ACO or the PCO but not both on any one contract.

(b) *Applicability.* Basic Ordering Agreements are authorized for use within the Air Force by AFLC central procurement field activities only.

(c) *Limitations.* (1) Except for those orders issued pursuant to paragraph (a) (6) (i) of this section, orders will not be issued under BOAs unless and until the PCO has made a written determination that it is impracticable to obtain competition by either formal advertising or negotiation.

(2) Orders may be issued under BOAs for urgent requirements where other sources exist but only after a written determination has been made by the PCO that because of the urgency it is impracticable to obtain competition and only if the Determination and Finding cites 10 U.S.C. 2304(a) (2) as the authority to negotiate.

(3) Orders may be issued only by PCOs.

(d) *Procedures.* (1) BOAs will be written by the AMA in whose geographical area (see attachment 1, AFLCR 23-1) the contractor is located. When a procurement activity has a requirement for a BOA with a contractor in a geographical area for which it is not responsible, the director of procurement and production of that activity will forward such a requirement to the appropriate director of procurement and production in sufficient detail and time to permit negotiation of a BOA on a routine basis. AMAs having a specialized requirement with a contractor outside their geographical area may be authorized to write their own BOA. This authorization, if granted, will be made by the director of procurement and production of the AMA in whose area the contractor is located.

(2) The need for a BOA will be determined by the PCO and will be based on the probability that a sufficient number of separate requirements will generate to warrant issuing a BOA. A request from a requirements activity may lead to the establishment of a BOA but such a request is not necessary. However, the PCO, in all cases, will place a statement

in the file indicating the reason the BOA is being written.

(3) All BOAs regardless of the estimated dollar amount of the probable requirements will be reviewed by the local staff judge advocate and the procurement committee prior to being forwarded to contractors for signature. Final review by the committee may be waived if no changes have been made.

(4) Review and approval of orders: (i) Unpriced orders which do not authorize the contractor to proceed with production before pricing has been accomplished require only a contracting officer's signature.

(ii) Unpriced orders estimated to be \$1,000,000 or less, which require the contractor to proceed with production on receipt and acceptance, will be reviewed and approved by the AMA director of procurement and production prior to being released to the contractor. This review is to insure that it is impracticable to obtain competition and that the urgency of the situation warrants permitting the contractor to begin work prior to pricing. Authority to issue such orders of more than \$1,000,000 will be obtained by PCOs within the Air Force from AFLC (MCPC). Requests for such authority will include reasons establishing a necessity for the contractor to proceed prior to pricing.

(iii) Priced orders and exhibits are subject to the same reviews and manual approval requirements as would be applicable if the orders were contracts entered into apart from the BOAs. Orders will state the conditions under which manual approval is required. For example, if an activity requires manual approval of contracts over \$30,000, then the order will state that if the priced exhibit is in excess of \$30,000 it will be subject to the written approval of the Secretary or of his duly authorized representative and will not be binding until so approved. The contracting officer (PCO or ACO) responsible for negotiating prices will forward such exhibits, properly documented, to the director of procurement and production or the equivalent of the activity that issued the order. If the exhibit is in excess of \$1,000,000, the file will be forwarded through the AMA to AFLC (MCPC) for manual approval.

(5) BOAs will be reviewed and revised to conform with current ASPR/AFPI requirements according to the procedures outlined in § 1003.410-1(d) (5) (i) and (ii) for Basic Agreements. Amendments or Administrative Notices stating that no revision is required will receive the same distribution as the BOAs.

(6) Orders will be issued directly to the contractor.

(7) Orders will specify delivery as "required" or "desired." (See § 1001.305-51 of this subchapter.)

Subpart E is revised to read as follows:

**Subpart E—Solicitations of Proposals and Quotations**

**§ 1003.501 Preparation of request for proposals or request for quotations.**

- (a) No implementation.  
(b) (1) to (3) No implementation.

(4) For procurement where both technical and cost proposals are requested and at the option of the contracting officer, the closing date for receipt of the cost proposal may be set at a time later than for receipt of the technical proposal, normally ten days.

(5) to (9) No implementation.

(10) to (11) [Reserved].

(12) to (16) No implementation.

(17) One such special factor is the inclusion of reliability and maintainability requirements expressed in specific numerical or quantitative terms in contract work statements and the accompanying program requirements.

(18) to (24) No implementation.

(25) [Reserved].

(26) to (30) No implementation.

(31) When samples or descriptive literature are desired the provisions of §§ 2.202-4 and 2.202-5 of this title with regard to IFB's should be used as guidelines in preparation of provisions for inclusion in RFP's or RFQ's.

(32) No implementation.

(33) to (35) [Reserved].

(36) to (42) No implementation.

(43) The provision in § 1002.201(b) (21)(x) of this subchapter in all Request for Proposals or Request for Quotations calling for the purchase of milk or milk products.

#### Subpart F—Small Purchases

1. Revise §§ 1003.606-1 through 1003.606-3 and 1003.651 through 1003.651-2, as follows:

##### § 1003.606-1 General.

The Blanket Purchase Agreement method will be used in both central procurement and base procurement to the greatest extent practicable. The term "readily available items" for central procurement are those covered by: (a) Government specifications, standards and drawings, (b) qualified products, (c) AF approved industry standards, and (d) commercial catalogs, which may be purchased without extensive negotiations and regardless of delivery schedule. The term "readily available items" for base procurement includes all commercial items available in commercial distribution as required by paragraph 2, AFR 67-3 (Local Purchase of Supplies and Services) for designating any item (including commercial type services) for local purchase, regardless of delivery schedule.

(1) BPAs may be issued to all qualified suppliers that receive repetitive orders but generally no less than three will be placed concurrently for like items. Requests exceeding \$250 will be negotiated with three BPA suppliers on a rotation basis when more than three are able to quote. When less than two BPA suppliers handle the supplies or services required, non-BPA holders in the local trade area should also be solicited to comply with § 3.603 of this title. A BPA source which is consistently low in price may be contacted for each request requiring competition.

(b) Firms who do not receive enough requests during their BPA period to justify issuance of another BPA may be dropped from the BPA list. They will

be notified of the reasons for this action and advised that further opportunity to compete for government requirements on BPAs will depend on the number of awards made to them in the future.

##### § 1003.606-2 Establishment of blanket purchase agreement.

Notwithstanding the monetary limitations imposed by § 16.303-2(b) of this title, DD Form 1155, "Order for Supplies or Services," will be used to establish the "Blanket Purchase Agreement." The agreement will be numbered according to § 1053.201 of this subchapter. The schedule in each BPA will contain a statement to the effect that issuing individual requests against the BPA will be made under the authority of 10 U.S.C. 2304(a) (3), except BPAs made by foreign base procurement activities will refer to 10 U.S.C. 2304(a) (6).

(a) BPAs under \$2,500 will not require the reference to individual requests over \$2,500.

(b) When individual requests are to be funded against existing obligation authorities or from funds cited on the purchase request, the BPA will contain the statement: "Individual requests under this agreement will be charged to an existing obligation authority administered by the contracting officer or to funds certified on each purchase request."

(c) To facilitate placement of requests against BPAs when vendors are located outside the local trade area of the AF base, the contracting officer may negotiate a prior understanding of pricing basis for noncompetitive orders (under \$250). Usually this will be a matter of discount from some recognized list price which will allow for the pricing and placement of the request without prior contact with the vendor by telephone, telegram, or correspondence. Such pricing arrangement should be prepared as a memorandum for record and maintained in the BPA file. This memorandum need not be redrawn at the beginning of each BPA period, but should at all times represent the current understanding.

(d) to (f) No implementation.

(g) In establishing BPAs, contracting officers will attempt to induce vendors to provide delivery of supplies purchased thereunder. Vendors should not be expected to make multiple deliveries of small dollar value purchases. However, an agreement wherein vendors would deliver all purchases in excess of a specified monetary value is considered feasible and advisable.

##### § 1003.606-3 Conditions for use.

(a) No implementation.

(b) The maximum period of time covered by a funded or unfunded BPA will not exceed 12 months. The maximum aggregate amount of requests to be issued against such BPAs is subject only to the availability of funds. The period of time covered by funded BPAs will be stated as: "The period of time covered by this BPA shall be from (date) until funds are exhausted or until June 30, 19--, whichever occurs first." When funds are exhausted prior to expiration of the 12 month period or end of the

fiscal year, additional funds may be added by issuing a change order to the BPA. If commissary stock funds or printing and duplicating industrial funds are used, or if an unfunded BPA is used, the period of the BPA should terminate on a date other than June 30th of each year to preclude excessive fiscal year end workload.

##### § 1003.651 Credit cards.

This section provides a procedure for processing payment invoices covering service station purchases made on credit cards. The applicable portions of this procedure may also be used for credit cards of toll companies and turnpike authorities in connection with the operation of government vehicles on toll roads, bridges, tunnels, etc.

##### § 1003.651-1 Applicability of section.

This section applies to AFLC field procurement activities and AF base procurement activities.

##### § 1003.651-2 General.

(a) All requests to oil companies for credit cards will be made according to Federal Supply Schedule class 91 and by a properly appointed contracting officer who will be accountable for all such cards issued to the installation.

(h) To preclude overobligation of funds in connection with credit card purchases, the contracting officer will: (1) utilize "obligation authorities," for all purchases made, billed, and processed for payment during the same fiscal year (appropriate action, as determined locally, will be taken to assure that sufficient funds for the obligation authority are available to cover credit card invoices), and (2) initiate action in the month of June of each year to require the accounting and finance activity to record an obligation, using AF Form 406, "Miscellaneous Obligation Document" (MOD), in an amount sufficient to cover all purchases made or anticipated to be made during the fiscal year but not billed for prior to the end of that fiscal year. The amount and period of the "MOD" will be governed by local conditions and practices. Factors to be considered are: (i) Uninvoiced delivery tickets, (ii) average monthly expenditures, (iii) average delay between date of purchase and date of billing, and (iiii) average time required to process purchases made during a specific monthly period.

(i) Upon receipt of the invoice and supporting delivery tickets, the contracting officer will match the copies of delivery tickets in his suspense files with those attached to the invoice and verify the amount due. Upon verification of the amount due, the contracting officer will prepare a DD Form 1155, "Order for Supplies or Services," under the applicable Federal Supply Schedule contract. The order will cite the current Obligation Authority and proper allotment citation and, if appropriate (when invoice covers purchases made during the current and preceding fiscal years), the allotment citation, number, and date of the AF Form 406 (MOD) established by

paragraph (h) of this section. The duplicate delivery tickets will be retained in the files of the contracting officer.

2. Add new §§ 1003.606-4 and 1003.606-50 as follows:

**§ 1003.606-4 Fiscal control.**

Any one of the following procedures, or a combination of several, may be used with BPAs:

(a) For a funded BPA obtain a fund certification from the accounting and finance officer prior to distribution of the BPA. The unobligated balance of each BPA will be adjusted at the end of the 3d quarter of the fiscal year to reflect the amount estimated to be required for the remainder of the period. If required, an adjustment will also be made at the end of April and May to provide closer fund control at the end of the fiscal year. Adjustments are not necessary when commissary funds or duplicating services industrial funds are used.

(b) Fund each individual request from an obligation authority.

(c) Fund each individual request from a funded purchase request.

**§ 1003.606-50 Execution of requests against a blanket purchase agreement.**

(a) Requests will be numbered in sequence beginning with number 1. A separate series will be used for each BPA. The request number will consist of the BPA number followed by the serial number, e.g., AF 33(601)-220(1).

(b) An oral request (or informal written request) will be placed with the BPA holder. The request will be posted in the register maintained for each BPA to show as a minimum the date, request number, purchase request number, delivery date, dollar amount, OA number or funds chargeable, and number of line items. The heading of the register will show the name of vendor, contract number, and month and year. These registers will be maintained in duplicate. At the end of the month, the contracting officer will total the requests, sign the copy of the register, and forward it to accounting and finance for recording as obligations. The contracting officer will furnish a separate total for each OA or fund chargeable. The contracting officer will notify accounting and finance in writing when cancellations or changes are necessary subsequent to distribution of the monthly BPA register. The original copy of the register will be retained in the BPA file. The procurement office will enter necessary information on the TPR (AF Form 16) or a copy of the PR (AF Form 9, AFLC Form 379 or other authorized form) and return to the initiator or appropriate receiving activity.

(c) For each request placed against a BPA, the vendor will be required to furnish with the delivery of the items a sales document or delivery ticket containing the following information: (1) Name of contractor, (2) BPA and request number, (3) description of supplies or services, including stock number, part

number, (4) quantity and prices, and (5) name of the buyer making the request.

(d) The receipt of material purchased against a blanket purchase request may be accomplished either by the execution of an individual receiving report per delivery or may be accepted on the basis of the vendor's sale document or delivery ticket with the subsequent execution of a monthly consolidated receiving report covering all deliveries made and accepted, whichever is determined most beneficial to the supply activity or initiator of the PR.

(1) When the monthly consolidated receiving report procedure is used, the vendor will be requested to furnish his sales document in triplicate. Failure to obtain or the inability of the vendor to furnish three copies of his sales document will not justify remedial action or preclude future placement of a BPA with this firm. In such cases the receiving activity may reproduce the sales document to satisfy initial distribution as follows: (i) Original will be used in the storage operation and then forwarded to the financial inventory accounts unit when necessary; (ii) one copy will be retained for the preparation of the consolidated receiving report; and (iii) one copy to the procurement office. To avoid duplication of posting in supply, the consolidated receiving report will be marked "Do Not Post."

(2) When the individual receiving report per delivery is used, only one copy of the sales document is required from the vendor. Under this procedure the receiving activity will prepare a receiving document and make normal distribution including a copy to the procurement office.

(e) The procurement office will compare the data on the copy of the vendor's sales document or individual receiving report with the record of the request to insure compliance by the vendor.

**Subpart G—Negotiated Overhead Rates**

Revised § 1003.703 to read as follows:

**§ 1003.703 Applicability.**

This subpart applies to all AF procurement activities. Approval is required, prior to incorporating the clause in §§ 3.704-1 or 3.704-2 of this title in any basic agreement or contract with a contractor who is not presently on a negotiated overhead rate arrangement. AFSC procuring activities will request approval from Pricing Division (ASXKF), Deputy for Procurement, AFSC, WPAFB, Ohio. AFLC procuring activities and all other commands, will request approval from Pricing Branch, Contract Operations Division (MCPKP), Hq AFLC, who will coordinate with AFSC (ASXKF) before granting approval. It is not practical for a contractor to have a mixture of cost-reimbursement type contracts, some requiring negotiated final overhead rates, as provided in this subpart and others which omit the clauses in §§ 3.704-1 or 3.704-2 of this title and therefore requiring settlement of final overhead by audit determination.

**Subpart I—Subcontracting Policies and Procedures**

**§§ 1003.903-53; 1003.903-55; 1003.903-57 [Deletion]**

Delete §§ 1003.903-53, 1003.903-55 and 1003.903-57.

**Subpart T—Repricing of Fixed-Price Contracts Providing for Price Determination or Incentive Revision of Price, and Reporting of Cost and Price Data**

Revise §§ 1003.2001 and 1003.2005 to read as follows:

**§ 1003.2001 Responsibility for repricing.**

It is AF policy that responsibility for repricing all fixed-price contracts providing for price redetermination or incentive price revision rests with the procuring activity that awarded the basic contract. However, delegation of this responsibility to the ACO is permitted in the case of Basic Ordering Agreements where initial pricing also was the responsibility of the ACO (see § 1003.2005).

**§ 1003.2005 Special instructions for repricing basic ordering agreements.**

Where, according to § 1003.2001, the ACO is responsible for redetermining a Basic Ordering Agreement (see § 3.410-2 of this title and § 1003.410-2) he will comply with the policies and procedures in §§ 1003.2003 through 1003.2004, modified as follows:

(d) After obtaining supplemental agreement number from the cognizant procuring activity, the ACO will be responsible for preparation and signing of the supplemental agreement and for forwarding it for review and manual approval to the procurement committee at the procuring activity that awarded the basic contract. Minimum information required for review is a tabulation of 10 percent (by number) of orders issued, not to exceed 10 in number and consisting of those with the largest dollar value showing: (1) order number, date, and a brief description of supplies called for, (2) required delivery schedule, (3) actual deliveries, (4) negotiated target price, and (5) date of priced exhibit. In addition, a procurement action report, the contractor's redetermination proposal, a copy of the audit report (if any), a report of prenegotiation conference results, two copies of the record of price negotiations, and two signed and one unsigned copies of the supplemental agreement also will be furnished.

(e) Review and manual approval by appropriate approving authority will be accomplished at the procuring activity that awarded the Basic Ordering Agreement unless the gross redeterminable amount exceeds the procurement authority delegated to the procuring activity under § 1001.457(b) of this subchapter. Under these circumstances, the procuring activity, after review by the local procurement committee, will forward the supplemental agreement to the office of the Procurement Committee (AFLC

(MCPC) or AFSC (SCMK-3) as appropriate) for final review and manual approval. After manual approval has been obtained, the procuring activity will return the supplemental agreement and file to the ACO.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314) [AFPI Rev. No. 28, March 29, 1963; AFPC No. 34, May 7, 1963 and 38, May 10, 1963]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 63-8433; Filed, Aug. 7, 1963;  
8:50 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3192]

[Idaho 013594]

#### IDAHO

### Partly Revoking Public Land Order No. 1027 of November 2, 1954; Saylor Creek Bombing and Gunnery Range

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:

1. Public Land Order No. 1027 of November 2, 1954, which withdrew lands for use of the Department of the Air Force in connection with the Saylor Creek Bombing and Gunnery Range, is hereby revoked so far as it affects the following-described lands:

#### BOISE MERIDIAN

T. 9 S., R. 7 E.,  
Secs. 19 to 35 incl.  
T. 10 S., R. 7 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 and 18.  
T. 9 S., R. 8 E.,  
Secs. 19 to 35 incl.

T. 10 S., R. 8 E.,  
Secs. 1 to 14 incl.;  
Secs. 17 and 18.  
T. 7 S., R. 9 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 8 S., R. 9 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 9 S., R. 9 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 10 S., R. 9 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 & 18.  
T. 7 S., R. 10 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 8 S., R. 10 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 9 S., R. 10 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 10 S., R. 10 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 & 18.  
T. 7 S., R. 11 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 8 S., R. 11 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 9 S., R. 11 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 to 35 incl.  
T. 10 S., R. 11 E.,  
Secs. 1 to 15 incl.;  
Secs. 17 & 18.  
T. 7 S., R. 12 E.,  
Secs. 4 to 9 incl.;  
Secs. 17 to 21 incl.;  
Secs. 28 to 33 incl.  
T. 8 S., R. 12 E.,  
Secs. 4 to 9 incl.;  
Secs. 17 to 21 incl.;  
Secs. 28 to 33 incl.;  
T. 9 S., R. 12 E.,  
Secs. 4 to 9 incl.;  
Secs. 17 to 21 incl.;  
Secs. 28 to 33 incl.;  
T. 10 S., R. 12 S.,  
Secs. 4 to 9 incl.;  
Secs. 17 and 18.

The areas described, including the public and nonpublic lands, total in the aggregate approximately 303,450 acres, of which the S $\frac{1}{2}$ SE $\frac{1}{4}$  of sec. 9; T. 7 S., R. 10 E., is nonpublic land.

The lands are situated in Owyhee and Elmore Counties.

2. The area is a rolling upland, dissected by broad valleys, upland benches and narrow canyons. Elevations range from 3,000 to 4,100 feet. Soils are largely of wind deposited, sandy silt loam, highly

susceptible to wind and water erosion. Vegetation is predominantly sagebrush with rabbitbrush being common. Low annual rainfall and high permeability of most of the lands render surface storage of water impractical.

3. Subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals, the public lands released from withdrawal by this order are hereby opened to filing of applications and selections in accordance with the following:

a. All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented at or prior to 10:00 a.m. on September 7, 1963, will be considered as simultaneously filed at that hour. Rights under such applications, and selections filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on September 7, 1963.

4. The lands have been cleared of all explosive ordnance and ordnance residue reasonably possible to detect. However, because surface erosion may expose sub-surface ordnance not detected during search operations, users of the lands are advised that if, at any time, an item identified or suspected of being military ordnance is located, the nearest government or civil authority should be contacted.

5. The State of Idaho has waived the preference right of application to select the lands granted to certain States under the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

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

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

AUGUST 2, 1963.

[F.R. Doc. 63-8448; Filed, Aug. 7, 1963;  
8:52 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX; CONSOLIDATED RETURNS

#### Notice of Proposed Rule Making

Amendment of income tax regulations under Subchapter A of Chapter 6 of the Internal Revenue Code of 1954, relating to consolidated returns, to conform such regulations to certain provisions of the Revenue Act of 1962, the Trade Expansion Act of 1962, the Act of September 27, 1962, and the Act of September 14, 1960.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,  
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6 of the Internal Revenue Code of 1954, relating to consolidated returns, to certain provisions of the Revenue Act of 1962 (76 Stat. 960), the Trade Expansion Act of 1962 (76 Stat. 889), the Act of September 27, 1962 (Public Law 87-710; 76 Stat. 648), and the Act of September 14, 1960 (Public Law 86-780; 74 Stat. 1010), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1502-31 is amended by revising paragraph (a) (1) (i) (g) and (h), by adding a new (i) and (j) to paragraph (a) (1) (i), by revising paragraph (a) (3), by revising paragraph (a) (4) (i), by revising paragraph (a) (5), by revising paragraph (a) (18) (i), by revising paragraph (a) (23) (i), by adding

a new subparagraph (38) to paragraph (a), by revising paragraph (b) (1), by revising paragraph (b) (2) (ix) (a), by revising paragraph (b) (3), and by revising paragraph (b) (6). These revised and added provisions read as follows:

#### § 1.1502-31 Basis of tax computation.

(a) *Definitions*—(1) *Consolidated taxable income*. \* \* \*

(i) \* \* \*

(g) Any consolidated section 247 deduction,

(h) Any consolidated section 582(c) net loss, and

(i) [Reserved]

(j) Any consolidated section 181 deduction,

(3) *Consolidated net operating loss carryovers*. (i) The consolidated net operating loss carryovers to the taxable year shall consist of—

(a) The consolidated net operating losses, if any, for the five preceding taxable years (and the consolidated net operating losses, if any, for the sixth and seventh preceding taxable years (not including as a sixth or seventh preceding taxable year any taxable year ending on or before December 31, 1955) to the extent attributable to members of the affiliated group which are, and were in the taxable year in which the loss originated, regulated transportation corporations as defined in section 172(j) (1)), but only to the extent that the consolidated net operating loss for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover or carryback for preceding or intervening taxable years,

and, with respect to a net operating loss sustained by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b) (3) of this section,

(b) The amount of the net operating losses, if any, of such corporation for the five preceding taxable years (and the net operating losses, if any, for the sixth and seventh preceding taxable years (not including as a sixth or seventh preceding taxable year any taxable year ending on or before December 31, 1955) if such corporation is, and was in the taxable year in which the loss was sustained, a regulated transportation corporation as defined in section 172(j) (1)), to the extent that the net operating loss for any such preceding taxable year was not absorbed as a carryover or carryback for preceding or intervening taxable years.

(ii) For purposes of subdivision (i) of this subparagraph, there shall not be

included as a fifth preceding taxable year any taxable year beginning prior to 1950, unless such preceding taxable year began in 1949 and ended in 1950, and unless all members of the group for such preceding taxable year (or the corporation filing a separate return or joining in a consolidated return filed by another affiliated group) commenced business in 1949; and in such case the amount of the consolidated net operating loss (or net operating loss) for such fifth year shall not be treated as a carryover except to the extent that such loss is allocable to 1950.

(iii) For purposes of this section, a net operating loss attributable to a regulated transportation corporation shall not be a net operating loss carryover to the sixth taxable year following the year in which the loss originated unless, for such sixth taxable year, the corporation to which the loss is attributable is a regulated transportation corporation; and shall not be a carryover to the seventh taxable year following the year in which the loss originated unless for both such sixth and seventh years the corporation to which the loss is attributable is such a regulated transportation corporation.

(iv) In the case of a net operating loss for a taxable year beginning in 1955 and ending in 1956, attributable to a regulated transportation corporation, the amount of such loss which may be carried to—

(a) The sixth taxable year following the loss year shall be the amount which bears the same ratio to the amount which would (without regard to the limitation prescribed in paragraph (b) (3) of this section for such sixth taxable year) be carried to such sixth taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year, and

(b) The seventh taxable year following the loss year shall be the amount which bears the same ratio to the amount which would (without regard to the limitation prescribed in paragraph (b) (3) of this section for such seventh taxable year) be carried to such seventh taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year.

The amounts determined under (a) and (b) of this subdivision shall be subject to the limitation prescribed in paragraph (b) (3) of this section.

(v) See paragraph (b) (21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(4) *Consolidated net operating loss carrybacks*. (i) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending after December 31, 1957, shall consist of—

(a) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years (and for the third and fourth preceding years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met),

(b) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year (and for the second and third preceding years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met),

(c) The amount of the consolidated net operating loss, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met,

(d) That portion of the consolidated net operating loss for the fourth succeeding taxable year which is attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year,

(e) That portion of the consolidated net operating loss for the fifth succeeding taxable year which is attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion

Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year),

and, with respect to a net operating loss sustained by a corporation which, for any of the five succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(3) of this section,

(f) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first two preceding taxable years (and for the third and fourth preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(g) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first preceding taxable year (and for the second and third preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(h) The amount of the net operating loss, if any, sustained by such corporation for the third succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first and second preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met,

(i) [Reserved]

(j) The amount of the net operating loss, if any, sustained by such corporation for the fourth succeeding taxable year (but only if a certification of such loss for such year has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met), reduced to the extent absorbed in a separate return (or in a consolidated return) for the first preceding taxable year, and

(k) The amount of the net operating loss, if any, sustained by such corporation for the fifth succeeding taxable year (but only if a certification of such loss for such year has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met).

If the taxable year in which the net operating loss or consolidated net operating loss was sustained is a year beginning in 1957 and ending in 1958, the carryback is subject to section 172(i) or paragraph (b)(4)(v) of this section, respectively. See also paragraph (b)(21) of this section in any case in which a

member of the group is an acquiring corporation in a transaction described in section 381(a), or any member of the group is subject to the limitations provided in section 382.

\* \* \* \* \*

(5) *Consolidated net operating loss.* The consolidated net operating loss shall be an amount equal to the excess of the sum of:

(i) The combined net operating losses of the several affiliated corporations having net operating losses,

(ii) The consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(iii) The consolidated section 181 deduction,

(iv) The consolidated section 1231 net loss,

(v) The aggregate of the deductions of the several affiliated corporations under sections 243, 244, and 245 (computed without regard to the limitation contained in section 246(b)) and under section 247 (computed without regard to the limitation of subsection (a)(1)(B) of such section), and

(vi) The consolidated section 582(c) net loss,

over the sum of—

(vii) The combined taxable income of the several affiliated corporations having taxable income, computed without regard to any deductions under section 242 (relating to partially tax-exempt interest), and

(viii) The consolidated net capital gain.

\* \* \* \* \*

(18) *Consolidated accumulated taxable income.* \* \* \*

(i) The combined Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E, chapter 2 of the Internal Revenue Code of 1939, for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164(b)(6)), accrued during the taxable year by the several affiliated corporations or deemed to be paid by the several domestic affiliates under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law,

\* \* \* \* \*

(23) *Consolidated undistributed personal holding company income.* \* \* \*

(i) The combined Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E, chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164(b)(6)) accrued during the taxable year by the several affiliated corporations or

deemed to be paid by the several domestic affiliates under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by the corresponding sections of prior income tax law;

(38) *Consolidated section 181 deduction.* The consolidated section 181 deduction for the taxable year shall be the sum of—

(i) With respect to the portion of a consolidated unused credit not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for such taxable year, the amount determined under the provisions of section 181, and

(ii) With respect to unused credits arising in unused credit years for which a corporation filed a separate return or joined in a consolidated return filed by another affiliated group, the amount determined under the provisions of section 181.

(b) *Computations.* \* \* \*

(1) *Taxable income.* \* \* \*

(xii) No deductions under section 175 (relating to soil and water conservation expenditures) shall be taken into account by a member of an affiliated group to which the consolidated section 175 deduction is applicable;

(xiii) In the case of a bank, for taxable years beginning after December 31, 1958, there shall be disregarded all gains and losses from sales and exchanges of property described in section 582(c); and

(xiv) No deduction under section 181 (relating to deduction for certain unused investment credit) shall be taken into account.

Intercompany profits and losses which have been realized by the group through final transactions with persons other than members of the group, and intercompany transactions which do not affect the consolidated taxable income shall not be eliminated. For the purpose of this subparagraph, gain includible in income pursuant to section 357(c) with respect to transfers of assets other than capital assets and other than assets to which section 1231 is applicable, and gain includible in income by reason of the application of paragraph (a)(1)(iii) of § 1.1502-37, shall not be eliminated. For the purpose of the regulations under section 1502, a transaction not involving a sale or exchange of a capital asset or of property subject to the provisions of section 1231 shall not be considered an intercompany transaction if such transaction occurs in the regular course of the trade or business of the members of the group and if such members adopt, with the consent of the Commissioner and subject to such conditions as he deems proper, a consistent accounting practice of taking into account in the computation of consolidated taxable income the gains and losses reflected in such transactions. As used in this paragraph, the term "taxable income" includes the case in which the allowable

deductions of a member (not including any net operating loss deduction) exceed its gross income. For purposes of section 593(b)(2) (relating to addition to reserve for bad debts), taxable income of an organization to which section 593 applies shall be computed as if such organization filed a separate return for the taxable year.

(2) *Other computations on separate basis.* \* \* \*

(ix) *Mutual savings banks, domestic building and loan associations, and cooperative banks.* \* \* \*

(a) In the computation of total deposits or withdrawable accounts at the close of the taxable year for the purpose of section 593 (relating to the deduction for bad debts), there shall be excluded the total deposits or withdrawable accounts of other members of the group, and

(3) *Limitation on net operating loss carryovers and carrybacks from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carryovers or carrybacks under paragraphs

(a)(3)(i)(b), (a)(4)(i)(f), (g)(h), (j), and (k), and (a)(4)(ii)(c) and (d) of this section (relating to net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the taxable income of such corporation included in the computation of the consolidated taxable income for the taxable year decreased by its deductions under sections 181, 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction), increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains and losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231. This subparagraph shall not be applicable to a carryover under paragraph (a)(3)(i)(b) of this section of a net operating loss of a corporation attributable to a period for which it was included in a consolidated return filed by another affiliated group for a taxable year beginning prior to January 1, 1954, all of whose members are included in the consolidated return filed for the taxable year if all of the members of such other affiliated group would have been members of the affiliated group if the law applicable to the taxable year had been applicable to such prior taxable year.

(6) *Apportionment of consolidated net operating loss.* If an affiliated group filing a consolidated return sustains a consolidated net operating loss for the taxable year within the provisions of section 172, relating to the net operating loss deduction, and if—

(i) There are included as members of such group one or more corporations which made separate returns, or joined

in a consolidated return filed by another affiliated group, either in a preceding taxable year or in a succeeding taxable year, or

(ii) There are included as members of such group one or more corporations which sustain a net operating loss for the taxable year for which a certification is issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) are met, or

(iii) In the case of a taxable year ending after December 31, 1955, there are included as members of such group one or more corporations which are regulated transportation corporations for the taxable year (within the meaning of section 172(j)(1)),

then the portion of such consolidated net operating loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount proportionate to the net losses (capital net losses and ordinary net losses alike) of the several affiliated corporations having net losses, to the extent that such losses were taken into account in the computation of the consolidated net operating loss.

PAR. 2. Section 1.1502-37 is amended by revising paragraph (a)(1)(i) and (ii) and by adding a new subdivision (iii) to paragraph (a)(1). These revised and added provisions read as follows:

§ 1.1502-37 *Liquidations; recognition of gain or loss.*

(a) *During consolidated return period.*

(1) \* \* \*

(i) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, and falls without the provisions of section 332, and is the result of a bona fide termination of the business and operations of such member of the group, in which case the adjustments specified in §§ 1.1502-34 and 1.1502-35 shall be made, and § 1.1502-36 shall be applicable;

(ii) Where such a distribution without the provisions of section 332 is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess; or

(iii) Where the basis of the property distributed in the hands of the distributee is determined by reference to section 334(b)(2), in which case gain shall be recognized as provided in section 1245(a)(1).

PAR. 3. Section 1.1502-38 is amended by revising paragraph (c)(2)(ii) to read as follows:

§ 1.1502-38 *Basis of property.*

(c) *Basis after liquidation.* \* \* \*

(2) \* \* \*

(ii) If the basis of such property is determined by reference to section 334(b)(2), such section (and, if applicable, section 1245(c)) shall be applicable in

determining the basis of property received on the liquidation (except property received by the liquidating corporation from other members of the affiliated group during a consolidated return period) and to any property transferred by the liquidating corporation to other members of the group during a consolidated return period as if such property had not been transferred and was received in such liquidation. In addition, proper adjustment shall be made with respect to the effect of any other transactions between members of the group during a consolidated return period which creates a distortion of income or a substantial variation in basis of property from the basis such property would have had if there had been no such transactions.

PAR. 4. Section 1.1502-43 is amended to read as follows:

§ 1.1502-43 Credit for foreign taxes.

(a) *In general*—(1) *Choice of credit or deduction.* The credit under section 901 for taxes paid or accrued to any foreign country or possession of the United States shall be allowed to an affiliated group filing a consolidated return only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the taxable year. If this choice is made, no deduction may be taken under section 164 on the consolidated return for such taxes paid or accrued by any member of the group.

(2) *Amount of credit.* If the per-country limitation on the credit provided in section 904(a)(1) applies in computing the tax liability of the group for the taxable year, the amount of the credit shall be determined under paragraph (b) of this section; if the overall limitation provided in section 904(a)(2) applies, the amount of the credit shall be determined under paragraph (c) of this section. If any member of the group receives "interest income" from sources within any foreign country or any possession, the credit for taxes paid or accrued to such foreign country or possession with respect to such income shall be determined separately under paragraph (d) of this section.

(3) *Definitions.* For purposes of this section—

(i) The term "taxes paid or accrued" includes the amount of taxes deemed paid pursuant to sections 902 and 960(a), and

(ii) The term "interest income" means interest income described in section 904(f)(2) for taxable years beginning after October 16, 1962, but only if such interest income results from transactions consummated after April 2, 1962, and the term "consolidated taxable interest income" means the aggregate interest income of the several members of the affiliated group.

(b) *Amount of credit with respect to noninterest income where per-country limitation applies*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to in-

come other than interest income for a taxable year for which the per-country limitation applies shall be an amount equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to any foreign country or any possession with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to such country or possession with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group (computed by excluding any consolidated taxable interest income) from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(ii) The amount of such excess tax paid by such corporation to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable

year for taxes paid or accrued to any foreign country or any possession with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to income other than interest income, to such country or possession by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(c) *Amount of credit with respect to noninterest income where overall limitation applies*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to income other than interest income for a taxable year for which the overall limitation applies shall be equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to all foreign countries and possessions with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to all foreign countries and possession with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to all foreign countries and possessions shall not exceed an amount which bears the same ratio to the total tax of the affli-

ated group against which the credit is taken as the consolidated taxable income of the group (computed by excluding any consolidated taxable interest income) from sources without the United States (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(ii) The amount of such excess tax paid by such corporation to all foreign countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consoli-

dated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to income other than interest income, to all such countries and possessions by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(5) *Carrybacks to certain taxable years.* The excess tax paid (whether consolidated or separate) with respect to income other than interest income for any taxable year for which the overall limitation applies may not be carried back to a taxable year beginning before January 1, 1961; and in determining the carryover or carryback to taxable years beginning on or after January 1, 1961, no amount shall be treated as absorbed for taxable years beginning before such date.

(d) *Amount of credit with respect to interest income.*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to interest income shall be an amount equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to any foreign country or any possession with respect to interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to such country or possession with respect to interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable interest income of the group from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any possession with

respect to interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the five preceding taxable years to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(ii) The amount of such excess tax paid by such corporation to such country or possession for the five preceding taxable years to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to interest income, to such country or possession by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by

such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(5) *Transitional rules for carrybacks and carryovers.* (i) If the total excess tax paid (consolidated or separate) to any foreign country or any possession for a taxable year beginning on or before October 16, 1962, is a carryover to a taxable year beginning after such date, then (a) the portion of such carryover attributable to taxes paid or accrued with respect to interest income shall be an amount equal to such carryover multiplied by the ratio which the taxes paid or accrued to such foreign country or possession for such year beginning after October 16, 1962, with respect to interest income, bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year, and (b) the portion of such carryover attributable to taxes paid or accrued with respect to income other than interest income shall be an amount equal to such carryover multiplied by the ratio which the taxes paid or accrued to such foreign country or possession for such year beginning after October 16, 1962, with respect to income other than interest income, bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year.

(ii) The amount of the total excess tax paid (consolidated or separate) to any foreign country or any possession for a taxable year beginning after October 16, 1962, which is a carryback to a taxable year beginning on or before such date shall be determined without regard to the provisions of this paragraph.

(e) *Consolidated excess tax paid—*(1) *Income other than interest income.* The consolidated excess tax paid to any foreign country or any possession (or to all foreign countries and possessions if the overall limitation provided in section 904(a)(2) applies) for any taxable year with respect to income other than interest income is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income over the applicable limitation provided in section 904(a)(1) or (2) (increased to the extent provided in section 960(b)). However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(2) *Interest income.* The consolidated excess tax paid to any foreign country or any possession for any taxable year with respect to interest income is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession with respect to interest income over the limitation provided in section 904(a)(1) (increased to the extent provided in section 960(b)). However,

there is no consolidated excess tax paid for a taxable year in which the affiliated group takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(f) *Excess tax paid—*(1) *Income other than interest income.* The excess tax paid to any foreign country or any possession (or to all foreign countries and possessions if the overall limitation provided in section 904(a)(2) applies) with respect to income other than interest income, by a corporation for any taxable year for which a separate return is filed, is the excess of the taxes paid or accrued by the corporation to such country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income over the applicable limitation provided in section 904(a)(1) or (2) (increased to the extent provided in section 960(b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(2) *Interest income.* The excess tax paid to any foreign country or any possession with respect to interest income, by a corporation for any taxable year for which a separate return is filed, is the excess of the taxes paid or accrued by the corporation to such country or possession with respect to interest income over the limitation provided in section 904(a)(1) (increased to the extent provided in section 960(b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(g) *Limitation on credit for carryovers and carrybacks of excess tax paid from separate return years.* In no case shall there be included in the credit for taxes paid or accrued to any foreign country or any possession for the taxable year as consolidated excess tax paid carryovers under paragraphs (b)(3)(ii), (c)(3)(ii), and (d)(3)(ii) of this section (relating to excess tax paid by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group) and as consolidated excess tax paid carrybacks under paragraphs (b)(4)(iii) and (iv), (c)(4)(iii) and (iv), and (d)(4)(iii) and (iv) of this section (relating to excess tax paid by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate that which would be allowed as a credit for a carryover or carryback to such corporation if it had filed a separate return for such taxable year.

(h) *Apportionment of consolidated excess tax paid.* If an affiliated group filing a consolidated return has a consolidated excess tax paid with respect to any foreign country or any possession (or with respect to all foreign countries and

possessions if the overall limitation applies) for the taxable year attributable to income other than interest income, or has a consolidated excess tax paid with respect to any foreign country or any possession attributable to interest income, and if there are included as members of such group one or more corporations which make separate returns (or join in a consolidated return filed by another affiliated group) for any of the two preceding or five succeeding taxable years, the portion of each such consolidated excess tax paid attributable to such corporations severally shall be determined. The portion of each such consolidated excess tax paid in the case of any such corporation shall be the amount which bears the same ratio to such consolidated excess tax paid as the tax paid or accrued by such corporation to such foreign country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to such foreign country or possession with respect to interest income, as the case may be, bears to the total tax paid or accrued by the affiliated group to such foreign country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to such foreign country or possession with respect to interest income, as the case may be.

(i) [Reserved]

(j) *Consolidated excess tax paid before or after consolidated return period.* The consolidated excess tax paid by an affiliated group to any foreign country or any possession (or with respect to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to any foreign country or any possession with respect to interest income, as the case may be, shall be used in computing the consolidated excess tax paid carryover and carryback of the group notwithstanding that one or more corporations which were members of the group in the taxable year in which such consolidated excess tax paid originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carryback, for a preceding taxable year) but only to the extent that such consolidated excess tax paid is not attributable to such corporation. Such portion of such consolidated excess tax paid as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carryback, for a preceding taxable year) reduced to the extent absorbed in earlier years shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of another affiliated group. Any excess tax paid by a corporation prior to the first taxable year in which its income is included in the consolidated return of the group (or paid in either of the two years immediately following a consolidated return year) may be used in com-

puting the carryover or carryback of such corporation (or of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in the consolidated return of another affiliated group, but only to the extent that such excess tax paid was not absorbed (either as a carryover or as a carryback).

(k) *Limitation effective under section 904(a)*. The determination of whether the overall limitation or the per-country limitation applies during a consolidated return period shall be made by reference to the limitation effective with respect to the common parent corporation for such period. An election made by the common parent for a year for which it filed a separate return may be changed or revoked during a consolidated return period only in accordance with the provisions of section 904(b). If the limitation effective with respect to any affiliate for a taxable year (immediately preceding the consolidated return period) for which it filed a separate return (or joined in a consolidated return filed by another affiliated group) differs from the limitation effective with respect to the common parent corporation for the consolidated return period, then such affiliate shall, if the overall limitation is effective with respect to the common parent, be deemed to have made an election to use such overall limitation, or, if the per-country limitation is effective with respect to the common parent, be deemed to have revoked its election to use the overall limitation. Consent of the Secretary or his delegate is hereby given to such affiliate for such election or revocation. Any such election or revocation shall apply only prospectively beginning with such consolidated return period. The limitation effective with respect to an affiliate for the consolidated return period immediately preceding a year for which it does not join in the filing of the consolidated return shall, except to the extent otherwise provided in this paragraph, remain in effect for such subsequent year in accordance with the provisions of section 904(b).

(1) *Carryovers or carrybacks from overall year to per-country year, and vice versa*. (1) The excess tax paid (whether consolidated or separate) to any foreign country or any possession of the United States with respect to income other than interest income, in a taxable year for which the per-country limitation under section 904(a)(1) applies, may not be carried to a taxable year for which the overall limitation under section 904(a)(2) applies.

(2) The excess tax paid (whether consolidated or separate) to all foreign countries and possessions with respect to income other than interest income, in a taxable year for which the overall limitation applies, may not be carried to a taxable year for which the per-country limitation applies.

(3) Subject to the provisions of section 904(f)(3) and the regulations thereunder, the excess tax paid (whether consolidated or separate) to any foreign country or any possession with respect to interest income may be carried to a taxable year for which the overall limita-

tion applies in respect of taxes paid or accrued with respect to income other than interest income.

PAR. 5. There is inserted immediately after § 1.1502-50 a new § 1.1502-51 to read as follows:

**§ 1.1502-51 Credit for investment in certain depreciable property.**

(a) *Determination of amount of consolidated credit*—(1) *In general*. Except as otherwise provided in this section, the amount of the consolidated credit allowed by section 38 for the taxable year is the aggregate amount of the "credit earned" for such year of the several members of the affiliated group. Such amount shall be referred to in this section as the "consolidated credit earned". The "credit earned" of each member of the affiliated group is an amount equal to 7 percent of such member's qualified investment (determined under section 46(c)).

(2) *Consolidated limitation based on amount of tax*. (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the taxable year is limited to—

(a) So much of the consolidated liability for tax as does not exceed \$25,000, plus

(b) 25 percent of the consolidated liability for tax in excess of \$25,000. The \$25,000 amount referred to in (a) and (b) of the preceding sentence shall be reduced by any part of such \$25,000 amount apportioned, under section 46(a)(5), to members of the affiliated group (as defined in section 46(a)(5)) which do not join in the filing of the consolidated return. The amount determined under this subparagraph shall be referred to in this section as the "consolidated limitation based on amount of tax".

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the \$25,000 amount referred to in subdivision (i) (a) and (b) of this subparagraph (or such \$25,000 amount reduced by any part of such amount apportioned to members of the affiliated group which do not join in the filing of the consolidated return) shall be apportioned equally among the members of the affiliated group filing the consolidated return. The portion of such \$25,000 amount (or such reduced amount) so apportioned equally to any such organization shall then be decreased to the ratable share of such portion in accordance with the provisions of section 46(d). Finally, for purposes of computing the consolidated limitation based on amount of tax under subdivision (i) (a) and (b) of this subparagraph, the sum of all such equal portions (as decreased under section 46(d), where applicable) of each member of the affiliated group filing the consolidated return shall be substituted for the \$25,000 amount referred to in subdivision (i) (a) and (b) of this subparagraph.

(3) *Consolidated liability for tax*. For purposes of this section, the consolidated

liability for tax shall be the income tax imposed for the taxable year upon the group by chapter 1 of the Code (including the 2-percent tax on consolidated taxable income), reduced by the credit allowable under section 33 (relating to taxes of foreign countries and possessions of the United States). The tax imposed by section 531 (relating to imposition of accumulated earnings tax) or by section 541 (relating to imposition of personal holding company tax) shall not be considered tax imposed by chapter 1 of the Code. In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the consolidated liability for tax.

(b) *Carryback and carryover of consolidated unused credit*—(1) *Allowance of consolidated unused credit as carryback or carryover*. (i) A "consolidated unused credit" is the excess of the consolidated credit earned for the taxable year over the consolidated limitation based on amount of tax for such taxable year. Subject to the limitations contained in subparagraphs (2) and (9) (i) of this paragraph, a consolidated unused credit shall be added to the amount allowable as a credit under section 38 for the years to which the consolidated unused credit can be carried. The year with respect to which a consolidated unused credit arises shall be referred to in this section as the "consolidated unused credit year".

(ii) A consolidated unused credit shall be an investment credit carryback to each of the 3 taxable years preceding the consolidated unused credit year and shall be an investment credit carryover to each of the 5 taxable years succeeding the consolidated unused credit year, except that a consolidated unused credit shall be a carryback only to taxable years ending after December 31, 1961. A consolidated unused credit must be carried first to the earliest of the 8 taxable years to which it may be carried, and then to each of the other 7 taxable years (in order of time) to the extent that the consolidated unused credit may not be added (because of the limitation contained in paragraph (a)(2) of this section) to the amount allowable as a credit under section 38 for a prior taxable year.

(2) *Limitation on allowance of consolidated investment credit carryback or carryover*. The amount of the consolidated investment credit carryback or carryover from any particular unused credit year which may be added to the amount allowable as a credit under section 38 for any of the 3 preceding or 5 succeeding taxable years to which such credit may be carried shall not exceed the amount by which the consolidated limitation based on amount of tax for such preceding or succeeding taxable year exceeds the sum of (i) the consolidated credit earned for such preceding or succeeding year, and (ii) other unused credits carried to such preceding or succeeding year which are attributable to unused credit years prior to the particular unused credit year.

(3) *Effect of net operating loss carryback.* If the effect of a net operating loss carryback is to create a consolidated unused credit, such unused credit shall not be treated as a consolidated investment credit carryback. However, the full amount of the unused credit so arising shall be available for use as an investment credit carryover for the five taxable years following the consolidated unused credit year.

(4) *Taxable years beginning before January 1, 1962, and ending after December 31, 1961.* For purposes of determining the amount of unused credits which may be carried back to a consolidated return year beginning before January 1, 1962, and ending after December 31, 1961, and added to the amount allowable as a credit for such year, the consolidated limitation based on amount of tax for such year, determined without regard to this subparagraph, shall be reduced to an amount which bears the same ratio to such limitation as the number of days in such taxable year after December 31, 1961, bears to the total number of days in such year.

(5) *Consolidated investment credit carryover.* The consolidated investment credit carryover which may be added, subject to the limitation contained in subparagraph (2) of this paragraph, to the amount allowable to the group as a credit under section 38 for any taxable year shall be—

(i) The consolidated unused credits, if any, for the five preceding taxable years to the extent that the consolidated unused credit for any such preceding taxable year is not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not allowed as a credit under section 38 for a preceding or intervening taxable year, and

(ii) With respect to unused credits of a corporation arising in unused credit years for which such corporation filed a separate return or joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed by subparagraph (7) of this paragraph, such unused credits, if any, for the five preceding taxable years to the extent that the unused credit for any such preceding taxable year was not allowed as a credit under section 38 for a preceding or intervening taxable year.

(6) *Consolidated investment credit carryback.* The consolidated investment credit carryback which may be added, subject to the limitation contained in subparagraph (2) of this paragraph, to the amount allowable to the group as a credit under section 38 for any taxable year shall be—

(i) The amount of the consolidated unused credit, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent such consolidated unused credit was allowed as a credit under section 38 for the first two preceding taxable years,

(ii) The amount of the consolidated unused credit, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent such consolidated unused credit was allowed as a credit under section 38 for the first preceding taxable year,

(iii) The amount of the consolidated unused credit, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), and

(iv) With respect to an unused credit of a corporation arising in an unused credit year for which such corporation filed a separate return or joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed by subparagraph (7) of this paragraph—

(a) The amount of the unused credit, if any, of such corporation for the first succeeding taxable year, reduced to the extent such unused credit was allowed as a credit under section 38 for the first two preceding taxable years,

(b) The amount of the unused credit, if any, of such corporation for the second succeeding taxable year, reduced to the extent such unused credit was allowed as a credit under section 38 for the first preceding taxable year, and

(c) The amount of the unused credit, if any, of such corporation for the third succeeding taxable year.

(7) *Limitation on investment credit carryover and carryback from separate return years.* (i) For any taxable year, the amount included in the consolidated investment credit carryover of the group, under subparagraph (5) (ii) of this paragraph, and in the consolidated investment credit carryback of the group, under subparagraph (6) (iv) (a), (b), and (c) of this paragraph, shall not exceed the limitation determined under subdivision (ii) of this subparagraph.

(ii) For purposes of subdivision (i) of this subparagraph, the limitation for any taxable year shall be an amount equal to the amount by which the portion of the consolidated limitation based on amount of tax for such taxable year attributable to the corporation which filed a separate return, or joined in the filing of a consolidated return by another affiliated group, in a preceding or succeeding taxable year exceeds the sum of—

(a) The credit earned (as defined in paragraph (a) (1) of this section) of such corporation for the taxable year, and

(b) The unused credits of such corporation (or attributable to such corporation) which may be carried to the taxable year arising in unused credit years prior to the particular unused credit year.

(iii) For purposes of subdivision (ii) of this subparagraph, the portion of the consolidated limitation based on amount of tax attributable to a corporation shall be the sum of—

(a) So much of the consolidated liability for tax attributable to such corporation as does not exceed \$25,000 divided by the number of corporations in such affiliated group (as defined in section 46(a) (5)), and

(b) 25 percent of so much of the consolidated liability for tax attributable to such corporation as exceeds \$25,000 divided by the number of corporations in such affiliated group (as defined in section 46(a) (5)).

(iv) For purposes of subdivision (iii) of this subparagraph, the consolidated liability for tax attributable to a corporation is the consolidated liability for tax for the taxable year multiplied by the ratio which—

(a) The taxable income, if any, of such corporation, bears to

(b) The aggregate of the taxable incomes of the several members of the affiliated group having taxable income.

For purposes of the preceding sentence, taxable income of a corporation means the taxable income of such corporation included in the computation of consolidated taxable income for the taxable year decreased by its deductions under sections 181, 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction), increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231.

(8) *Consolidated unused credit attributable to each of the several members—*

(i) *In general.* If an affiliated group filing a consolidated return has a "consolidated unused credit" for a taxable year and if there are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, for any of the three preceding or five (or six in the case of a section 181 deduction) succeeding taxable years, the portion of such consolidated unused credit for such consolidated unused credit year attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined under the provisions of subdivisions (ii) and (iii) of this subparagraph.

(ii) *Carryback.* In the case of a carryback of a consolidated unused credit to a taxable year for which the corporation made a separate return or joined in a consolidated return filed by another affiliated group, the portion of such consolidated unused credit for the consolidated unused credit year attributable to such corporation shall be an amount equal to the amount of such consolidated unused credit multiplied by the ratio which—

(a) The credit earned (as defined in paragraph (a) (1) of this section) of such corporation for the consolidated unused credit year, bears to

(b) The consolidated credit earned (as defined in paragraph (a) (1) of this sec-

tion) for such consolidated unused credit year.

(iii) *Carryover.* In the case of a carryover of a consolidated unused credit to (or a section 181 deduction for) a taxable year for which the corporation makes a separate return or joins in a consolidated return filed by another affiliated group, the portion of such consolidated unused credit for the consolidated unused credit year attributable to such corporation shall be an amount equal to the amount of such consolidated unused credit multiplied by the ratio which—

(a) The portion of the consolidated credit earned with respect to any section 38 property placed in service in the consolidated unused credit year and owned by such corporation (whether or not placed in service by such corporation) at the close of the last day with respect to which the taxable income of such corporation is included in the consolidated return, bears to

(b) The consolidated credit earned for such consolidated unused credit year.

(9) *Consolidated unused credit before or after consolidated return period.* (i) The consolidated unused credit of an affiliated group filing a consolidated return shall be used in computing the consolidated investment credit carryover or carryback to (or section 181 deduction for) a subsequent (or preceding) taxable year of the group notwithstanding that one or more members of the group in the consolidated unused credit year make separate returns (or join in a consolidated return made by another affiliated group) for such subsequent (or preceding) taxable year, but only to the extent that such consolidated unused credit is not attributable (as determined under subparagraph (8) of this paragraph) to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for such subsequent (or preceding) taxable year.

(ii) The portion of such consolidated unused credit attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent (or preceding) taxable year (reduced to the extent allowed as a credit under section 38 for a prior taxable year) shall be used by such corporations severally as investment credit carryovers (or carrybacks) to such separate returns or such consolidated returns of another affiliated group or as section 181 deductions on such separate returns (or such consolidated return of another affiliated group).

(10) *Rules with respect to unused credits under section 381.* (i) If, in the computation of the consolidated investment credit carryover, there is included an amount with respect to an unused credit of a corporation, arising in a taxable year for which it filed a separate return or for which such corporation joined in a consolidated return filed by another affiliated group, which is a transferor or distributor of assets within the meaning of section 381(a) to a member of the affiliated group, the amount included in the consolidated investment credit carryover with respect to such

transferor or distributor shall not exceed the limitation contained in subparagraph (7) of this paragraph determined with reference to the acquiring corporation. The computation shall be made as described in subparagraph (7) of this paragraph as though the acquiring corporation had an unused credit in a year for which it filed a separate return or for which such acquiring corporation had joined in a consolidated return filed by another affiliated group.

(ii) If, in addition to the amount described in subdivision (i) of this subparagraph, there is included an amount with respect to an unused credit of the acquiring corporation in a year for which it filed a separate return or for which it joined in a consolidated return filed by another affiliated group, the unused credits of both the acquiring corporation and the transferor or distributor corporation which may be taken into account as unused credits in determining the consolidated investment credit carryover may not exceed the limitation, determined with reference to the acquiring corporation, computed in a manner described in subparagraph (7) of this paragraph.

(iii) For purposes of subdivisions (i) and (ii) of this subparagraph, if the transferor or distributor corporation was a member of another affiliated group which filed a consolidated return, the amount of the consolidated unused credit of such affiliated group, if any, attributable to such transferor or distributor, shall be treated as the unused credit of such corporation.

(c) *Early dispositions, etc., of section 38 property.*—(1) *Dispositions of section 38 property during and after consolidated return period.* Except as provided in subparagraph (2) of this paragraph—

(i) If property placed in service in a consolidated return period is disposed of or otherwise ceases to be section 38 property, or becomes public utility property, with respect to any corporation during any taxable year (whether consolidated or separate), the provisions of section 47(a) (1) or (2), as the case may be, shall apply (whether such property was placed in service by such corporation or was received by such corporation in an intercompany transaction to which subparagraph (2) (i) of this paragraph applied) and the increase in tax, if any, shall be added to the tax liability of such group or such corporation, as the case may be.

(ii) If property placed in service in a separate return year is disposed of or ceases to be section 38 property, or becomes public utility property, with respect to any corporation during a taxable year for which such corporation joins in the filing of a consolidated return, the provisions of section 47(a) (1) or (2), as the case may be, shall apply and the increase in tax, if any, shall be added to the tax liability of such group.

(2) *Exceptions.* (i) For purposes of sections 46(c) and 47(a) (1), a transfer of section 38 property from one member of an affiliated group to another member of such group in an intercompany transaction during a consolidated re-

turn period shall not be treated as a disposition or cessation. The preceding sentence shall not apply to a transfer of section 38 property unless such property was placed in service by a member of the group in a consolidated return period of such group.

(ii) If, in any taxable year, section 38 property placed in service during a consolidated return period is disposed of by one member of an affiliated group to another member of such group which is an organization to which section 593 applies or a cooperative organization described in section 1381(a), the tax under chapter 1 of the Code for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would result solely from treating such property, for purposes of determining qualified investment, as placed in service by such organization to which section 593 applies or such cooperative organization described in section 1381(a), as the case may be, but with due regard to the use of the property before such transfer. The consolidated investment credit carrybacks and carryovers shall be adjusted under the principles of section 47(a) (3) by reason of such change in use.

PARAGRAPH 6. Section 1.1503 is amended by adding a new subsection (d) to section 1503 and by adding a historical note. These added provisions read as follows:

**§ 1.1503 Statutory provisions; computation and payment of tax.**

SEC. 1503. *Computation and payment of tax.* \* \* \*

(d) *Special rule for application of foreign tax credit when overall limitation applies.*—

(1) *In general.* If the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 921), and if for the taxable year an election under section 904(b) (1) (relating to election of overall limitation on foreign tax credit) is in effect, then the amount of taxes paid or accrued to foreign countries and possessions of the United States by such Western Hemisphere trade corporations which may be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which—

(A) The amount of such taxes (or, if smaller, the amount of the tax which would be computed under subsection (a), if such corporations were not Western Hemisphere trade corporations, with respect to the portion of the consolidated taxable income attributable to such corporations), exceeds

(B) The amount of the tax computed under subsection (a) with respect to the portion of the consolidated taxable income attributable to such corporations.

(2) *Adjustment in case of certain public utilities.* So much of any reduction under paragraph (1) as is attributable to taxes paid or accrued to foreign countries and possessions of the United States by one or more corporations which are both Western Hemisphere trade corporations and regulated public utilities shall be decreased by the excess of—

(A) The amount of tax computed under subsection (a) with respect to the portion of the consolidated taxable income attributable to income derived, by the corporations in the affiliated group which are not Western Hemisphere trade corporations, from sources

within the foreign countries referred to in paragraph (3) (B), over

(B) The amount of taxes paid or accrued to such foreign countries by the corporations referred to in subparagraph (A).

This paragraph shall apply only if the corporations described in subparagraph (A) derive 80 percent or more, of the gross income (computed without regard to capital gains and losses) which they derive from sources within the foreign countries described in paragraph (3) (B), from regulated public utilities and from operations as regulated public utilities.

(3) *Special rules.* (A) For purposes of paragraph (2), a corporation is a regulated public utility only if it is a regulated public utility within the meaning of subparagraph (A) (other than clauses (ii) and (iii) thereof) or (D) of subsection (c) (1). For purposes of the preceding sentence, subsection (c) (2) shall be applied as if subsection (c) (1) were limited to subparagraphs (A) (1) and (D) thereof.

(B) For purposes of paragraph (2), the foreign countries referred to in this subparagraph include only any country from which any public utility referred to in the first sentence of paragraph (2) derives the principal part of its income.

(C) For purposes of paragraph (1) (A), the amount of tax which would be computed with respect to the portion of the consolidated taxable income attributable to any corporation or corporations shall be determined without regard to the increase of 2 percent provided in subsection (a).

[Sec. 1503 as amended by sec. 2, Act of September 14, 1960 (Pub. Law 86-790, 74 Stat. 1011)]

[F.R. Doc. 63-8515; Filed, Aug. 7, 1963; 8:59 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 221 ]

### FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Proposed Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of March 1, 1907 (34 Stat. 1024), August 11, 1914 (38 Stat. 583) and August 31, 1954 (68 Stat. 1026), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon, by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.32 *Basic and other water charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, beginning with calendar year 1964 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (1) Fort Hall Project: Basic rate from \$3.75 to \$4.25 per acre, and under paragraph (3) Minor Units, Fort Hall Reservation: Basic rate from \$1.25 to \$1.50 per acre.

Interested parties are hereby given opportunity to participate in preparing

the proposed amendment by submitting their views and data or arguments in writing to Robert D. Holtz, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

R. D. HOLTZ,  
Area Director.

[F.R. Doc. 63-8446; Filed, Aug. 7, 1963; 8:52 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 981 ]

### HANDLING OF ALMONDS GROWN IN CALIFORNIA

#### Proposed Salable and Surplus Percentages for 1963-64 Crop Year

Notice is hereby given that there is under consideration the proposed establishment of a salable percentage of 85 percent and surplus percentage of 15 percent for California almonds during the 1963-64 crop year which began July 1, 1963. The proposed percentages are based on recommendations of the Control Board and other available information and would be established pursuant to the provisions of amended Marketing Agreement No. 119 and Order No. 981 (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1963:

- (1) Production of 77 million pounds;
- (2) Trade demand for domestic almonds of 59.5 million pounds (which is based on a total demand of 60 million pounds less 500,000 pounds of imported almonds);
- (3) Handler carryover of 10.1 million pounds on July 1, 1963;
- (4) Desirable handler carryover of 16.1 million pounds on June 30, 1964;
- (5) Trade demand and desirable handler carryover requirements for 1963 crop almonds of 65.5 million pounds (items 2 plus 4 minus 3); and
- (6) 11.5 million pounds of surplus almonds.

Consideration will be given to written data, views, and arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Dated: August 1, 1963.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 63-8470; Filed, Aug. 7, 1963; 8:56 a.m.]

[ 7 CFR Part 1002 ]

[Docket No. AO-71-A44]

### MILK IN NEW YORK-NEW JERSEY 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 New York-New Jersey marketing area, which was issued July 23, 1963 (28 F.R. 7598), is hereby extended to August 16, 1963.

Signed at Washington, D.C., on August 2, 1963.

CHARLES S. MURPHY,  
Acting Secretary.

[F.R. Doc. 63-8486; Filed, Aug. 7, 1963; 8:59 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 61 ]

[Notice 63-30; Docket No. 1891]

### CLARIFICATION OF PRIVATE PILOT PRIVILEGES

#### Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 61 [New] of the Federal Aviation Regulations to clarify certain provisions relating to the privileges and limitations of private pilots.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 8, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under the existing rule, § 61.101, the words "a private pilot may not act as pilot in command of an aircraft for compensation or hire" are not clear. A question arose as to whether the words mean that the private pilot cannot be compensated for acting as pilot in command of an aircraft for compensation

or hire or whether they mean the operator of the aircraft (who may not be the private pilot) cannot be compensated when a private pilot is acting as pilot-in-command or whether the words mean that both are prohibited from receiving compensation or hire in those circumstances. The proposed amendment would make it clear that neither the private pilot nor the operator (if other than the private pilot) may be compensated when a private pilot is acting as pilot in command nor may either be compensated for the carriage of passengers or property. In addition the amendment would list the exceptions to the rule.

When Part 43 of the Civil Aviation Regulations was adopted in 1945, § 43.60, stated "A private pilot shall not pilot aircraft for hire." A note was appended to the rule stating: "This rule permits sharing expenses of a flight or piloting in furtherance of a business when the flight is made solely for the personal transportation of the pilot."

The section was amended by Amendment 43-3 August 7, 1950, effective September 11, 1950, to read: "A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of Part 43."

The preamble stated that the previous rule "has been difficult to interpret, and in many instances it has unduly restricted the operations of private pilots." The preamble continued:

The following interpretations are illustrative of the application of the amendment.

1. A private pilot may share the actual operating expenses incurred during a flight. The fact that one or more passengers contribute to the actual operating expenses of a flight is not considered the carriage of persons for compensation or hire.

2. A private pilot salesman may pilot an aircraft in the course of his employment. This would not be a violation of the regulation because the flight would be merely incidental to the pilot's business of selling. He may also carry samples of merchandise in the aircraft.

3. An airline official in New York, having a private pilot rating, wishes to use a company aircraft placed at his disposal to fly to Washington in order to check the operations of the Washington office. He may do so, and also carry with him friends or other employees of the airline, provided no charge is made. Such a flight is considered merely incidental to the pilot's employment and does not involve the carriage of persons for compensation or hire.

4. The owner of a plantation or farm, holding a private pilot rating, may crop dust or seed his own land. This type of operation is incidental to the pilot's principal business of farming. He may also crop dust or seed the land of another, provided he does not do so for compensation or hire.

5. Private pilots may ferry aircraft, provided the flight is not for compensation or hire.

6. The holder of a private pilot rating engaged in selling real estate may pilot an aircraft carrying a prospective purchaser for the

purpose of showing such purchaser land which is offered for sale. The flight in this instance is merely incidental to the pilot's business as a real estate operator.

The section was amended again August 1, 1961, by Amendment 43-14, to authorize private pilots to take part in charity airlifts. In the meantime a new Part 43 had been printed, and the interpretative material given in the preamble to Amendment 43-3 was no longer available for public information.

When the Civil Aeronautics Board amended § 43.60 by Amendment 43-3, it removed previous restrictions that applied to the sharing of expenses with passengers or flying in the furtherance of a business, in that permission to do so had been granted only when the flight was made solely for the personal transportation of the pilot. The Board paid heed to public comment pleading for privileges similar to those granted private operations of automobiles, so as to obtain full usefulness of aircraft in private operations.

When the section was recodified and incorporated in part 61 [New] as § 61.101, the interpretations were also omitted, including permission to "share expenses."

The ordinary meaning of "compensation" includes the act of making up for whatever has been suffered or lost through another, and the act of remuneration. Sharing of expenses would appear to be prohibited when "hire or compensation" is prohibited, so that an exception to the rule is necessary to preserve the traditional right to share expenses, and which right has not been found objectionable.

Other circumstances in which the rule was not intended to apply are the aircraft salesman who demonstrates an aircraft in flight to a prospective buyer and the private pilot who engages in charitable organization airlift. The proposed amendment retains these situations as exceptions from the general rule.

Section 61.101(b) provides that "a private pilot may act as a pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire." This provision would be amended to make clear that although a private pilot may not carry passengers or property for compensation or hire, he may act as pilot in command of an airplane for compensation or hire in connection with any business or employment if the flight is only incidental to it and does not carry passengers or property for compensation, or hire.

With respect to paragraph (d) *Category; class; type*, of § 61.101 it would be retained and paragraph (e) would be deleted as a separate paragraph and combined with (d) inasmuch as (e) is properly an exception to (d) and has nothing to do with the other provisions of § 61.101. The words "or remuneration" would be deleted as unnecessary because obviously the general prohibition of § 61.101(a) would make retention of those words redundant.

No substantive change would be made in the provisions of § 61.101(f). The first sentence would be placed in new § 61.101(c) and the last sentence would

be an exception to the list of circumstances in which the prohibition "for compensation or hire" is not applicable (§ 61.101(a)).

In consideration of the foregoing, it is proposed to amend § 61.101 of Part 61 [New] of the Federal Aviation Regulations to read as follows:

#### § 61.101 General privileges and limitations.

(a) Except in the case of a private pilot (lighter-than-air) piloting a free balloon, or giving instruction therein, for compensation or hire, a private pilot may not act as pilot in command of an aircraft for compensation or hire or act as pilot in command of an aircraft carrying passengers or property for compensation or hire. However:

(1) A private pilot may act as pilot in command of an aircraft for compensation or hire in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire.

(2) A private pilot may share the operating expenses of a flight with his passengers.

(3) A private pilot who is an aircraft salesman and who has at least 200 hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

(4) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if:

(i) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least seven days before the flight, and furnishes any essential information that the office requests;

(ii) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(iii) He has logged at least 200 hours of flight time;

(iv) No acrobatic or formation flights are conducted;

(v) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § \_\_\_\_\_ of this chapter [Present § 43.22]; and

(vi) The flight is made under VFR during the day. For the purpose of this subparagraph, a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List of Organizations Described in section 170(c) of the Internal Revenue Code of 1954," as amended.

(b) *Category; class; type*. A private pilot may not act as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated. Unless prohibited by a limitation on his certificate, a private pilot may serve as pilot in command of an aircraft for which he is not rated when it is operated without passengers.

(c) A private pilot (lighter-than-air) may not give flight or instrument instruction in an airship.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422)

Issued in Washington, D.C., on August 2, 1963.

W. LLOYD LANE,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 63-8437; Filed, Aug. 7, 1963;  
8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15144; FCC 63-761]

### TELEVISION BROADCAST STATIONS

#### Table of Assignments

In the matter of amendment of § 3.606, Table of assignments, Television Broadcast Stations, Sacramento, San Francisco-Oakland, Santa Barbara and Watsonville, Calif.; Waycross, Ga.; Keene and Littleton, N.H.; Atlantic City, N.J.; Athens and Chattanooga, Tenn.; Docket No. 15144, RM-372, RM-373, RM-397, RM-398, RM-404, RM-405, RM-432, RM-461.

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

2. In Docket No. 14229 the Commission presently has under study the television table of assignments (Section 3.606 of the rules) and the method of making assignments with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Upon the completion of this study, it is the intent of the Commission to issue a further notice of proposed rule making in that docket inviting comments on a modified assignment plan which would be reflected in a proposed amendment to the table of assignments. The amendment would consist of certain additions, deletions, and changes in channel assignments for UHF Channels 14-83 inclusive, with no changes being made in the assignments of VHF Channels 2-13 inclusive.

3. To avoid disruptive effects on the efforts directed at achieving a modified assignment plan, it has been necessary, in some cases, to defer action on petitions for rule making which proposed to amend the table of assignments with regard to UHF noncommercial educational assignments in scattered communities. However, the study in Docket No. 14229 has now progressed to the point where it is possible, with some degree of certainty, to foresee the proposed changes which may be made in the table with regard to some communities if a Further Notice of Proposed Rule Making is issued in that proceeding.

4. A review of the aforementioned pending petitions on which action has been deferred reveals that of 18 such petitions involving noncommercial edu-

cational proposals, 7 contain proposals reasonably consistent with those which may be advanced in Docket No. 14229. Because of this, and because any further proceeding in Docket No. 14229 may be lengthy and of wide scope, we are of the opinion that it is in the public interest to institute a rule making proceeding in the instant docket with regard to the 7 petitions mentioned. This decision is buttressed by the fact that expediting rule making in these 7 cases will constitute a substantial step toward ultimate construction of educational facilities utilizing the reserved channels requested inasmuch as, under regulations adopted by the Department of Health, Education, and Welfare, Federal aid for noncommercial educational television stations is forthcoming (with certain exceptions) only if applicants therefor intend to use channels which have been reserved for noncommercial educational use. No oppositions were filed against any of the petitions. In some instances, supporting statements were filed.

5. In the table set forth below, the 7 proposals are briefly stated.<sup>1</sup> In varying detail, the different petitioners have set forth the needs of the communities involved for educational television service and the methods by which the needs might be met if the requested channel reservations were made. This material will not be detailed under each proposal.

6. In some cases, the proposal submitted by the petitioner varies from the proposal on which we invite comments. In such cases, brief explanatory material appears. It should be noted that if petitioner's proposal is followed by a modified proposal, comments are invited on the latter only. In other cases, where no modified proposal appears, comments are invited on the proposal of the petitioner. In all cases—with regard to existing assignments or proposed assignments—offsets are omitted.

7. Parties filing comments in this proceeding are requested to take into consideration the educational service that can be provided as a result of the Report and Order (FCC 63-722) adopted in Docket No. 14744 on July 25, 1963, which establishes a new class of educational

television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 2500-2690 Mc/s frequency band.

8. Although we are reasonably certain that we can provide UHF educational TV reservations at the places named herein if the proposals are ultimately adopted, it may be necessary to change some of the specific channels assigned in the light of decisions reached in Docket No. 14229. If this becomes necessary, every effort will be made to avoid changing those channels on which stations are operating or where authorized construction has reached a stage where a change in channel assignment would require the expenditure of significant additional funds.

9. 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.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before September 3, 1963, and reply comments on or before September 18, 1963. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. 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: July 30, 1963.

Released: August 2, 1963.

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

#### APPENDIX

Rule-making number, petitioner, and date of filing	Petitioner's proposal		Commission's modified proposal		Explanatory remarks	
	City	Channel No.		Channel No.		
		Present	Proposed	Present		Proposed
RM-372, Bay Area Educational Television Association, Oct. 10, 1962.	San Francisco-Oakland, Calif.	2, 4, 5, 7, *9, 20, 26, 32, 38, 44.	2, 4, 5, 7, *9, 20, 26, 32, *38, 44.	-----	-----	
RM-373, National Educational and Radio Center, Oct. 10, 1962.	Athens, Tenn. Chattanooga, Tenn.	14, 3, 9, 12, 43, 49, *55.	3, 9, 12, *14, 43, 49, *55.	14, 3, 9, 12, 43, 49, *55.	*47, 3, 9, 12, *14, 43, 49, *55.	Petitioner suggests deletion of 14 at Athens without substitution therefor. Comments of Nat. Assoc. of Educ. Broadcasters in Docket 14229 convince us that an educationally reserved channel should be proposed at Athens.

<sup>1</sup> An eighth proposal—involving Waycross, Georgia—also appears in the table with appropriate explanation for its inclusion therein.

Rule-making number, petitioner, and date of filing	Petitioner's proposal		Commission's modified proposal		Explanatory remarks	
	City	Channel No.		Channel No.		
		Present	Proposed	Present		Proposed
RM-397, Central California Educational Television, Dec. 18, 1962.	Sacramento, Calif.	3, *6, 10, 40, 46.	3, *6, 10, 40, *46.	3, *6, 10, 40, 46.	3, *6, 10, *19, 28, 40, 46 or 3, *6, 10, 19, 28, 40, *46.	Petitioner requests reservation of 46 which is the only unused channel in Sacramento. Our study in Docket 14229 leads us to propose an additional commercial and additional educational channel. Comments are invited on the alternative modified proposals.
RM-398, New Jersey Educational Television Corp., Dec. 19, 1962.	Atlantic City, N.J. Montclair, N.J. Trenton, N.J.	46, 52 *77 41	46, *52 *14, *77 *41	46, 52 *77 41	46, *52	The proposals for Montclair and Trenton are not in harmony with those which may be made in Docket 14229. Hence comments are invited only on the Atlantic City proposal.
RM-404, Cabrillo College, Jan. 9, 1963.	Watsonville, Calif.	22	*22			
RM-405, John M. Sink, Jan. 10, 1963.	Santa Barbara, Calif.	3, 20, 26	3, *20, 26			
RM-432, University of New Hampshire, Apr. 1, 1963.	Keene, N.H. Littleton, N.H.	45 24	*45 *24			
RM-461, Georgia State Board of Education, June 28, 1963.	Waycross, Ga.	8, 16	*8, 16			This proposal differs from those above in that it was not a petition concerning a UHF channel on which action was deferred pending the UHF study in 14229. However, petitioner is already the licensee of WXGA-TV, Channel 8.

[F.R. Doc. 63-8422; Filed, Aug. 7, 1963; 8:47 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 15146; FCC 63-777]

TELEVISION BROADCAST STATIONS, ASHLAND, KENTUCKY

Table of Assignments

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

2. In Docket No. 14991 the Commission on this date adopted a report and order amending the television table of assignments by substituting Channel \*33+ for Channel \*19- at Hazard, Kentucky. After the release of the Notice of Proposed Rule Making which invited comments on the Hazard proposal in that docket, the petitioner therein—The Kentucky Authority for Educational Television—filed an "Amendment to Petition for Rule Making" in which it requested that its petition for rule making be amended to deal with a proposal concerning Ashland, Kentucky, as well as Hazard. That amended proposal consisted of reassigning Channel \*19 from Hazard to Ashland in addition to the original proposal to substitute Channel \*33 for Channel \*19 at Hazard.

3. We stated in the aforementioned report and order which terminated the proceeding in Docket No. 14991 that the proposal concerning Ashland was being

severed from that docket and that another rule making proceeding was being simultaneously instituted in the instant docket with regard to the Ashland proposal.

4. Petitioner's Ashland proposal consists of the following:

City	Channel No.	
	Present	Proposed
Ashland, Ky.....	59-, *78+	*19-, 59-, *78

Petitioner states that the assignment of Channel \*19 to Ashland would meet the Commission's mileage spacing requirements.

5. However, we do not invite comments on petitioner's proposal, but, rather, on the following modified proposal:

City	Channel No.	
	Present	Proposed
Ashland, Ky....	59-, *78+	*19, 59 (offsets omitted).

6. The reason for the modification of the Ashland proposal may be found in the fact that in Docket No. 14229 the

Commission's study of a possible revision of the television table of assignments (§ 3.606 of the rules) with regard to UHF assignments has progressed to the point where it may be predicted with some certainty what changes may be suggested with regard to some communities. The modified proposal is consistent with that which might be made in a further notice of proposed rule making in Docket No. 14229 (when such a notice is issued), whereas the Ashland proposal of petitioner is inconsistent therewith. There is, of course, nothing to prevent comments in this proceeding from urging that two educationally reserved channels be assigned to Ashland.

7. Inasmuch as Ashland is within 250 miles of the United States-Canadian border, the proposal concerning that city requires the concurrence of Canadian authorities in accordance with the provisions of the United States-Canadian Agreement of 1952. No final action on the proposal would be taken without formal Canadian concurrence.

8. 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.

9. In inviting comments on the proposed Ashland assignment, we call attention to our announcement in Docket No. 14229 that we would examine the present § 3.606 of the rules (television table of assignments) with a view toward fostering the expanded use of UHF channels and making the most efficient use of such channels. Although no final decision has been reached in that proceeding (the study has progressed considerably, however, as mentioned in paragraph 6 above), we are inviting comments with regard to Ashland so as to avoid delay by the State of Kentucky in proceeding with its educational television plans. Although we are reasonably certain that we can continue to provide an educational television reservation at Ashland if the instant proposal for that city is ultimately adopted, it may be necessary to change the specific channel assigned. If such becomes necessary, every effort will be made to avoid changing the channel if a station is operating on it or if authorized construction has reached a stage where a change in channel assignment would require the expenditure of significant additional funds.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before September 9, 1963, and reply comments on or before September 24, 1963. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. 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 doc-

uments 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: August 1, 1963.

Released: August 2, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-8423; Filed, Aug. 7, 1963;  
8:47 a.m.]

[ 47 CFR Part 15 ]

[Docket No. 13863, RM-64, RM-153]

USE OF RADIO FREQUENCY OPERATED INTRUDER ALARMS

Order Extending Time for Filing Comments

The Commission has before it for consideration a request from Pinkerton Electro-Security Corporation to extend the time for filing comments in the above proceeding from August 1, 1963 to December 1, 1963.

It appearing, that the Pinkerton Electro-Security Corporation is the successor to the Electro-Security Corporation, the petitioner in RM-153, and is now engaged in the manufacturing and marketing of the Radar Eye radio frequency operated intruder alarm device; and

It further appearing, that the Pinkerton Electro-Security Corporation was not in existence at the time the Commission issued its December 7, 1960 notice of inquiry on intruder alarms and that it now wishes to submit definitive data, based on field and laboratory tests, in response to the notice of inquiry; and

It further appearing, that a period of four months will be required to conduct the tests and evaluate the results; and

It further appearing, that the data which the Pinkerton Electro-Security Corporation wishes to submit will be of interest to the Commission in this proceeding and, hence, that the public interest will be served by granting the additional time requested;

It is ordered, This 1st day of August 1963, pursuant to § 0.322(b) of the Commission's rules, that the time for filing comments in this proceeding is extended to December 1, 1963, and the time for filing reply comments is extended to December 12, 1963.

Released: August 2, 1963.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-8424; Filed, Aug. 7, 1963;  
8:47 a.m.]

[ 47 CFR Parts 31, 35 ]

[Docket No. 14850, RM-377, RM-381;  
FCC 63-744]

CLASS A AND CLASS B TELEPHONE COMPANIES, WIRE TELEGRAPH AND OCEAN-CABLE CARRIERS, CLASS C TELEPHONE COMPANIES AND FOR RADIOTELEGRAPH CARRIERS

Report and Order Concerning Accounting for Investment Credits

1. On November 21, 1962, the Commission adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on November 29, 1962 (27 F.R. 11773) in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment on or before December 26, 1962 (with allowance for reply comments on or before January 8, 1963) proposals of the American Telephone and Telegraph Company (AT&T) and the Western Union Telegraph Company (WU) with respect to accounting for investment tax credits made available under the Revenue Act of 1962. By order dated December 13, 1962, the closing dates for filing comments and reply comments were extended to January 28, 1963, and February 18, 1963, respectively. Pursuant to the Commission's Order released June 7, 1963, oral argument directed to the respective merit of the three basic approaches of accounting for the investment tax credit set forth in the notice of proposed rule making was heard by the Commission on July 15, 1963.

2. The Revenue Act of 1962 provides for the deduction of "investment tax credits," relating to the construction or acquisition of certain facilities, in the determination of Federal income taxes due from taxpayers for 1962 and subsequent years. The investment tax credit is computed by applying certain percentages to the cost of qualifying plant placed in service during the taxable year. Telephone companies and domestic telegraph companies are allowed a maximum of 3 percent of the cost of qualifying property with a useful life of eight years or more. Lesser percentages are applicable to qualifying plant with a useful life of four years or more but less than eight years. Non-utility industries generally, as well as international telegraph companies, gas pipeline companies (other than local distribution systems) and transportation companies are allowed a maximum of 7 percent credit rather than the 3 percent maximum allowed for telephone and domestic telegraph companies. The property base for computing depreciation for tax purposes over the life of the property is reduced by the amount of the investment credit which the taxpayer is eligible to receive.

3. Under the proposal for amendment of Part 31 submitted by A.T. & T., the

plant accounts would be reduced by the amount of the investment tax credits and an offsetting amount would be added to operating taxes. The proposed amendment to Part 35 submitted by Western Union would permit 52 percent of the investment tax credit to be set up on the books in a deferred tax account with an offsetting amount added to operating taxes. The remaining 48 percent of the credit would be permitted to "flow through" to income. The deferred taxes under Western Union's proposal would be used over the life of the property to absorb the calculated additional taxes in subsequent years resulting from the lower property base used for tax depreciation allowance.

4. The notice pointed out that the Commission's Uniform Systems of Accounts, as presently worded, permit charges to the tax expense accounts only for the taxes actually payable and, with minor exceptions, arising out of operations during the current accounting period. If either A.T.&T.'s or W.U.'s requests were to be granted, it would involve a departure from this fundamental theory which underlies the present systems of accounts.

5. The notice listed the following basic ways to reflect investment tax credits in the accounts:

(a) "Flow-through" accounting, which would permit the investment credits to "flow through" immediately to net income. This would require no change in any of our systems of accounts.

(b) "Flow-through" accounting for 48 percent of the investment credits and normalization of 52 percent of such credits by setting up a reserve for deferred taxes. The contra entry to establish the reserve would be a charge to operating taxes (W.U.'s proposal).

(c) Normalization by entering the investment credits as a credit to the plant accounts<sup>1</sup> and charging operating taxes (A.T.&T.'s proposal).

The notice incorporated as appendices A.T.&T.'s and W.U.'s requests for rule making and asked for comments concerning the propriety of those proposals as well as any alternative accounting proposals which were deemed to be appropriate. Comments and briefs were also requested with respect to the intent of Congress in enacting the investment credit provisions of the Revenue Act of 1962 and the extent to which this Commission should recognize such intent in considering amendment of its accounting rules. Comments were also requested on whether, if we were to amend our telephone and wire-telegraph and ocean-cable systems of accounts, like amendments, in principle, should be made to the uniform systems of accounts for small telephone companies and for radiotelegraph carriers. The notice also stated that whether or not amendments

<sup>1</sup> Another method of accomplishing full normalization would be to credit an offsetting reserve.

are made in our accounting rules as a result of this proceeding, we intend to amend our common carrier annual report forms (Forms M, O and R) to the extent, if any, necessary to disclose clearly therein the amounts of the investment credits received and how they are being accounted for.

6. Twenty-six comments were received. Six comments, representing the views of five state commissions and the Administrator of General Services, favored "flow-through" accounting. One carrier, in addition to the original request of WU, favored partial normalization which would allow 48 percent of the credit to "flow through" and defer the remaining 52 percent. Eighteen comments favored full normalization but did not all agree on the method of accounting to accomplish such normalization. Some of these eighteen favored a direct credit to plant, one favored crediting a deferred credit account, several did not specify the method of accounting they favored to accomplish the full normalization, and others were agreeable to either a direct credit to plant or a credit to an account offsetting the gross plant investment. Of the eighteen favoring full normalization, five were from carriers or groups of carriers, ten were from state commissions, two were from public accounting firms and the other was from the American Institute of Certified Public Accountants. One State commission favored uniformity of accounting by Federal agencies consistent with accounting previously prescribed in similar situations. The six comments favoring "flow-through" accounting were from the Wisconsin Public Service Commission, Alabama Public Service Commission, California Public Utilities Commission, New Hampshire Public Utilities Commission, New York Public Service Commission, and the Administrator of General Services. The comment favoring 48 percent "flow through" and 52 percent normalization was from RCA Communications, Inc. The eighteen comments<sup>2</sup> favoring full normalization were A.T. and T., American Cable and Radio Corporation, General Telephone and Electronics Corporation, Hawaiian Telephone Company, United States Independent Telephone Association, Arizona Corporation Commission, Delaware Public Service Commission, Florida Railroad and Public Utilities Commission, Massachusetts Department of Public Utilities, Minnesota Railroad and Warehouse Commission, Montana Board of Railroad Commissioners, New Mexico State Corporation Commission, North Dakota Public Service Commission, South Dakota Public Utilities Commission, Virginia State Corporation Commission, American Institute of Certified Public Accountants, Arthur Andersen and Co., and Lybrand, Ross Bros. and Montgomery. The comment favoring uniformity of accounting was from the Washington Utilities and Transportation Commission. The only comment received in reply to the original com-

<sup>2</sup> The Illinois Commerce Commission, while not filing comments, appeared at the oral argument in favor of full normalization.

ments was received from A.T. and T. This comment was primarily a rebuttal of the arguments for "flow through." The comments that were submitted were quite extensive and no detailed summary of such comments is incorporated herein. However, the arguments included in such comments have been fully considered.

7. The comments have dwelt at some length on the so-called legislative intent behind the investment tax credit and many of them have implied that the Commission is precluded by such legislative intent from judging the appropriate accounting on the merits in accordance with sound public utility regulatory principles. We do not agree with this implication. It appears to us on the contrary that Congress fully intended that the tax legislation here involved should fit into the normal regulatory scheme. In this connection, analysis of the legislative history in light of the comments referred to is indicated. Under section 220 of the Communications Act, the Commission is given plenary powers to prescribe accounting procedures for carriers subject to its jurisdiction. It is axiomatic that amendment or repeal of a statute by indirect implication is not favored. *Georgia v. Pennsylvania Railroad Company*, 324 U.S. 439, 456-7; *Sweetman v. Remington Rand*, 65 F. Supp. 940; 82 C.J.S. § 419. The necessary inference to be drawn from those comments which would preclude the Commission's judgment of the regulatory treatment to be accorded the tax credit is that Congress intended by the tax statute to amend or repeal that portion of the Communications Act which gives the Commission authority to prescribe accounting methods. Aside from the fact that there was no such express statement either in the statutory enactment itself or the record of the legislative proceedings leading up to such enactment, there are several clear indications in the legislation and its history leading to a contrary conclusion. One clear indication of Congress' thinking stems from the fact that several parties testifying in the congressional hearings (most of whom filed comments in favor of full normalization in this proceeding) advocated that the legislation contain express provisions requiring that the tax benefits conferred be spread over the entire life of the assets which provided the measure of such benefits. Congress did not see fit to include such provisions.

8. Another clear indication that Congress intended the tax credit to be compatible with, and not in derogation of, the existing regulatory scheme is found in the House Ways and Means Committee report wherein it explains the reason for the difference in the percent of credit allowed most regulated public utilities versus other enterprises. The report states:

The investment credit in the case of most regulated public utilities is in effect 4 percent rather than 8 percent. The smaller credit is provided in such cases because much of its benefit in these regulated industries is likely to be passed on in lower rates to consumers, thereby negating much of the stimulative effect on investments. Moreover, the size of the investment in regulated public utilities, such as electric companies, local gas compa-

nies, telephone companies, etc., will in large part be determined by the growth of other industries, rather than their own.<sup>3</sup>

A.T. & T., which is the only one of those favoring full normalization to take note of this statement in its comments, attempts to explain this statement by suggesting that the House Committee really meant that rate payers would obtain the lower rates mentioned by virtue of the fact that the credit would reduce the rate base and thus increase the rate of return. We believe, however, that if the Committee had had in mind only this indirect effect, it would have stated it as such and would not have couched its explanation in terms of "passing on" the benefit of the credit in lower rates to consumers. The only possible way in which "much" of the benefit of the credit can be passed on immediately to consumers is by the "flow-through" technique.

9. The comments favoring full normalization would have us interpret literally the several statements contained in the legislative history that the tax credit in effect reduces the cost of the new plant. The fallacy of such a literal reading is, of course, apparent since the cash outlay for new plant is the same with or without the tax credit. No benefits of the credit are realized until taxpaying time and then only as a reduction in the total amount of the tax paid. The real benefit and incentive to investment are the extra dollars made available at this time for, as will be pointed out later, such purposes as extra dividends, corporate growth through reinvestment, etc.

10. The question may well be asked as to how Congress intended the tax credit to be an investment incentive to utilities if the entire amount is to be passed along to consumers in the form of lower rates. The answer, of course, is that in most cases it will not all be passed on even under the "flow-through" principle. Only in the case of a utility which has already reached the upper limits of a reasonable rate of return is such a result possible, and even then rates cannot be reduced to give immediate effect to the reduction in taxes. In the case of marginal utilities, such as some railroads, for example, it may well be that none of the amount will be passed on to the consumer. It is this factor, present to some degree in the case of most utilities, of providing the means of increasing earnings and making it easier to obtain capital, both directly through retained earnings and indirectly through rendering its securities more attractive to investors, that constitutes the real incentive. It is worthy of note in this connection that the comptroller of A.T. & T., one of the petitioners in this proceeding, testified in opposition to any tax credit of this nature for utilities on the ground, *inter alia*, that it was not necessary to encourage the Bell System to construct additional plant. He pointed out that the Bell System has a duty to construct such plant as is necessary to provide service to its customers and that the Bell System companies had been successful in the past in raising suffi-

<sup>3</sup> H.R. Rep. No. 1447, supra, p. 8.

cient capital to finance the additional facilities required. Representatives of other utilities, including Western Union, however, spoke in favor of the legislation.

11. While not directly indicative of Congressional intent, it is interesting to note the interpretation placed on the legislation by the agency most concerned. The Internal Revenue Service in construing section 38 of the Code states as follows:

Under these circumstances, it would be inappropriate in computing earnings and profits to allow as a decrease thereto the gross amount of Federal income tax liability before reduction by the amount of the investment credit. Similarly, the adjustment to basis required by section 48 of the Code for the year the property is placed in service may not be reflected as a reduction in earnings and profits for such year.

(Rev. Rul. 63-63, I.R.B. No. 1963-15, P. 7)

12. One statement contained in the conference report (H.R. Rep. No. 2508 p. 14) requires comment. The statement is as follows:

It is the understanding of the conferees on the part of both the House and the Senate that the purpose of the credit for investment in certain depreciable property, in the case of both regulated and nonregulated industries, is to encourage modernization and expansion of the Nation's productive facilities and to improve its economic potential by reducing the net cost of acquiring new equipment, thereby increasing the earnings of the new facilities over their productive lives.

The proponents of a "normalization" approach urge that this language indicates a Congressional intent to require the treatment of the tax credit which they advance. We disagree. The language quoted is, of course, one way of describing the general effect which Congress hoped to achieve. The suggestion, however, is that this description implies a Congressional intent that the credit granted should never, in any circumstances, be passed on to the consumer in the form of lower rates, except by way of reduced depreciation charges and reduced earnings requirements over the life of the plant involved. No language preceding or following in the Conference Report suggests such an interpretation. And the other pertinent indications of legislative intent, including the failure of Congress to include specific statutory language on the point although requested to do so, are to the contrary. In light of all the circumstances, we do not think such a drastic construction is warranted by a single detached statement.

13. In view of the foregoing, it appears that Congress did not intend to tie the Commission's hands in carrying out its regulatory functions. One of those functions, imposed by section 220 of the Communications Act, is the prescription of the accounts to be maintained by carriers subject to its jurisdiction. It appears that the Commission is free to consider the proper accounting for the investment tax credit on its own merits with due regard for sound accounting and regulatory principles. Here it is appropriate to em-

phasize that this is an accounting, rather than a rate making, proceeding.

14. Extensive arguments were included in the comments received and/or in the original requests for rulemaking in favor of each of the three basic methods of accounting that were offered for comment. After considering all of the comments received, we believe it appropriate to analyze the true nature of the investment tax credit as a persuasive guide in deciding the proper accounting to be followed. In this connection, if the investment tax credit is viewed as a reduction in taxes, it would appear that the only appropriate accounting method would be "flow through." If the investment credit is viewed as a tax deferral which can be accurately determined, then only 52 percent of the investment tax credit represents a deferral of taxes. Under this theory, the remaining 48 percent would be a reduction in taxes and could be appropriately accounted for only by letting it "flow through" to income. However, if the investment tax credit is viewed as a reduction in the cost of plant resulting from either a contribution by the government towards the construction of plant or a reduction in taxes applicable to construction that should be capitalized negatively, then the only accounting which would seem appropriate would be full normalization by a credit to plant or a variation thereof such as by a credit to a deferred credit account or to an offsetting reserve.

15. It is our view that the investment tax credit represents a reduction of income taxes and should be so recorded in the accounts. The Revenue Act of 1962 specifically provides that the Federal income tax liability shall be reduced by the amount of the investment tax credit. The amount of the tax due the Government is determined after deductions of the credit. The deduction of the investment tax credit does not appear to be any different than other deductions such as the foreign tax credit, the dividends received credit for individuals and the credit from regulated investment companies which are deducted to determine the income tax liability. The qualified property on which the credit is based is merely a convenient tool used to compute the dollar amount of the tax reduction intended by Congress. The same effect, that is, the reduction of the amount of the income tax, could have been accomplished by some other means such as a reduction in the income tax rates. The fact that the basis of the property is reduced to compute depreciation for tax purposes is merely a method adopted by Congress to avoid duplication of a portion of the tax reduction derived from the investment tax credit over future years.

16. The avowed purpose of the investment credit, to encourage the modernization and expansion of productive facilities and thus to stimulate the economy, is accomplished by reducing the taxes payable by those taxpayers who construct or acquire such qualifying plant. The reward for adding such plant is actual cash in hand as the result of the lower income tax which must be paid.

The benefit is received currently in fewer dollars paid out in taxes thus providing more stimulation for reinvestment than if spread over the life of the property. The law, however, does not restrict the manner in which the tax reduction should be used. It can be used to pay dividends, reduce prices, build additional plant or for whatever other purpose the taxpayer wishes. The increased earnings resulting from the tax reduction will tend to stimulate the economy however they are used. If paid out in dividends, the recipient of the dividends can buy additional goods or reinvest the funds received as dividends. If used to reduce prices, the consumer can use the amount of the price reduction for the same purposes. If retained by the taxpayer, the funds can be reinvested in additional plant facilities and the increased earnings reported in the financial statements may also tend to stimulate the economy. Thus it appears to us that the true nature of the credit is best reflected by the increased earnings resulting from the tax reduction.

17. The foregoing view is also in accord with this Commission's position, which is a well settled one over the years in commission and court decisions, that the actual results of operations should be reflected in the accounts. For rate making purposes, it may be necessary at times to make adjustments to the reported results of operations to remove the effect of abnormal or unusual occurrences. This can and should be done without altering the records of actual results reflected in the accounts. However, we cannot agree that the Federal income tax account or any other expense account should contain amounts for income tax liabilities not actually incurred. Likewise, the net income resulting from this tax reduction, which, like the rest of the net income from operations is not restricted, should not be obscured by including in the accounts, amounts for taxes or other expenses not actually paid or incurred.

18. It is argued by some that inasmuch as the investment tax credit must be deducted from the cost of plant in computing depreciation expenses for tax purposes in future years, provisions for such future taxes should be reflected in the accounts currently, on the theory that the income taxes may be higher in future years as a result of the reduced tax basis of the plant used to compute depreciation for tax purposes. However, it is not possible to predict what the actual amount of such higher taxes will be over the future life of the plant. A number of factors can change the effect of this aspect of the law. If the tax rate is changed the amount of the tax effect of this part of the law will change. Changes in the tax rates are currently being discussed by Congress. If a taxable loss is suffered by the taxpayer in future years, the lower amount of depreciation for tax purposes may not result in any more taxes being paid. If there is a decline in profits, a lower tax rate may be applicable to the taxable income arising from the lower depreciation expenses computed for tax purposes. With continued plant expansion, any

higher taxes due to lower depreciation expenses are likely to be more than offset by the investment tax credit in future years as additional qualifying property is constructed or acquired. The theoretical higher taxes which are supposed to result from the investment credit would thus be postponed indefinitely into the future. Even without continued plant expansion, which is and for the foreseeable future will be typical of the industry, the average life of communications property is so long that it is inconceivable that an accurate prediction of the ultimate future tax effect could be made. We do not believe that current taxes actually paid and the resulting net income should be altered on such speculative possibilities of higher taxes in the future years. At most, the prospects of such higher taxes in future years is a contingent liability which we do not believe should be reflected in the accounts.

19. Inasmuch as we are convinced that the investment credit is a reduction in the total amount of income taxes and should be so reflected in the accounts, it follows, of course, that we do not believe the plant accounts should be reduced by such credit. We consider the property constructed or acquired as merely a measuring device used to compute the reduction in the income tax liability. Furthermore, the actual original cost of equipment with respect to which an investment tax credit has been received, is no different from the original cost of identical equipment purchased in prior years at the same cost with respect to which no investment tax credit has been received. Likewise, the original cost of equipment qualifying for the investment tax credit is no different, for comparable units, from the original cost of plant additions which do not qualify for the investment tax credit. Moreover, we do not believe that the original cost of equipment recorded in the accounts should reflect the fluctuation which may result from any subsequent changes which may be made in the formula used to compute the amount of the investment tax credit. We are convinced, therefore, that our original cost concept should be preserved and no reduction should be recorded, either directly or indirectly, in the plant accounts with respect to the investment tax credit.

20. It is also argued that the accounting in the books should be consistent with the tax treatment required in connection with the future depreciation of the qualified property. We recognize that it is more convenient to have the prescribed accounting for book purposes the same as that required for tax purposes. However, we do not consider this feature of sufficient importance to affect our basic concept of the proper accounting which should be accorded the investment tax credit. If in all other respects, the arguments for two approaches to accounting were equal, then we might be persuaded by the desirability of consistent treatment because of the savings in work and record keeping. In the instant case, however, we are firmly convinced that the original cost in the property accounts should be maintained. We are also mindful of other instances where the prescribed accounting treatment on the books differs from the treatment for tax purposes, such as, capitalization of interest during construction, payroll taxes and other labor costs connected with construction. It does not appear, therefore, that the argument of consistency of treatment between book and tax accounting is of sufficient weight to affect our decision herein.

21. Also, while it may be desirable to prescribe accounting which will coincide with the rate-making treatment to be accorded items affecting income and the balance sheet, such procedure is not always practicable, particularly where rate making decisions have not yet been made. In such circumstances, we believe that the accounting should be prescribed on its own merits in such manner that full information will be available for any rate treatment which may be deemed appropriate when rate making decisions occur. This proceeding is purely an accounting matter and the Commission is not deciding at this time what rate-making treatment will be accorded by this Commission to investment tax credits. In view of the differences of opinion among the State Commissions who filed comments in this proceeding, it appears that different rate treatment will probably be accorded the investment tax credit in various jurisdictions. We

believe that "flow-through" accounting will provide more useful data and require the maintenance of less supplementary records than either of the other basic accounting methods herein considered. It offers the further advantage of simplicity in accounting since no special entries are required. Any regulatory authority having rate jurisdiction may order such supplemental records to be maintained as it sees fit, which may involve reservations of surplus to implement the rate-making policy.

22. In view of the foregoing and after full consideration of all the comments received as well as other information which is available to the Commission, we conclude that the proper accounting with respect to the investment tax credit arising from both owned and leased property is to account for it as a reduction in income taxes and let such reduction flow through to operating income. As stated in the notice of proposed rule making in this proceeding, we have interpreted all of our uniform systems of accounts as presently requiring "flow-through" accounting. Consequently, no amendments to our systems of accounts will be ordered herein.

23. Separate instructions will be issued with respect to disposition of any amounts carried in the "other deferred credits" accounts that were accrued therein with respect to investment tax credits under the waiver of our Rules for which permission was granted in order released November 20, 1962.

24. In view of the foregoing: *It is ordered*, That the proceeding in Docket No. 14850 is terminated with respect to proposed changes in the uniform systems of accounts.

Adopted: July 29, 1963.

Released: July 31, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-8425; Filed, Aug. 7, 1963;  
8:49 a.m.]

<sup>4</sup> Commissioners Lee and Ford dissenting and dissenting statement of Commissioner Hyde is filed as part of the original document.

# Notices

## DEPARTMENT OF STATE

Agency for International Development  
DIRECTOR, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT MISSION TO HONDURAS

### Delegation of Authority To Sign Special Letter of Credit Implementation Memorandum

Pursuant to the authority delegated to me by the Deputy Assistant Administrator for Capital Development, Bureau of Latin America, I hereby delegate to the Director, United States Agency for International Development Mission to Honduras, authority to sign Special Letter of Credit Implementation Memorandum with the Banco Central of Honduras.

The authority delegated herein may not be redelegated.

AGENCY FOR INTERNATIONAL DEVELOPMENT,  
STANLEY I. GRAND,  
*Deputy Director  
for Capital Development.*

JULY 29, 1963.

[F.R. Doc. 63-8464; Filed, Aug. 7, 1963; 8:55 a.m.]

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-s]

### VITAL WHEAT GLUTEN FROM CANADA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

AUGUST 2, 1963.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of vital wheat gluten imported from Canada, manufactured by The Ogilvie Flour Mills Co., Limited, 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 this merchandise from Canada, manufactured by The Ogilvie Flour Mills Co., Limited, pursuant to § 14.9 of the Customs Regulations (CFR 14.9).

[SEAL]

PHILIP NICHOLS, Jr.  
*Commissioner of Customs.*

[F.R. Doc. 63-8476; Filed, Aug. 7, 1963; 8:58 a.m.]

## DEPARTMENT OF DEFENSE

Department of the Army  
U.S. ARMY CLAIMS SERVICE

### Notice of Redesignation

Notice is hereby given that pursuant to section II, General Orders No. 10, Headquarters, Department of the Army, Washington 25, D.C., dated March 7, 1963, the Claims Division, Office of The Judge Advocate General, U.S. Army (9927), a class II activity of The Judge Advocate General, located at Fort Holabird, Baltimore, Maryland, was redesignated the U.S. Army Claims Service, Office of The Judge Advocate General (9927), a class II activity of The Judge Advocate General, effective March 1, 1963. (Reference Title 32, Code of Federal Regulations, Part 536)

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

[F.R. Doc. 63-8434; Filed, Aug. 7, 1963; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

MATERIALS AND EQUIPMENT CONTRACTS

### Redelegations of Authority

The Redelegations of Authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823), as amended May 24, 1961 (26 F.R. 4460), August 4, 1961 (26 F.R. 7019), October 7, 1961 (26 F.R. 9520), March 27, 1962 (27 F.R. 2811), May 12, 1962 (27 F.R. 4565), February 2, 1963 (28 F.R. 1071), and April 26, 1963 (28 F.R. 4144), are hereby amended as follows:

Section 12, *Materials and Equipment Contracts*, is amended by the addition of paragraph d, to read as follows:

12. *Materials and Equipment Contracts.*

a. The Chief of Supply, without monetary limitation, may:

(1) execute contracts, amendments to contracts, and procurement transactions for materials, equipment and services, including the exchange or sale of personal property for replacement purposes, except personal services and services in connection with the transfer or transmission of electrical energy;

(2) execute contracts and amendments to contracts for the disposal of surplus property, except electric utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as

amended (63 Stat. 378, as amended, 40 U.S.C. 471, et seq.);

(3) authorize the publication of advertisements, notices, or proposals, pursuant to section 3828 of the Revised Statutes (16 Stat. 308, 44 U.S.C. 324).

b. The Head of the Procurement Section may exercise the authority delegated to the Chief of Supply when the amount involved does not exceed \$50,000.

c. The Purchasing Agents each may exercise the authority delegated by paragraphs a(1) and a(3) of this section when the amount involved does not exceed \$2,500.

d. The Head of the Inspection Section is designated the authorized representative of the contracting officer with regard to the inspection and expediting functions of the administration of materials and equipment contracts. As authorized representative, he may exercise the contracting officer's authority to approve changes in contract technical provisions with the consent of the designer or user as appropriate, direct extra work, increase or decrease quantities, and approve changes in delivery time in connection therewith, when the net increase or decrease in the contract amount does not exceed \$500 in any one instance.

(Secretary's Order No. 2830, 23 F.R. 7127; 205 DM 9.3; 205 DM 9.4; 404 DM 1; 205 DM 5.1)

Dated: July 30, 1963.

CHARLES F. LUCE,  
*Administrator.*

[F.R. Doc. 63-8445; Filed, Aug. 7, 1963; 8:52 a.m.]

Bureau of Land Management

UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 1, 1963.

Notice of an application Serial No. Utah 017815, for withdrawal and reservation of lands was published as Federal Register Document No. 56-2181 in the issue for March 22, 1963. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on August 20, 1963, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SALT LAKE MERIDIAN

T. 26 S., R. 11 E.,  
Sec. 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3: S $\frac{1}{2}$ S $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 4: S $\frac{1}{2}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 9: All;  
Sec. 10: All;  
Sec. 11: W $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 14:  $W\frac{1}{2}W\frac{1}{2}$ ;  
 Sec. 15: All;  
 Sec. 16: All;  
 Sec. 21: All;  
 Sec. 22: All;  
 Sec. 23:  $W\frac{1}{2}W\frac{1}{2}$ ;  
 Sec. 26:  $W\frac{1}{2}W\frac{1}{2}$ ;  
 Sec. 27: All;  
 Sec. 28: All.

Total area 6,440 acres.

R. D. NIELSON,  
 State Director.

[F.R. Doc. 63-8449; Filed, Aug. 7, 1963;  
 8:52 a.m.]

## MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 2, 1963.

The Bureau of Reclamation, Department of the Interior has filed an application, Serial Number Montana 056118 for the withdrawal of the lands described below, from all forms of appropriation except the mineral leasing laws. The applicant desires the land for the construction, operation and maintenance of the proposed Knowles Dam and Reservoir. Development of the dam and reservoir will involve power, irrigation, flood control, fish and wildlife, and recreation benefits.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The proposed withdrawal would close only those public lands in the following list which are now subject to appropriation under the public land laws. The total list reflects both public and private lands which would be included in the Knowles Project:

#### PRINCIPAL MERIDIAN, MONTANA

T. 25 N., R. 18 W.,  
 Sec. 15,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
 Sec. 16,  $SE\frac{1}{4}$ ;  
 Sec. 21,  $E\frac{1}{2}$ ;  
 Secs. 22 and 23;  
 Secs. 26 and 27.  
 T. 19 N., R. 19 W.,  
 Secs. 6 and 7.  
 T. 20 N., R. 19 W.,  
 Sec. 31, All.  
 T. 18 N., R. 20 W.,  
 Sec. 4, All;  
 Sec. 5,  $E\frac{1}{2}E\frac{1}{2}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ;  
 Secs. 9, 10 and 11;  
 Sec. 14,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  
 $W\frac{1}{2}SW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ;  
 Secs. 15 and 16;  
 Sec. 21, All;  
 Sec. 22,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  
 $N\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 28,  $N\frac{1}{2}NW\frac{1}{4}$ ;  
 Sec. 30,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
 Sec. 31,  $N\frac{1}{2}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ;

Sec. 32,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ .  
 T. 19 N., R. 20 W.,  
 Sec. 1,  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 3,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 4,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Secs. 9 and 10;  
 Sec. 11,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Secs. 12 to 15, inclusive;  
 Secs. 22 and 23;  
 Secs. 26 to 30, inclusive;  
 Sec. 31,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Secs. 32, 33 and 34.  
 T. 20 N., R. 20 W.,  
 Secs. 21 to 24, inclusive;  
 Sec. 25,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ ;  
 Sec. 26,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 27,  $SE\frac{1}{4}$ ;  
 Sec. 28, All.  
 T. 18 N., R. 21 W.,  
 Secs. 4 and 5;  
 Sec. 6,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  
 $SE\frac{1}{4}SW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 7,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 8, All;  
 Sec. 9,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}$ ,  
 $NW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 16,  $W\frac{1}{2}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
 Secs. 17 and 18;  
 Sec. 19,  $N\frac{1}{2}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 20,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 21, All;  
 Sec. 22,  $NW\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 25,  $S\frac{1}{2}S\frac{1}{2}$ ;  
 Sec. 26,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 27, All;  
 Sec. 28,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  
 $N\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 35,  $N\frac{1}{2}N\frac{1}{2}$ ;  
 Sec. 36,  $N\frac{1}{2}$ .  
 T. 19 N., R. 21 W.,  
 Sec. 5,  $NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 6, All;  
 Sec. 7, All;  
 Sec. 8,  $W\frac{1}{2}W\frac{1}{2}$ ;  
 Sec. 16,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
 Sec. 17,  $W\frac{1}{2}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
 Secs. 18, 19 and 20;  
 Sec. 21,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ ,  $NW\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
 Sec. 22,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 23,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ;  
 Secs. 25 to 33, inclusive;  
 Sec. 34,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ;  
 Sec. 35,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ;  
 Sec. 36,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ .  
 T. 20 N., R. 21 W.,  
 Sec. 7,  $W\frac{1}{2}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 8,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 15,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 16,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 17,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 18,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 19,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}S\frac{1}{2}$ ;  
 Sec. 20,  $E\frac{1}{2}E\frac{1}{2}$ ,  $NW\frac{1}{4}NE\frac{1}{4}$ ;  
 Sec. 21,  $E\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 22,  $W\frac{1}{2}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ ;  
 Sec. 28,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
 Secs. 29, 30 and 31;  
 Sec. 32,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ .  
 T. 21 N., R. 21 W.,  
 Sec. 6,  $W\frac{1}{2}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 7, All;  
 Sec. 8,  $W\frac{1}{2}$ ;  
 Sec. 17,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $SW\frac{1}{4}$   
 $SW\frac{1}{4}$ ;  
 Sec. 18, All;  
 Sec. 19,  $N\frac{1}{2}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 20,  $W\frac{1}{2}$ ;  
 Sec. 29,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ ;  
 Sec. 30,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  
 $N\frac{1}{2}SE\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 31,  $N\frac{1}{2}NW\frac{1}{4}$ .  
 T. 22 N., R. 21 W.,  
 Sec. 10,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 11,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ,  
 $SW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 15,  $E\frac{1}{2}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 16,  $SW\frac{1}{4}$ ;  
 Sec. 17,  $S\frac{1}{2}$ ;  
 Sec. 18,  $SE\frac{1}{4}$ ;  
 Sec. 19,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 20, All;  
 Sec. 21,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;

Sec. 22,  $NW\frac{1}{4}$ ;  
 Sec. 29,  $N\frac{1}{2}NW\frac{1}{4}$ ;  
 Sec. 30,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 31,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ .  
 T. 18 N., R. 22 W.,  
 Sec. 1,  $N\frac{1}{2}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 7,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
 Sec. 8,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
 Sec. 9,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
 Sec. 10,  $S\frac{1}{2}$ ;  
 Sec. 11,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 12,  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Secs. 13 to 16, inclusive;  
 Sec. 17,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 18,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ;  
 Sec. 21,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ;  
 Sec. 22,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ;  
 Sec. 23,  $N\frac{1}{2}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 24,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ .  
 T. 19 N., R. 22 W.,  
 Sec. 1, All;  
 Sec. 11,  $E\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Secs. 12 and 13;  
 Sec. 14,  $N\frac{1}{2}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 23,  $E\frac{1}{2}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ;  
 Secs. 24 and 25;  
 Sec. 26,  $E\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 36, All.  
 T. 20 N., R. 22 W.,  
 Sec. 2,  $W\frac{1}{2}E\frac{1}{2}$ ,  $W\frac{1}{2}$ ;  
 Sec. 3,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 5, All;  
 Secs. 6, 7 and 8;  
 Sec. 10,  $E\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 11,  $W\frac{1}{2}$ ;  
 Sec. 13,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 14, All;  
 Sec. 15,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Secs. 17 to 20, inclusive;  
 Sec. 21,  $S\frac{1}{2}$ ;  
 Sec. 22,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Secs. 23 and 24;  
 Sec. 25,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 26,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ ;  
 Secs. 27 to 33, inclusive;  
 Sec. 34,  $N\frac{1}{2}$ ;  
 Sec. 36,  $E\frac{1}{2}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ .  
 T. 21 N., R. 22 W.,  
 Sec. 1,  $E\frac{1}{2}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ;  
 Sec. 12,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 19, All;  
 Sec. 25,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Secs. 29, 30, 31 and 32;  
 Sec. 35,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 36,  $N\frac{1}{2}$ ,  $SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ .  
 T. 22 N., R. 22 W.,  
 Sec. 24,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 25, All;  
 Sec. 26,  $E\frac{1}{2}$ ;  
 Sec. 35,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 36, All.  
 T. 18 N., R. 23 W.,  
 Sec. 2,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
 Sec. 3,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  
 $W\frac{1}{2}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 4, All;  
 Sec. 5,  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 9,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ;  
 Sec. 10,  $N\frac{1}{2}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  
 $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 11,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 12,  $S\frac{1}{2}$ ;  
 Sec. 13,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;  
 Sec. 14,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  
 $N\frac{1}{2}SE\frac{1}{4}$ ;  
 T. 19 N., R. 23 W.,  
 Sec. 18,  $SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 19,  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  
 $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
 Sec. 20,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
 Sec. 29,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  
 $SW\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 30,  $NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 31,  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
 Sec. 32,  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
 Sec. 33,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}N\frac{1}{2}$ ,  $S\frac{1}{2}$ ;  
 Sec. 34,  $NW\frac{1}{4}NW\frac{1}{4}$ .  
 T. 20 N., R. 23 W.,  
 Secs. 1 and 2;  
 Secs. 11, 12 and 13;  
 Secs. 24 and 25.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 21 S., R. 72 W.  
Sec. 29; SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Lot No.	Acres	Appraised value	Right-of-way width and location along boundary		
			15 feet	25 feet	50 feet
3	1.27	\$1,000	East	West, north	West side centerline county road.
4	1.27	1,000	West	North	East side centerline county road.
5	2.10	1,000	West	do	West side centerline county road.
14	1.42	1,000	West	do	do
13	1.27	1,000	East	West	do
17	1.27	1,000	East	do	do
18	1.27	1,000	East	do	do
19	2.04	1,000	East	do	do
20	1.28	1,000	do	do	do
29	1.28	1,000	do	do	do
30	1.79	1,000	do	do	do
31	1.22	1,000	do	do	do
32	1.27	1,000	West	do	do
33	1.83	1,000	West	do	do
34	1.26	1,000	East	do	do
35	1.26	1,000	do	do	do
44	1.28	1,000	do	do	do
45	1.28	1,000	do	do	do
46	2.10	1,400	do	do	do
47	1.50	1,200	do	do	do
48	2.13	1,100	do	do	do
49	1.26	1,000	do	do	do
50	1.26	1,000	do	do	do
59	1.25	1,000	do	do	do
60	1.25	1,000	West	do	do
61	1.26	1,000	East	do	do
62	1.26	1,000	West	do	do

T. 21 S., R. 72 W.; Sec. 30; NE $\frac{1}{4}$ SE $\frac{1}{4}$

7	1.24	1,000	West	East	
8	1.24	1,000	East	West	
10	1.24	800	do	do	
11	1.24	600	do	do	
12	1.24	800	East	do	
13	1.24	1,000	West	do	
14	1.24	1,000	do	do	
15	1.24	1,000	West	do	
16	1.24	1,000	East	do	
17	1.24	800	do	do	
18	1.24	800	do	do	
19	1.24	800	do	do	
20	1.24	800	East	do	
21	1.24	1,000	West	do	
22	1.23	1,000	do	do	
23	1.23	1,000	do	do	
24	1.23	1,000	West	do	
25	1.24	800	East	do	
26	1.24	600	do	do	
27	1.24	800	do	do	
28	1.23	800	East	do	
29	1.23	1,000	West	do	
30	1.23	1,000	do	do	
31	1.23	1,000	do	do	
32	1.23	800	West	do	
33	1.23	800	East	do	
34	1.23	800	do	do	
35	1.23	800	do	do	
36	1.23	800	do	do	
37	1.23	1,000	West	do	
38	1.23	1,000	East	do	

The above numbered lots are portions of areas formerly described as Section 29; SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; Section 30; NE $\frac{1}{4}$ SE $\frac{1}{4}$ . The subject lands are approximately 3 $\frac{3}{4}$  miles north of Westcliffe, Colorado, and immediately south of De-

T. 21 N., R. 23 W.,  
Secs. 9, 10 and 11;  
Secs. 13, 14 and 15;  
Secs. 23, 24 and 25;  
Sec. 36, All.

No. 154-13

T. 18 N., R. 24 W.,  
Sec. 1, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 2, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 4, S $\frac{1}{2}$ ;  
Sec. 5, S $\frac{1}{2}$ ;  
Sec. 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 7, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ ;  
Sec. 9, N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 11, W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 19 N., R. 24 W.,  
Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 23 N., R. 24 W.,  
Sec. 2, W $\frac{1}{2}$ ;  
Sec. 3, All;  
Sec. 10, All;  
Sec. 15, All;  
Sec. 16, E $\frac{1}{2}$ ;  
Sec. 21, E $\frac{1}{2}$ ;  
Sec. 22, All;  
Sec. 23, W $\frac{1}{2}$ ;  
Sec. 25, W $\frac{1}{2}$ ;  
Sec. 26, All;  
Sec. 27, E $\frac{1}{2}$ ;  
Sec. 34, NE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ ;  
T. 24 N., R. 24 W.,  
Sec. 22, All;  
Sec. 26, W $\frac{1}{2}$ ;  
Sec. 27, All;  
Sec. 34, All;  
Sec. 35, W $\frac{1}{2}$ ;  
T. 18 N., R. 25 W.,  
Secs. 1 and 2;  
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

The areas described aggregate approximately 130,000 acres.  
R. PAUL RIGTRUP,  
Manager, Land Office.  
[F.R. Doc. 63-8478; Filed, Aug. 7, 1963;  
8:59 a.m.]

[Classification No. 38]

COLORADO

Small Tract Opening

1. Effective immediately, Classification Order No. 33, F.R. Doc. 60-7193, appearing on pages 7288-7289 of the issue for August 3, 1960, is opened to provide for sale of the following described lands, followed by continuing sale of unsold tracts:

Weese Reservoir. The area is gently sloping sandy uplands with sagebrush and grass cover. Elevation is approximately 7800 feet. The area receives considerable amounts of snow in the winter months. There is no domestic water presently available on these lots; however, water wells in the area generally run from 50 to 100 feet in depth. A county road leads into the small tract area and crosses some of the lots.

3. Sale of these lots will be integrated into the weekly small tract auction schedule by the Land Office Manager, Denver, Colorado. Unsold lots will be offered at following weekly auctions.

4. The sale of these tracts will be by lot number, and the minimum appraisal of each tract is indicated above. The tracts will be subject to all existing rights-of-way of record, and rights-of-way for roads, streets and public utilities in accordance with 43 CFR 257.17(b), will be reserved as described above.

5. Persons who have previously acquired a tract under the small tract act are not qualified to secure a tract opened under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. All inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, Room 700, Gas and Electric Building, 910 15th Street, Denver, Colorado.

W. F. MEEK,  
Land Office Manager.

[F.R. Doc. 63-8447; Filed, Aug. 7, 1963;  
8:52 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 1, 1963.

The Department of Defense has filed an application, Serial Number Riverside 03517, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposals of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for use by the United States Department of the Navy to provide a safety zone for the existing United States Marine Corps Rifle Range, Barstow, California, to meet the requirements of current criteria governing such facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, California, 92502. All submittals should be in triplicate.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,

Sec. 23;

Sec. 24, except that portion of the NE $\frac{1}{4}$  described as follows:

Beginning at the northeast corner of said Section 24, thence south 1°44'13" E., along the east line of said Section, 66.01 feet to an intersection with the southerly right-of-way line of the frontage road adjacent to U.S. Highway No. 66, as said right-of-way line is shown on California State Division of Highway right-of-way map, District VIII, County SBd, Route 58, Section E, sheet Nos. 17 and 18; thence along said right-of-way line as follows: South 89°17'53" W., 333.32 feet; south 75°26'31" W., 154.50 feet; north 70°23'53" W., 106.62 feet; south 89°17'53" W., 961.49 feet; north 63°53'46" W., 146.36 feet to an intersection with the north line of said Section 24; thence leaving said right-of-way line, North 89°17'53" E., along the north line of said Section 24, 1674.25 feet to the point of beginning.

Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$ .

T. 9 N., R. 1 E.,

Sec. 19, That portion of the N $\frac{1}{2}$  described as follows:

Beginning at the W $\frac{1}{4}$  corner of said Section 19, thence north 1°44'13" W., along the west line of said Section 19, 1567.38 feet; to an intersection with the southerly right-of-way line of the frontage road adjacent to U.S. Highway No. 66, as said right-of-way line is shown on California State Division of Highway right-of-way map, District VIII, County SBd, Route 58, Section E, sheets Nos. 19, 20, 21, and 22; thence along said right-of-way line as follows:

North 89°17'53" E., 134.25 feet to the beginning of a tangent curve to the right, having a radius of 967.00 feet and a central angle of 14°08'47"; thence easterly along the arc of said curve 238.75 feet; south 76°33'20" E., 4935.52 feet; south 31°33'18" E., 70.71 feet; north 89°24'28" E., 65.97 feet; north 45°01'

31" E., 39.91 feet to an intersection with the east line of said Section 19, thence leaving said right-of-way line, south 0°33'16" E., along said east line, 127.52 feet to the E $\frac{1}{4}$  corner of said Section 19; thence north 89°36'29" W., along the center line of said Section 19, 5264.47 feet to the point of beginning.

The areas described aggregate approximately 1,527.04 acres.

CHARLES L. SCHAEFER,  
Acting Manager,  
Land Office, Riverside.

[F.R. Doc. 63-8450; Filed, Aug. 7, 1963;  
8:52 a.m.]

National Park Service

[Order No. 2]

ASSISTANT SUPERINTENDENT ET AL.,  
CAPE HATTERAS NATIONAL SEASHORE

Delegation of Authority Regarding  
Execution of Contracts for Supplies,  
Equipment or Services

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of \$50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any area administered by the Superintendent of Cape Hatteras National Seashore.

SEC. 2. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any area administered by the Superintendent of Cape Hatteras National Seashore.

SEC. 3. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Assistant in behalf of any area administered by the Superintendent of Cape Hatteras National Seashore.

SEC. 4. *Supply Assistant.* The Supply Assistant may execute and approve

contracts not in excess of \$300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Supply Assistant in behalf of any area administered by the Superintendent of Cape Hatteras National Seashore.

SEC. 5. *Revocation.* This order supersedes Order No. 1, issued January 11, 1963.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535, 16 U.S.C., Sec. 2, Southeast Region Order No. 3 (21 F.R. 1493))

Dated: July 12, 1963.

JAMES B. MYERS,  
Superintendent,  
Cape Hatteras National Seashore.

[F.R. Doc. 63-8451; Filed, Aug. 7, 1963;  
8:53 a.m.]

Office of the Secretary  
POJOAQUE PUEBLO RESERVATION,  
NEW MEXICO

Resolution Legalizing the Introduction,  
Sale or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session; 67 Stat. 586), I certify that Pojoaque Pueblo Council Resolution was enacted on March 13, 1963, determining that the introduction, sale and possession of intoxicating beverages shall be lawful in accordance with the laws of the State of New Mexico on the Pojoaque Pueblo Reservation, New Mexico. Relevant portions of the Resolution read as follows:

"Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and

"Whereas at a special general meeting of the adult membership of the Pueblo of Pojoaque called by the Pueblo Governor on March 13, 1963, the membership by a vote of eleven (11) for, and ten (10) against, requested the tribal council to enact a resolution providing that the introduction, sale or possession of intoxicants

cating beverages shall be lawful within the lands under the jurisdiction of the Pojoaque Pueblo Tribe, and further, that such introduction, sale or possession be in conformity with the laws of New Mexico.

"Therefore, be it enacted by the Pojoaque Pueblo Council that said introduction, sale or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Pojoaque Pueblo Tribe of the Pojoaque Pueblo Reservation: Provided that such introduction, sale or possession is in conformity with the laws of New Mexico.

"Be it further enacted that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed."

STEWART L. UDALL,  
Secretary of the Interior.

AUGUST 1, 1963.

[F.R. Doc. 63-8452; Filed, Aug. 7, 1963; 8:53 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### NORTH GEORGIA FARMERS LIVESTOCK MARKET, INC., ET AL.

##### Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

North Georgia Farmers Livestock Market, Inc., Cumming, Ga.  
Eastern Indiana Livestock Auction, Ridgeville, Ind.  
Edgewood Sales Barn, Inc., Edgewood, Iowa.  
Faribault Livestock Sales, Faribault, Minn.  
Belen Livestock Commission Co., Inc., Belen, N. Mex.  
Madras Livestock Auction, Inc., Madras, Oreg.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1963.

JOHN R. BRANNIGAN,  
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 63-8469; Filed, Aug. 7, 1963; 8:56 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

#### DELTA STEAMSHIP LINES, INC.

##### Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc. has applied for an increase of sailings on its subsidized freight service on Trade Route 14, Service 2—U.S. Gulf/West Coast of Africa from a maximum of twenty-four sailings to a maximum of twenty-six sailings per annum.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on August 16, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 2, 1963.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 63-8473; Filed, Aug. 7, 1963; 8:58 a.m.]

#### DELTA STEAMSHIP LINES, INC.

##### Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc. has applied for an amendment to its Operating-Differential Subsidy Agreement (Contract No.

FMB-63) which, among other things, would permit this company to transport cargo between United States Gulf of Mexico ports and Barbados, British West Indies with its freight vessels operating on Essential Trade Route No. 20 (U.S. Gulf ports—East Coast South America).

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should, by the close of business on August 16, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 2, 1963.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 63-8474; Filed, Aug. 7, 1963; 8:58 a.m.]

## UNITED STATES LINES CO.

### Notice of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines Company, acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Departs New York	Ports of call	Returns New York
"SS United States"	1964 Feb. 8	Nassau, Cristobal, Curacao, St. Thomas.	1964 Feb. 10
"SS America"...	Feb. 28	St. Thomas, San Juan, Nassau.	Mar. 9
"SS America"...	Mar. 11	St. Thomas, Bermuda.	Mar. 19
"SS United States"	Mar. 26	Bermuda, Martinique, St. Thomas, Nassau.	Apr. 5
"SS America"...	Oct. 8	Bermuda.....	Oct. 13

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who de-

sires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C. by close of business on August 22, 1963.

In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 2, 1963.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 63-8475; Filed, Aug. 7, 1963;  
8:58 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-185]

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### Notice of Issuance of Facility License

Please take notice that no request for a formal hearing or a petition for leave to intervene having been filed following publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-93 to the National Aeronautics and Space Administration, authorizing operation of the Mock-Up Reactor located at the Plum Brook Ordnance Works, Sandusky, Ohio. The Commission has found that construction of the reactor has been completed in compliance with the terms and conditions of Construction Permit No. CPRR-62.

The license as issued was set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER June 29, 1963, 28 F.R. 6755.

Dated at Bethesda, Md., this 1st day of August 1963.

For the Atomic Energy Commission.

SAUL LEVINE,  
Chief, Test and Power Reactor  
Safety Branch, Division of  
Licensing and Regulation.

[F.R. Doc. 63-8432; Filed, Aug. 7, 1963;  
8:49 a.m.]

[Docket No. PRM-40-7]

### NATIONAL LEAD CO.

#### Marking Requirement for Counterweights Containing Uranium; Filing of Petition

Please take notice that National Lead Company, Nuclear Metals Division—Industrial Department, 1130 Central Avenue, Albany 5, New York has filed with the Commission a petition for rule making to amend Title 10, Code of Federal Regulations, Part 40 "Control of Source Material." The proposed amendment would delete from § 40.13 of 10 CFR Part 40 the marking requirements for counterweights containing uranium which are to be installed in aircraft, rockets, projectiles and missiles.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 1st day of August 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,  
Secretary.

[F.R. Doc. 63-8431; Filed, Aug. 7, 1963;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 13431 etc.]

### NATIONAL AIRLINES SERVICE TO FORT LAUDERDALE

#### Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter originally assigned to be held on August 27, 1963, is hereby postponed and will now be held on September 13, 1963, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., August 2, 1963.

[SEAL] RICHARD A. WALSH,  
Hearing Examiner.

[F.R. Doc. 63-8492; Filed, Aug. 7, 1963;  
8:59 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13338; FCC 63R-366]

### DIXIE RADIO, INC.

#### Memorandum Opinion and Order

In re application of DIXIE RADIO, INC., Brunswick, Georgia, Docket No. 13338, File No. BP-13854; for construction permit.

1. The Commission's Broadcast Bureau requests reopening of the record and enlargement of the issues to determine whether Dixie's proposed operation would be in contravention of § 3.35(a) of the Commission's rules.<sup>1</sup> The Bureau contends that Denver T. Brannen, a 99.4 percent stockholder in Dixie, is also the licensee of standard broadcast Station WPAP, Fernandina Beach, Florida, but the Dixie application does not reflect the ownership of WPAP, the license of which was assigned to Brannen on December 14, 1960. It argues that the 2 and 0.5 mv/m contours of the respective stations overlap, and urges that Dixie be ordered to submit sufficient field intensity measurement data, made and analyzed according to the Commission's rules, to demonstrate the extent of overlap that

<sup>1</sup> The Review Board has before it for consideration the Broadcast Bureau's petition to reopen the record and enlarge issues filed July 8, 1963, and the pleadings filed in response thereto.

would be involved with Station WPAP, citing Western Broadcasters, Inc. (FCC 62-1211, released November 27, 1962).

2. As to the timeliness of its petition, the Bureau argues that it had no basis until recently for suspecting that substantial overlap exists between the Dixie proposal and Station WPAP because of Dixie's failure to properly amend its application.

3. In its opposition, Dixie acknowledges that there is an overlap of contours and that its application should be amended. It states that it will file an amendment forthwith and that the omission had been inadvertent and not in any way intended to deceive or mislead the Commission. It further states that, should Dixie be granted a construction permit in the instant proceeding, Brannen will divest himself of his ownership interest in Station WPAP prior to the issuance of program test authority, citing Cookeville Broadcasting Company, 19 RR 742 (1960). In its reply, the Bureau states that, pursuant to the rationale of Virginia Regional Broadcasters, FCC 63R-188, it agrees that the issues need not be enlarged but that the construction permit should specify a condition.

4. Since Denver T. Brannen has expressed his intention to divest himself of ownership interest in Station WPAP and the Broadcast Bureau finds the procedure acceptable, the Bureau's petition for enlargement of issues to determine whether there would be a contravention of § 3.35(a) of the rules will be denied. However, the hearing designation order will be amended to incorporate a condition for divestiture of Brannen's interest in Station WPAP.

Accordingly, it is ordered, This 29th day of July 1963, that the petition to reopen the record and enlarge issues filed July 8, 1963, by the Commission's Broadcast Bureau is denied; and

It is further ordered, That the designation order (FCC 60-1478), released December 15, 1960, is amended by the addition of the following clause:

It is further ordered, That, in the event of grant of the application of Dixie Radio, Inc., the construction permit shall contain a condition that program tests will not be authorized until the permittee has shown that Denver T. Brannen has divested all interest in, and severed all connections with Station WPAP, Fernandina Beach, Florida.

Released: July 31, 1963.

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

[F.R. Doc. 63-8426; Filed, Aug. 7, 1963;  
8:49 a.m.]

[Docket No. 15135; FCC 63M-879]

### RAUL SANTIAGO ROMAN Order Scheduling Hearing

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

It is ordered, This 30th day of July 1963, that David I. Kraushaar will pre-

side at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., September 13, 1963.

Released: July 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 63-8427; Filed, Aug. 7, 1963; 8:49 a.m.]

[Docket No. 15132; FCC 63M-880]

S & S BROADCASTING CO. (WTAQ)

Order Scheduling Hearing

In re application of S & S Broadcasting Co. (WTAQ), La Grange, Illinois, Docket No. 15132, File No. BMP-10158; for construction permit.

*It is ordered,* This 30th day of July 1963, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., September 13, 1963.

Released: July 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 63-8428; Filed, Aug. 7, 1963; 8:49 a.m.]

[Docket No. 15116; FCC 63M-884]

WGUN, INC. (WGUN)

Order Continuing Hearing

In re application of WGUN, Incorporated (WGUN), Decatur, Georgia, Docket No. 15116, File No. BML-1924; for modification of license.

Pursuant to an order of the Chief Hearing Examiner, a prehearing conference was held on July 31, 1963. Procedures were discussed and a schedule for the hearing was agreed upon.

The applicant will submit its direct case entirely in writing. Significant dates agreed to are as follows: September 9 for the exchange of the applicant's proposed case; September 20 for the notification of witnesses, if any are to be produced; September 24 as the date for the commencement of the hearing. Other ground rules established at the conference are set forth in the transcript and are hereby incorporated by reference with the same force and effect as if here set forth at length.

*It is ordered,* This 31st day of July 1963, that the hearing now scheduled to get under way on September 11, 1963,

is hereby rescheduled for September 24, 1963, at 10:00 a.m.

Released: August 2, 1963.

FEDERAL COMMUNICATIONS

COMMISSION,  
[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 63-8429; Filed, Aug. 7, 1963; 8:49 a.m.]

[Docket Nos. 14909, 14910; FCC 63R-370]

SOUTHERN RADIO AND TELEVISION CO., AND ROBERT HECKSHER (WMYR)

Memorandum Opinion and Order Amending Issues

In re applications of Southern Radio and Television Co., Lehigh Acres, Florida, Docket No. 14909, File No. BP-14297; Robert Hecksher (WMYR) Fort Myers, Florida, Docket No. 14910, File No. BP-14378; for construction permit.

1. The Review Board has before it a petition to modify and enlarge issues in the above-entitled proceeding,<sup>1</sup> filed by the Broadcast Bureau.

2. This proceeding involves the application of Southern Radio and Television Co. (Southern) for a new standard broadcast station (1440 kc, 1 kw, 5 kw-LS, DA-2, U) in Lehigh Acres, Florida, and the application of Robert Hecksher (Hecksher) for an increase in nighttime power (has 1410 kc, 500 w, 5 kw-LS, DA-N, U; requests 1410 kc, 5 kw, DA-N, U) of standard broadcast station WMYR in Ft. Myers, Florida. By Order (FCC 63-33) released January 11, 1963, the applications were designated for hearing on issues relating to areas and populations, §§ 3.30(a), 3.28(d)(3), and 3.37 of the Commission's rules; section 307(b) of the Communications Act; and a contingent comparative issue. The Order raised the question of whether the Southern proposal was designed primarily to serve Fort Myers (population 22,523), and noted that the proposed daytime 2 mv/m contour and the nighttime limitation contour (5.78 mv/m) both encompass Fort Myers.<sup>2</sup>

<sup>1</sup> Under consideration are: (1) petition to modify and enlarge issues, filed June 3, 1963, by the Broadcast Bureau; (2) opposition, filed June 17, 1963, by Southern Radio and Television Co.; (3) comments filed June 18, 1963, by Robert Hecksher; (4) reply to opposition and comments, filed June 28, 1963, by the Broadcast Bureau; and (5) petition to accept late filed pleading, filed June 28, 1963, by the Broadcast Bureau. The Bureau's reply was filed one day late. The Bureau states that this was due to its failure to note that Southern had filed its opposition one day early, and that the Bureau relied not on the date of actual filing by Southern, but on the date on which its opposition was due. The Board will grant the Bureau's petition to accept its late filed pleading.

<sup>2</sup> The exact locations of these contours are called into question by the Bureau's petition discussed herein. Engineering exhibits sub-

3. The Bureau requests that the Board modify Issue No. 6<sup>3</sup> to provide for a determination as to whether the present or proposed daytime 25 mv/m contours of the applicants would overlap, in addition to the already designated nighttime overlap issue. The Bureau further requests the addition of two issues: (1) To determine whether the proposal of Southern Radio and Television Co. would provide coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission's rules, and if not, whether that section should be waived; and (2) to determine the extent of the coverage which the Southern proposal would provide to the city of Fort Myers, Florida.

4. The Bureau bases its request for the modification of Issue No. 6 on exchanged engineering data which shows the possibility of overlap of Southern's proposed daytime 25 mv/m contour with that of WMYR. Neither Southern nor Hecksher opposes the Bureau's request for the modification. Since such overlap must be considered under section 3.37 of the Commission's rules, Issue No. 6 will be modified as requested.

5. In support of its request for the § 3.188(b)(2) issue concerning coverage of Lehigh Acres, the Bureau asserts that, on the basis of engineering information presently furnished, the "area outlined as Lehigh Acres" is not fully encompassed within the interference-free nighttime contours of the Southern proposal. It appears that Southern has submitted three maps, each indicating a different area as the community of Lehigh Acres: (1) A U.S. topographical map (submitted by Southern in its application); (2) a platted map used by the land developer (submitted in the preliminary exchange of engineering exhibits); and (3) the platted map with that portion of the community which is, according to applicant Southern, "presently developed" circled in red pencil (submitted in the final exchange of exhibits). Both Southern and Hecksher oppose the Bureau's request for the added issue on the grounds that the presently developed area (as depicted by the red-lined portion of the platted map submitted by Southern in the final exchange of exhibits) is clearly encompassed by the proposed nighttime interference-free contour, and that the Bureau errs in its reliance on the platted area which is reserved for "possible future expansion" of the community. The Bureau argues that it may rely on what the land developer represents to the public as the area of Lehigh Acres; that this area is differ-

mitted by Southern depicted the nighttime contour as falling just short of Fort Myers; the Bureau challenges the accuracy of Southern's engineering statement in this regard. See paragraph 6, *infra*.

<sup>3</sup> Issue No. 6 reads: "To determine whether the 25 mv/m nighttime contours of the instant proposals would overlap, in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section."

ent from that which Southern now claims to be the "present community," and that the exact boundaries of the community are still to be resolved in this proceeding. In light of the fact that applicant Southern has submitted contradictory evidence regarding the community of Lehigh Acres, the Board feels that a substantial question has been raised concerning the location of the boundaries of that community, particularly in reference to the coverage requirements of § 3.188(b) (2) of the Commission's rules. Accordingly, the Board will grant the Bureau's request to enlarge issues to determine whether the Southern proposal would provide coverage of the community sought to be served as required by § 3.188(b) (2) of the Commission's rules.

6. Lastly, the Bureau requests that the Board enlarge issues to determine the extent of coverage which the Southern proposal would provide to Fort Myers, Florida. In support of its request, the Bureau alleges that Southern's showing of its proposed coverage area is based on a combination of measured data and ground conductivity values for the area taken from Figure M-3 of the Commission's Rules. Since the field intensity measurements show a conductivity of 15 millimhos, while Figure M-3 values indicate a conductivity of 8 millimhos, the Bureau argues that the Figure M-3 values appear to be incorrect; that the coverage of Southern's proposed nighttime interference-free contour (5.78 mv/m) as well as its pertinent daytime contours in the direction of Fort Myers are therefore not adequately shown; and that further measurements from the proposed transmitter site "to and beyond Fort Myers" are required. Southern opposes the Bureau's request on the ground that the Bureau has advanced no sound reason for conducting a further hearing to determine the precise coverage which its proposal would provide to Fort Myers. Southern further alleges that its field tests were conducted "after consultation with the Bureau's engineer" and that it would be unconscionable to require that further measurements be taken at the Bureau's insistence.<sup>4</sup> Hecksher joins in Southern's opposition to the Bureau's request, alleging that the precise location of Southern's 5 mv/m contour is irrelevant and would be pertinent only if Southern were applying for a station location of Fort Myers. Hecksher further asserts that the Bureau's petition is untimely, since it comes six months after the applications were designated for hearing.

7. In support of its contention that coverage of Fort Myers is relevant and material, petitioner cites Radio Craw-

fordsville (FCC 63-480, adopted May 22, 1963). However, petitioner does not adequately explain the necessity for a separate issue to make the desired determination. Whether or not Radio Crawfordsville is applicable here, the information sought by petitioner may be elicited under existing issue No. 1 (the populations and areas issue). Whether Southern shall be required, as the Bureau requests, to take field intensity measurements is a matter to be determined in the first instance by the Hearing Examiner. See § 0.231 of the rules. The Bureau's request for field intensity measurements should, therefore, be addressed to the Hearing Examiner rather than to the Review Board.

8. The Board finds the Bureau's petition to be timely in as much as the discrepancy between the Figure M-3 values and the results of Southern's field conductivity tests did not become apparent until the exchange of engineering exhibits—April 19, 1963, at the earliest.

Accordingly, it is ordered, This 31st day of July 1963, that the petition to accept late filed pleading, filed on June 28, 1963, by the Broadcast Bureau is granted, and that the petition filed June 3, 1963, by the Broadcast Bureau, requesting modification and enlargement of issues, is granted to the extent indicated below; and

It is further ordered, That Issue No. 6 is modified to read as follows:

To determine whether the present or proposed 25 mv/m contours of the applicants would overlap, in contravention of § 3.37 of the Commission's rules, and if so, whether circumstances exist which would warrant a waiver of said section;

And, it is further ordered, That the issues in the above-entitled proceeding are enlarged by the addition of the following issue:

To determine whether the instant proposal of Southern Radio and Television Co. would provide coverage of the city sought to be served, as required by § 3.188 (b) (2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

Released: August 1, 1963.

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

[F.R. Doc. 63-8430; Filed, Aug. 7, 1963;  
8:49 a.m.]

## FEDERAL MARITIME COMMISSION

W. J. BYRNES & CO. ET AL.

### Notice of Freight Forwarder Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C.) 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The terms of the following agreements are identical as to the division of forwarding fees and ocean freight compensation:

W. J. Byrnes and Co., San Francisco, Calif. and W. R. Zanes and Co., Houston, Tex.....	FF-824
W. R. Keating and Co., Inc., New York, N.Y. and M. E. Dey and Co., Inc., Milwaukee, Wis.....	FF-825
Anderson Shipping Co., Savannah, Ga. and J. R. Michels, Inc., Houston, Tex.....	FF-830
Schenkers International Forwarders, Inc., New York, N.Y. and B. H. Sobelman and Co., Inc., Philadelphia, Pa.....	FF-831
H. E. Schurig and Co., Inc., Houston, Tex. and Merit Shipping Co., New York, N.Y.....	FF-833
Seaport Shipping Co. (Portland), Portland, Ore. and H. Stone and Co., New York, N.Y.....	FF-834
United Forwarders Service, Miami, Fla. and Frank P. Dow Co., Inc., of L.A., Los Angeles, Calif.....	FF-835
George M. Leining Co., Inc., New Orleans, La. and Foreign Shipping Service Co., Inc., New York, N.Y.....	FF-838
J. K. Ebberwein, Savannah, Ga. and Export-Import Services, Inc., New York, N.Y.....	FF-842
Gehrig, Hoban and Co., Inc., New York, N.Y. and Hugo Zanelli and Co., Houston, Tex.....	FF-843
T. A. Provence and Co., Mobile, Ala. and Atlas Forwarding Co., Inc., New York, N.Y.....	FF-844
William H. Masson, Inc., Baltimore, Md. and Albert F. Maurer Co., Philadelphia, Pa.....	FF-845
Jahrett Shipping, Inc., New York, N.Y. and W. R. Zanes and Co. of Louisiana, Inc., New Orleans, La.....	FF-850
Maron Shipping Agency, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:	
Barr Shipping Co., Inc., Miami Springs, Fla.....	FF-828
Seaway Forwarding Co., Cleveland, Ohio.....	FF-829
Heidl's Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:	
Chas. Kurz Co., Philadelphia, Pa.....	FF-846
R. G. Hobelmann and Co., Inc., Baltimore, Md.....	FF-847
Geo. Wm. Rueff, Inc., New Orleans, La.....	FF-848
John L. Westland and Son, Inc., Los Angeles, Calif.....	FF-849

Chas. Kurz Co., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

W. H. Wickersham and Co., Inc., San Pedro, Calif.....	FF-827
Coastal Forwarders, Charleston, S.C.....	FF-826

Bemo Shipping Company, New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

<sup>4</sup> Measurements were taken by Southern on 3 radials—259, 269, and 280 degrees—for a distance of 10 miles from the proposed transmitter site.

<sup>5</sup> In reply, the Bureau urges that the consultation between applicant and the Bureau engineer was in reference to possible 25 mv/m overlap, and that informal discussions regarding measurements to be taken concerning that problem cannot be held to estop the Bureau from requesting that further measurements be taken for an entirely different purpose.

Westfeldt Bros. Forwarders, Inc.,  
New Orleans, La.----- FF-836  
R. G. Hobelmann and Co., Inc.,  
Philadelphia, Pa.----- FF-839  
R. G. Hobelmann and Co., Inc.,  
Baltimore, Md.----- FF-840

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

45 Broadway  
New York, N.Y.

180 New Montgomery Street,  
San Francisco, Calif.

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

Mall address:  
P.O. Box 30550,  
Lafayette Station,  
New Orleans 30, La.

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

Dated: August 5, 1963.

By the Federal Maritime Commission.

GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 63-8479; Filed, Aug. 7, 1963;  
8:59 a.m.]

**MARON SHIPPING AGENCY, INC.,  
ET AL.**

**Notice of Freight Forwarder Agree-  
ments Filed for Approval**

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The terms of the following agreements are identical regarding forwarding fees and ocean freight compensation:

Maron Shipping Agency, Inc., New  
York, N.Y. and Rukert Marine  
Corp., Baltimore, Md.----- FF-813  
United Forwarders Service, Inc., New  
York, N.Y. and Paul A. Boulo,  
Mobile, Ala.----- FF-814  
Karr, Ellis and Co., Inc., New York,  
N.Y. and F. X. Coughlin (d/b/a  
F. X. Coughlin Co.), Detroit, Mich. FF-815  
United Forwarders Service, Miami,  
Fla., and W. R. Zanes and Co.,  
Houston, Tex.----- FF-816

Chas. Kurz Co., Philadelphia, Pa. and  
J. T. Steeb and Co., Inc., Seattle,  
Wash.----- FF-817  
W. Heimann, Inc., New York, N.Y.  
and W. R. Zanes and Co. of Louisi-  
ana, Inc., New Orleans, La.----- FF-823

Dunnington and Arnold, Inc., New  
York, N.Y., is party to the following  
agreements, the terms of which are  
identical. The other parties are:

John C. Rogers and Co., Inc., Phila-  
delphia, Pa., F. X. Coughlin (d/b/a  
F. X. Coughlin Co.), Detroit,  
Mich.----- FF-818, FF-819

The Interport Company, Chicago, Ill.,  
is party to the following agreements, the  
terms of which are identical. The other  
parties are:

Empire Forwarding Co., New York,  
N.Y.----- FF-820  
Hugo Zanelli and Co., Houston, Tex. FF-821  
Paul A. Boulo, Mobile, Ala.----- FF-822

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

45 Broadway,  
New York, N.Y.

180 New Montgomery Street,  
San Francisco, Calif.

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

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

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

By the Federal Maritime Commission.

Dated: August 5, 1963.

GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 63-8480; Filed, Aug. 7, 1963;  
8:58 a.m.]

**J. D. SMITH INTER-OCEAN, INC.,  
ET AL.**

**Notice of Freight Forwarder Agree-  
ments Filed for Approval**

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on

each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The terms of the following agreements are identical regarding forwarding fees and ocean-freight compensation:

J. D. Smith Inter-Ocean, Inc., New  
York, N.Y. and Harper Robinson  
and Co., San Francisco, Calif., and  
branches----- FF-793  
W. O. Smith and Co., Inc., Norfolk,  
Va. and Jay International, Inc.,  
Philadelphia, Pa.----- FF-794  
Thornley and Pitt, Inc., San Fran-  
cisco, Calif. and W. R. Zanes and  
Co. of Louisiana, Inc., New Orleans,  
La.----- FF-795  
United Forwarders Service, Miami,  
Fla. and Robbins Forwarding Co.,  
Chicago, Ill.----- FF-796  
W. J. Byrnes and Co. of New York,  
Inc., New York, N.Y. and Hugo  
Zanelli and Co., Houston, Tex. FF-797  
H. S. Thielen, Inc., Lake Charles, La.  
and W. R. Richeson and Sons, Inc.,  
New Orleans, La.----- FF-798  
M. H. Garvey Co., Boston, Mass. and  
J. J. Gavin and Co., Inc., New York,  
N.Y.----- FF-799  
American Union Transport, Inc., New  
York, N.Y. and Heide and Co., Inc.,  
Wilmington, N.C.----- FF-800  
Baltimore Dispatch Corp., Baltimore,  
Md. and Afro-Asian Forwarding  
Co., Inc., New York, N.Y. and  
Washington, D.C.----- FF-801  
J. D. Smith Inter-Ocean, Inc., New  
York, N.Y. and Thornley and Pitt,  
Inc., San Francisco, Calif.----- FF-802  
Berry and McCarthy Shipping Co.,  
Inc., San Francisco, Calif. and Uns-  
worth and Co., Inc., New York,  
N.Y.----- FF-803  
United Forwarders Service, Miami,  
Fla. and Samuel Shapiro and Co.,  
Inc., Baltimore, Md.----- FF-812

Gerhard and Hey Co., Inc., New York,  
N.Y. and Intersped, Inc., New York, N.Y.,  
are parties to the following agreements,  
the terms of which are identical. The  
other parties are:

John S. Connor, Inc., Baltimore, Md. FF-804  
J. G. R. Williams, Inc., New Orleans,  
La.----- FF-805  
Geo. S. Bush & Co., Inc., Portland,  
Oreg. (and branch office)----- FF-806  
The A. W. Fenton Co., Inc., Cleve-  
land, Ohio.----- FF-807  
Wilfred Schade and Co., Inc., New-  
port News, Va.----- FF-808  
W. R. Zanes and Co., Houston, Tex. FF-809  
Allen Forwarding Co., Philadelphia,  
Pa.----- FF-810  
W. R. Zanes and Co. of Louisiana,  
Inc., New Orleans, La.----- FF-811

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

45 Broadway,  
New York, N.Y.

180 New Montgomery Street,  
San Francisco, Calif.

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

Mall address:  
P.O. Box 30550,  
Lafayette Station,  
New Orleans 30, La.

They may submit to the Secretary, Fed-  
eral Maritime Commission, Washington

D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 5, 1963.

By the Federal Maritime Commission.

GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 63-8481; Filed, Aug. 7, 1963;  
8:58 a.m.]

**UNITED FORWARDERS SERVICE, INC.,  
ET AL.**

**Notice of Freight Forwarder Agree-  
ments Filed for Approval**

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The terms of the following agreements are identical as to the division of forwarding fees and ocean freight compensation:

United Forwarders Service, Inc., New York, N.Y. and Crescent Forwarding Service, New Orleans, La.	FF-789
Fred P. Gaskell Co., Inc., New York, N.Y. and T. A. Provence and Co., Mobile, Ala.	FF-790
Frank P. Dow Co., Inc., Seattle, Wash. and Export-Import Services, Inc., New York, N.Y.	FF-791
Universal Transcontinental Corp., New York, New York and Vairon & Co., Inc., New York, New York.	FF-792

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

45 Broadway,  
New York, N.Y.

180 New Montgomery Street,  
San Francisco, Calif.

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

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

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

request for hearing should such hearing be desired.

Dated: August 5, 1963.

By the Federal Maritime Commission.

GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 63-8482; Filed, Aug. 7, 1963;  
8:58 a.m.]

**AMERICAN BROKERAGE CORP. ET AL.**  
**Independent Ocean Freight For-  
warder Applications; Notice of Re-  
vision**

Notice is hereby given that the following applicants have withdrawn their applications for independent ocean freight forwarder licenses pursuant to section 44, Shipping, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

**GRANDFATHER APPLICANTS**

**NAME AND ADDRESS**

American Brokerage Corp. No. 898 (J. L. Westland, Jr., dba), 108 East Fourth Street, Los Angeles 13, Calif.; withdrawn 6-28-63  
Henry Wilson Farrell No. 856 (H. W. Farrell, dba), 149 California Street, San Francisco 11, Calif.; withdrawn 7-10-63  
The Willram Company No. 259 (Ramon E. Rodriguez, dba), 32 Broadway, New York 4, N.Y.; withdrawn 7-9-63

**NON-GRANDFATHER APPLICANTS**

American Freight Forwarding Corp., 460 12th Avenue, New York 18, N.Y.; voluntary withdrawal 7-9-63.  
Juan Carlos Amiano, 1141 Broadway, New York 1, N.Y.; denied 6-20-63.  
Containerization Inc., P.O. Box 288, Charleston, S.C.; withdrawn 5-20-63.  
Jose Maria DiFeo, 465 Washington Street, New York 13, N.Y.; denied 7-9-63.  
Hugh A. Duffy, Inc., 32 Broadway, New York, N.Y.; withdrawn 5-29-63.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

**NON-GRANDFATHER APPLICANTS**

**NAME AND ADDRESS**

The Baltimore Grain Forwarders, Inc., 17 Commerce Street, Baltimore 2, Md.  
Carga Internacional Freight Forwarders (Eduardo Excobar, dba), 141 North East Third Avenue, Miami 32, Fla.  
Fred E. Gignoux, Inc., 40 Commercial Street, Portland, Maine.  
Hamilton Brothers, Inc., 622 13th Street, Tampa, Fla.  
Johnsons Shipping Agency (Lucille C. Park, dba), 2974 NW. N. River Drive, Miami, Fla.  
Melvin R. Maxey, Pier 2, Berth 54, Long Beach, Calif.  
Robert J. McCracken, P.O. Box 121, Muskegon, Mich.

Riches International (Riches Research, Inc., dba), 1944 University Avenue, Palo Alto, Calif.

Dated: August 5, 1963.

GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 63-8483; Filed, Aug. 7, 1963;  
8:59 a.m.]

[Docket No. 1131]

**JAPAN/U.S. GULF AND ATLANTIC  
POOLING AGREEMENTS**

**Order of Investigation and Hearing**

In the matter of agreements numbered 8860, 8860-1, 8860-2, 8860-3 and 8860-4 covering the Japan/U.S. Atlantic Pooling Agreement and agreements numbered 8870, 8870-1, 8870-2, 8870-3, and 8870-4 covering the Japan/U.S. Gulf Pooling Agreement.

Whereas, pursuant to section 15 of the Shipping Act, 1916, agreements numbered 8860 and 8870 between certain American Flag Lines and Japanese Flag Lines, as listed in Appendices A and B, below, covering the establishment of two pooling arrangements, one in the trade between Japan and the United States Atlantic Coast Ports, and one in the trade between Japan and the United States Gulf Coast Ports, were filed for approval and conditionally approved by the Commission subject to modifications;

Whereas, modifications of said agreements have been filed and assigned Federal Maritime Commission Agreement numbers 8860-1, 8860-2, 8860-3, 8860-4, 8870-1, 8870-2, 8870-3, and 8870-4;

Whereas, notices were published of the filing of these modifications in the FEDERAL REGISTER (8860-1 and 2 on November 16, 1962, 27 F.R. 11332; 8860-3 on December 5, 1962, 27 F.R. 12008; 8870-1, 2, and 3 on November 22, 1962, 27 F.R. 11516; and 8860-4 and 8870-4 on July 13, 1963, 28 F.R. 7234 and 7235);

Whereas, pursuant to such notices, protests and requests for a hearing were filed by the Sabre Line, the American President Lines and the Marchessini Lines, all of whom seek disapproval of the agreements under section 15 of the Shipping Act, 1916;

Whereas, upon consideration of the agreements and protests the Commission is of the opinion that an investigation should be undertaken to determine whether the agreements should be approved, disapproved or modified under section 15:

*It is ordered,* That pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing is hereby instituted to determine whether Agreements 8860 and 8870 should be disapproved or modified and whether Agreements 8860-1, 2, 3, and 4 and 8870-1, 2, 3, and 4 should be approved, disapproved, or modified under section 15:

*It is further ordered,* That the parties to these agreements as listed in Appendices A and B below be made respondents in this proceeding:

*It is further ordered,* That notice of this order be published in the FEDERAL

REGISTER and that a copy thereof and notice of hearing be served upon respondents:

*It is further ordered,* That any persons, other than respondents, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington 25, D.C., on or before August 23, 1963:

*It is further ordered,* That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties on record.

By the Commission, August 1, 1963.

GEO. A. VIEHMANN,  
Assistant Secretary.

APPENDIX A—JAPAN/U.S. ATLANTIC POOLING AGREEMENT (8860)

MEMBER LINES

(American-flag carriers)

United States Lines Co., One Broadway, New York 4, N.Y.

Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.

(Japanese-flag carriers)

Daido Kaiun Kaisha, Ltd., c/o Burbank, A. L., and Co., Ltd., 120 Wall Street, New York 5, N.Y.

Iino Kaiun Kaisha, Ltd., c/o Kerr Steamship Company, Inc., 51 Broad Street, New York 4, N.Y.

Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Company, Inc., 51 Broad Street, New York 4, N.Y.

Mitsubishi Shipping Co., Ltd., c/o Oceanic Agencies, Inc., 2 Broadway, New York 4, N.Y.

Mitsui Steamship Co., Ltd., c/o Mitsui Line Agencies, Inc., 17 Battery Place, New York 4, N.Y.

Nippon Yusen Kaisha (N.Y.K. Line), 25 Broadway, New York 4, N.Y.

Osaka Shosen Kaisha, Ltd. (O.S.K. Line), 17 Battery Place, New York 4, N.Y.

Shinnihon Steamship Co., Ltd., c/o Texas Transport and Terminal Co., Inc., 52 Broadway, New York 4, N.Y.

Yamashita Steamship Co., Ltd., c/o Norton, Lilly and Co., Inc., 26 Beaver Street, New York 4, N.Y.

APPENDIX B—JAPAN/U.S. GULF POOLING AGREEMENT (8870)

MEMBER LINES

(American-flag carriers)

Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La.

Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.

(Japanese-flag carriers)

Osaka Shosen Kaisha, Ltd., (O.S.K. Line), 17 Battery Place, New York 4, N.Y.

Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., Inc., 51 Broad Street, New York 4, N.Y.

Mitsui Steamship Co., Ltd., c/o Mitsui Line Agencies, Inc., 17 Battery Place, New York 4, N.Y.

Nippon Yusen Kaisha (N.Y.K. Line), 25 Broadway, New York 4, N.Y.

Shinnihon Steamship Co., Ltd., c/o Texas Transport and Terminal Co., Inc., 52 Broadway, New York 4, N.Y.

[F.R. Doc. 63-8484; Filed, Aug. 7, 1963; 8:59 a.m.]

[Docket No. 1132]

ALASKA STEAMSHIP CO.; TARIFF NO. 832, FMC-F NO. 114

Order of Investigation and Hearing

On May 6, 1963, Alaska Steamship Company filed with the Commission, Freight Tariff No. 832, FMC-F No. 114 (new tariff) to become effective July 1, 1963, naming rates between Seattle and Tacoma, Washington on the one hand and ports in Southeastern Alaska, on the other. Said tariff cancelled Freight Tariff No. 793, FMC-F No. 89. The new tariff names rates only on a weight basis, whereas the cancelled tariff named rates on the basis of weight or measurement, whichever produced the greater revenue to the carrier. Information now before the Commission indicates that the new tariff may contain rates and charges that are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended.

*Now therefore it is ordered,* That, pursuant to sections 18(b), and 22, of the Shipping Act, 1916, as amended, and sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, as amended, the Commission upon its own motion, enter into a formal investigation concerning the lawfulness of the Alaska Steamship Company Freight Tariff No. 832, FMC-F No. 114, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

*And it is further ordered,* That Alaska Steamship Company be, and it is hereby made respondent in this proceeding and that all subsequent additions to and/or revisions of the matter contained in said schedule shall be, and they are hereby placed under investigation in this proceeding.

*And it is further ordered,* That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) a copy of this order shall forthwith be served upon the respondent herein; (III) the said respondent be duly notified of the time and place of the hearing herein ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rule.

By the Commission, August 1, 1963.

[SEAL] GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 63-8485; Filed, Aug. 7, 1963; 8:59 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-343]

CITY OF UNIONTOWN, KANSAS

Notice of Application

JULY 31, 1963.

Take notice that on June 13, 1963, the City of Uniontown, Kansas (Applicant) filed in Docket No. CP63-343 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities Service) to establish physical connection of its transmission facilities with the proposed facilities of and to sell natural gas to Applicant for resale and distribution in Uniontown, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately six miles of lateral pipeline extending from a point of connection on Cities Service's transmission line, Bourbon County, Kansas, to the proposed distribution facilities for Uniontown.

The application shows Applicant's estimated third year peak day and annual natural gas requirements to be 215 Mcf and 18,960 Mcf, respectively.

The total estimated cost of transmission and distribution facilities for the project is \$65,000, which cost will be financed by the issuance of revenue bonds.

On June 28, 1963, Cities Service filed an answer to the subject application stating that it had no objection to the granting of said application.

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 August 27, 1963.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-8439; Filed, Aug. 7, 1963; 8:51 a.m.]

[Docket Nos. RI64-53—RI64-54]

HASSIE HUNT TRUST AND WILLIAM HERBERT HUNT TRUST ESTATE

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

JULY 31, 1963.

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. Both 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:

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

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	
RI64-53	Hassie Hunt Trust, 700 Mercantile Bank Building, Dallas 1, Tex.	2	14	Texas Eastern Transmission Corp. (Southwest Speake Field, Lavaca County, Tex.) (R.R. District No. 2).	\$3,650	7-1-63	1-8-1-63	1-1-64	\$ 13.8733	\$ 14.3733	
RI64-54	William Herbert Hunt, Trust Estate, 700 Mercantile Bank Building, Dallas 1, Tex.	2	13	Texas Eastern Transmission Corp. (Arneckeville Field, DeWitt County, Tex.) (R.R. District No. 2).	1,825	7-1-63	1-8-1-63	1-1-64	\$ 13.8733	\$ 14.3733	

<sup>1</sup> The stated effective date is the first day after expiration of the required statutory notice.  
<sup>2</sup> Periodic rate increase.  
<sup>3</sup> Settlement rate accepted in order issued May 29, 1963, in Docket No. G-18093.  
<sup>4</sup> Equivalent to 14.8733 cent when cost to buyer of 0.5 cent per Mcf for dehydration and central point delivery is taken into consideration.  
<sup>5</sup> Settlement rate accepted in order issued May 29, 1963, in Docket No. G-18091.

Hassie Hunt Trust and William Herbert Hunt Trust Estate (both referred to herein as Hunt) request an effective date of February 5, 1963, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Hunt's rate filings.

Hunt's presently effective 13.8733 cents per Mcf rates resulted from settlement offers approved by orders issued on June 24, 1963. The proposed increased rates, which were contractually due on February 5, 1963, are equivalent to rates of 14.8733 cents per Mcf when the cost to the buyer of 0.5 cent per Mcf for dehydration and central point delivery is taken into consideration and exceed the increase ceiling of 14.6 cents per Mcf as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter 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 proposed changes, and that the above-designated 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, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(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 suspen-

sion 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 September 16, 1963.

By the Commission. Commissioner O'Connor dissenting for the reasons set forth in his dissenting statement accompanying the order issued February 4, 1963 in Mills Bennett Estate, et al., Docket No. RI63-308, et al.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-8440; Filed, Aug. 7, 1963; 8:51 a.m.]

[Docket Nos. RI63-479 etc.]

**SHELL OIL CO., ET AL.**

**Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates; and Allowing Rate Changes To Become Effective Subject to Refund**

JULY 31, 1963.

Shell Oil Company, et al., Docket Nos. RI63-479, et al.; Shell Oil Company, Docket No. RI63-479; Shell Oil Company (Operator), et al., Docket No. RI63-480; Pan American Petroleum Corporation, Docket No. RI63-481; Sunray DX Oil Company, Docket No. RI63-482; Pan American Petroleum Corporation (Operator), et al., Docket No. RI63-483.

On June 26, 1963, the Commission issued its order providing for hearings on and suspension of proposed changes in rates and allowing rate changes to become effective subject to refund in the above-designated proceedings. By its order, the Commission suspended for one day, among others, the producers' rate filings listed below:

Docket number	Producer	Rate schedule number	Supplement number
RI63-479	Shell Oil Co.....	108	5
	do.....	33	10
	do.....	34	11
	do.....	40	6
RI63-480	do.....	95	6
	Shell Oil Company (Operator), et al.	41	17
RI63-481	Pan American Petroleum Corp.	201	5
		193	8
		233	6
RI63-482	Sunray DX Oil Co....	149	2

The suspension order indicated that all of the proposed rate increases involved therein reflect reimbursement for the full 2.55 percent New Mexico Emergency School Tax \* \* \* and were suspended because of El Paso Natural Gas Company's (El Paso) protest and because they 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, Chapter I, Part 2, Section 2.56). Said order also provided that the hearings should concern themselves with the contractual basis for the proposed rates as well as the lawfulness of the producers' proposed rate changes.

However, the rate filings of the producers listed above, which were included in the suspension order, reflect partial reimbursement for the 0.55 percent tax increase only (from 2.0 to 2.55 percent) in the New Mexico Emergency School Tax. Since El Paso is protesting only those tax reimbursement filings in excess of 0.55 percent, there is no necessity in these hearings to entertain the question of the contractual basis for such filings. Accordingly, with respect to the producers' rate filings listed above, the hearings should concern themselves only with the lawfulness of the producers' proposed changes. We shall therefore amend the suspension order to so provide.

On July 11, 1963, Pan American filed a motion to vacate the suspension order involved here, with respect to Docket No. RI63-483, insofar as it relates to Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 123. Pan American's proposed supplement reflects a change in price based on tax reimbursement for an increase in the New Mexico Emergency School Tax. Pan American requests that the price increase involved in its aforementioned supplement be allowed to become effective as of April 1, 1963, the effective date of the increase in the New Mexico Oil and Gas Emergency Tax. Although the proposed price is not in excess of the area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended, the rate was suspended because of El Paso's protest concerning the contractual basis for the filing.

As Pan American points out in its motion, Northern Natural Gas Company (Northern), not El Paso, is the purchaser of the gas in question under Pan American's FPC Gas Rate Schedule No. 123. Northern has not questioned the con-

tractual basis for Pan American's filing. Accordingly, there is no basis for suspending the filing. The suspension should, therefore, be vacated and Pan American's proposed increased rate should be accepted for filing and permitted to be effective as of May 27, 1963, the date of filing of such increase with the Commission. Good cause has not been shown, however, for permitting the April 1, 1963, effective date as requested by Pan American and such request is denied.

The Commission finds: Good cause exists for amending the order issued June 26, 1963, to the extent hereinafter provided.

The Commission orders:

(A) The hearings in Docket Nos. RI63-479, RI63-480, RI63-481 and RI63-482 shall concern themselves only with the lawfulness of the increased rates involved therein.

(B) The proceeding in Docket No. RI 63-483, only insofar as it relates to Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 123, is hereby terminated, and the increased rate contained in said supplement is hereby accepted for filing and permitted to become effective as of the date of filing, May 27, 1963.

(C) In all other respects, the order issued by the Commission on June 26, 1963, shall remain unchanged and in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-8442; Filed, Aug. 7, 1963;  
8:51 a.m.]

[Docket No. CP63-327]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

JULY 31, 1963.

Take notice that on May 28, 1963, as supplemented on June 14, 1963, and July 12, 1963, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky, filed in Docket No. CP63-327 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities; the transportation and delivery on a firm daily basis of up to 3,000 Mcf of natural gas per day for Texaco Inc. (Texaco) and in addition to said firm service the transportation and delivery, annually, on an interruptible basis of up to 1,825,000 Mcf of natural gas at daily rates not to exceed 5,000 Mcf. Applicant states that under the proposal it is obligated to make available, annual transportation service of 1,368,750 Mcf; however, said annual service may be curtailed or interrupted on any particular day.

Applicant's proposals are more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The gas to be transported will be produced by Texaco from its properties in

the Dog Lake Field, Terrebonne Parish, Louisiana. The gas will be taken by Applicant and transported through its system for delivery to Texaco at the latter's Lawrenceville, Illinois, refinery. The subject gas will be used by Texaco at its Lawrenceville refinery as fuel. The application indicates that the use of natural gas will reduce the frequent shutdowns for tube cleaning caused by the presently used fuel which is oil and will increase the overall operating time of refinery units such as heaters, compressors and boilers.

The proposed transportation service will be rendered pursuant to an agreement dated May 20, 1963, between Applicant and Texaco.

In order to render the proposed service Applicant proposes to construct and operate the following facilities:

- (1) 5.37 miles of 30-inch loop pipeline in Mississippi, Tennessee and Kentucky;
- (2) 3.53 miles of 26-inch loop pipeline in Louisiana;
- (3) 5.70 miles of 8-inch pipeline in Louisiana;
- (4) 5.65 miles of 8-inch loop pipeline in Illinois;
- (5) 1.70 miles of 8-inch pipeline in Illinois, and,
- (6) One meter station in Louisiana and one meter station in Illinois.

The application shows the total estimated cost of the proposed facilities to be \$1,809,700, which cost will be financed, pending permanent financing, by funds on hand and short-term bank loans.

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 September 5, 1963, at 9:30 a.m., e.d.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 August 26, 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. 63-8443; Filed, Aug. 7, 1963;  
8:51 a.m.]

[Docket No. CP63-348]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

AUGUST 1, 1963.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation having its principal place of business in Houston, Texas, filed on June 20, 1963, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the rendition of additional pipeline service to existing resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The customers to which the additional gas would be delivered are as follows:

Customer	Rate schedule	Mcf per day at 14.7 psia
Manufacturers Light and Heat Company, The (Muncy).....	CD-3	4,000
Avis Gas Company.....	OG-3	119
Blacksburg, South Carolina, City of.....	CG-2	300
United Cities Gas Company, North Carolina Division.....	G-2	100
Winder, Georgia, City of.....	OG-1	300
Total proposed additional pipeline service.....		4,819

No additional facilities are required in order to render the service proposed in the application.

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 September 10, 1963, at 9:30 a.m., e.d.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 August 30, 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. 63-8444; Filed, Aug. 7, 1963;  
8:51 a.m.]

[Docket Nos. G-4814 etc.]

**M. F. POWERS ESTATE****Findings, Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Substituting Respondent in Rate Proceeding**

AUGUST 1, 1963.

M. F. Powers Estate (successor to M. F. Powers); Docket Nos. G-4814, G-

4819, G-4815, G-8869, G-4816, G-11474, G-4817, G-11724, G-4818, G-16787, G-20084.

On November 30, 1962, Maurice Powers Hanney and the National Bank of Tulsa (Petitioners) filed in the aforementioned certificate dockets a petition to amend the orders issuing certificates in said dockets to reflect Petitioners as successors to the interests of M. F. Powers, deceased, by virtue of their ap-

pointment as co-exccutors of the estate of said M. F. Powers, all as more fully set forth in the petition.

M. F. Powers was respondent in the rate proceeding pending in Docket No. G-20084. M. F. Powers Estate will be substituted as respondent therein.

The details of each certificate and redesignation of the rate schedules of M. F. Powers as those of M. F. Powers Estate are as follows:

Docket No.	Applicant	New designation		Former designation and description of instrument	Buyer	Location
		Rate schedule	Supplement			
G-4814	M. F. Powers Estate	0		M. F. Powers FPC Gas Rate Schedule No. 8 (Superseded M. F. Powers FPC Gas Rate Schedule No. 3).	Colorado Interstate Gas Co.	Hugoton Field, Kearny County, Kans.
		6	1	Supplement No. 1. Notice of Succession 9-28-62.		
G-4815	do.	3		M. F. Powers FPC Gas Rate Schedule No. 4.	Cities Service Gas Co.	Do.
G-11474	do.	3	1	Supplement No. 1.	do.	
G-11724	do.	3	2	Supplement No. 2. Notice of Succession 9-28-62.	do.	
G-4816	do.	2		M. F. Powers FPC Gas Rate Schedule No. 2.	Kansas-Nebraska Natural Gas Co., Inc.	Do.
G-4817	do.	2		do.	do.	
G-8869	do.	2	1	Supplement No. 1. Notice of Succession 9-28-62.	do.	
G-4818	do.	1		M. F. Powers FPC Gas Rate Schedule No. 1.	Texas Gas Transmission, Corp.	Carthage Field, Panola County, Tex. (Texas R.R. Dist. 6)
		1	1-5	Supplements 1 through 5. Notice of Succession 9-28-62.	do.	
G-16787	do.	5		M. F. Powers FPC Gas Rate Schedule No. 7. Notice of Succession 9-28-62.	Michigan-Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.
G-4819	do.	4		M. F. Powers FPC Gas Rate Schedule No. 6 (Superseded M. F. Powers FPC Gas Rate Schedule No. 5), Notice of Succession 9-28-62.	Kansas-Nebraska Natural Gas Co., Inc.	Hugoton Field, Kearny County, Kans.

Notice of the petition to amend was issued on June 18, 1963, and published in the FEDERAL REGISTER on June 26, 1963 (28 F.R. 6603). No protest, request for hearing, or petition to intervene has been received.

**The Commission finds:**

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates to M. F. Powers in the aforementioned certificate dockets should be amended to substitute M. F. Powers Estate as certificate holder therein.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules of M. F. Powers should be redesignated as those of M. F. Powers Estate.

(3) M. F. Powers Estate should be substituted in lieu of M. F. Powers as respondent in the rate proceeding in Docket No. G-20084.

**The Commission orders:**

(A) The orders issuing certificates to M. F. Powers in the aforementioned certificate dockets be and the same are hereby amended to substitute M. F. Powers Estate as certificate holder therein.

(B) In all other respects the orders issuing certificates in the aforementioned dockets shall remain in full force and effect.

(C) The FPC gas rate schedules of M. F. Powers are hereby redesignated as FPC gas rate schedules of M. F. Powers Estate as hereinbefore described.

(D) M. F. Powers Estate is hereby substituted in lieu of M. F. Powers as

respondent in the rate proceeding in Docket No. G-20084.

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 63-8441; Filed, Aug. 7, 1963;  
8:51 a.m.]

## OFFICE OF EMERGENCY PLANNING ARKANSAS

**Notice of Major Disaster**

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated August 2, 1963, reading in part as follows: "I hereby determine the damage in the various areas of the State of Arkansas, adversely affected by excessive rainfall and flooding beginning on or about July 12, 1963, to be of sufficient severity and magnitude to warrant disaster assistance

by the Federal Government to supplement State and local efforts."

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 2, 1963:

The counties of:

Columbia. Garland.  
Dallas.

Dated: August 2, 1963.

EDWARD A. McDERMOTT,  
*Director,*  
*Office of Emergency Planning.*

[F.R. Doc. 63-8435; Filed, Aug. 7, 1963;  
8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Summarily Suspending Trading

AUGUST 2, 1963.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the common stock, 10 cents par value and trading on the American Stock Exchange in the 6 percent convertible subordinated debentures due September 1, 1976 of Continental Vending Machine Corporation.

The common stock, 10 cents par value, of Continental Vending Machine Corp.

being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period August 5, 1963, through August 14, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 63-8456; Filed, Aug. 7, 1963; 8:54 a.m.]

[File No. 2-19642]

**WHITESTONE PETROLEUM CORP.**

**Notice of Application for Exemption**  
AUGUST 2, 1963.

Notice is hereby given that Whitestone Petroleum Corporation, a corporation organized under the laws of Delaware, ("issuer"), 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.

On March 9, 1962 Registrant's Registration Statement (File No. 2-19642)

Form S-1 covering a maximum of \$7,500,000 of participations in the 1962 Whitestone Program, a program for the exploration, acquisition and development of oil, gas and other mineral properties, was declared effective.

Pursuant to said Registration Statement, Registrant entered into Basic Agreements with twenty-six individual Participants. As of December 31, 1962 the aggregate dollar amount of participations in effect was \$2,455,996.16. Registrant's post-effective amendment requesting de-registration of the unsold participations as of said date was declared effective on January 31, 1963.

The application represents with respect to the request for exemption, that: All of the issued and outstanding shares of Registrant's Common Stock is owned by its President, George F. Clements, Jr. and all the issued and outstanding shares of Registrant's Preferred Stock is owned by Empire Resources Corporation.

The application alleges that the filing of further periodic reports on Form 8-K, 9-K and 10-K is not necessary in the public interest or for the protection of investors. The accounting firm of Arthur Andersen & Co. prepares an annual audit of the Program which is to be distributed to the Participants after the end of each calendar year.

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 September 4, 1963, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than August 28, 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, D.C. 20549, 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 facts or law raised by the application which he desires to controvert.

By the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 63-8457; Filed, Aug. 7, 1963; 8:54 a.m.]

**SMALL BUSINESS ADMINISTRATION**

[Delegation of Authority No. 30-VI (Amdt. I)]

**CONDUCT OF PROGRAM ACTIVITIES IN CLEVELAND REGIONAL OFFICE**

**Delegation of Authority**

Pursuant to the authority delegated to the Regional Director by delegation of Authority No. 30 (Revision 8), as

amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30-VI, 28 F.R. 4933 is hereby amended by:

1. Adding the following subitem to Item I.C. 12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K. 5 and substituting the following in lieu thereof:

5. Item I.C. 12—only the authority for servicing, administration, and collection, including subitems a, b, and c.

Effective date: July 1, 1963.

JAMES G. GARWICK,  
Regional Director,  
Cleveland.

[F.R. Doc. 63-8471; Filed, Aug. 7, 1963; 8:56 a.m.]

[Delegation of Authority No. 30-X (Amdt. 1)]

**CONDUCT OF PROGRAM ACTIVITIES IN DALLAS REGIONAL OFFICE**

**Delegation of Authority**

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30-X, 28 F.R. 4934, is hereby amended by:

1. Adding the following subitem to Item I.C. 12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K.5 and substituting the following in lieu thereof:

5. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a, b, and c—except Marshall may not exercise subitem c.

3. Deleting the text of Item I.K.11 and substituting the following in lieu thereof:

11. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a and b, but not c, is hereby delegated to the Chief, Financial Assistance Section and the Chief Loan Administration Unit in the Houston Branch Office.

Effective date: July 1, 1963.

ROBERT E. WEST,  
Regional Director, Dallas.

[F.R. Doc. 63-8461; Filed, Aug. 7, 1963; 8:55 a.m.]

[Delegation of Authority No. 30 (Revision 8), Amdt. 2]

**REGIONAL DIRECTORS**

**Delegation of Authority To Conduct Program Activities in the Regional Offices**

I. Pursuant to the authority vested in the Administrator by the Small Business Act (1958), 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Delegation of Authority No. 30 (Revision 8),

as amended, 28 F.R. 3228 and 7204, is hereby amended by adding the following Items I.B. 6. through 10. thereto:

I. \* \* \*  
B. \* \* \*

6. Extend Notices to Proceed.
7. Approve changes of address of licensee, not involving leases with affiliates.
8. Approve changes of agents for correspondents.
9. Approve Section 502 loans as follows:
  - a. Direct loans—\$50,000.
  - b. Participation loans where the bank's share is 10 percent or more—\$100,000.
10. Decline loan applications in the categories described above.

Effective date: July 31, 1963.

JOHN E. HORNE,  
*Administrator.*

[F.R. Doc. 63-8459; Filed, Aug. 7, 1963;  
8:55 a.m.]

[Delegation of Authority No. 30-XV (Amdt. 1)]

### CONDUCT OF PROGRAM ACTIVITIES IN DETROIT REGIONAL OFFICE

#### Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30-XV, F.R. 4689, is hereby amended by:

Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

Effective date: July 1, 1963.

ROBERT E. PHILLIPS,  
*Regional Director,*  
*Detroit.*

[F.R. Doc. 63-8462; Filed, Aug. 7, 1963;  
8:55 a.m.]

[Delegation of Authority No. 30-XIV (Amdt. 1)]

### CONDUCT OF PROGRAM ACTIVITIES IN LOS ANGELES REGIONAL OFFICE

#### Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228 and 7204, delegation of Authority No. 30-XIV, 28 F.R. 4953 is hereby amended by:

Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

Effective date: July 1, 1963.

ALVIN P. MEYERS,  
*Regional Director,*  
*Los Angeles.*

[F.R. Doc. 63-8463; Filed, Aug. 7, 1963;  
8:55 a.m.]

[Delegation of Authority No. 30-V (Amdt. 1)]

### CONDUCT OF PROGRAM ACTIVITIES IN ATLANTA REGIONAL OFFICE

#### Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8) as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30-V, 28 F.R. 4930 is hereby amended by:

1. Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K.5 and substituting the following in lieu thereof:

5. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a, b, and c.

3. Deleting the text of Item I.K.11 and substituting the following in lieu thereof:

11. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a and b, but not c, is hereby delegated to the Chief, Financial Assistance Section and Chief, Loan Administration Unit of each of the above branch offices.

Effective date: July 1, 1963.

JAMES F. HOLLINGSWORTH,  
*Regional Director, Atlanta.*

[F.R. Doc. 63-8460; Filed, Aug. 7, 1963;  
8:55 a.m.]

[Declaration of Disaster Area 440]

### PENNSYLVANIA

#### Declaration of Disaster Area

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

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

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

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

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 22, 1963.

#### OFFICES

Small Business Administration Regional Office,  
1015 Chestnut Street,  
Philadelphia, Pa.

Small Business Administration Branch Office,  
107 Sixth Street,  
Pittsburgh, Pa.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1964.

Dated: July 29, 1963.

JOHN E. HORNE,  
*Administrator.*

[F.R. Doc. 63-8458; Filed, Aug. 7, 1963;  
8:54 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1.00 an hour in the base period.

#### REGION II

S. S. Kresge Co., No. 243, Routes 18 and West Prospect Street, East Brunswick, N.J.; effective 7-2-63 to 3-31-64 (variety store; 32 employees).

F. W. Woolworth Co., 22 North Laurel Street, Bridgeton, N.J.; effective 7-8-63 to 3-31-64 (variety store; 22 employees).

#### REGION III

H. L. Green Co., No. 1071, 823 Hamilton Street, Allentown, Pa.; effective 7-21-63 to 3-31-64 (variety store; 75 employees).

McCrorry's-McLellan-Green, No. 38, 212-219 Main Street, Salisbury, Md.; effective 7-8-63 to 3-31-64 (variety store; 17 employees).

McCrorry-McLellan Stores, No. 31, 50-56 West Washington Street, Hagerstown, Md.; effective 7-8-63 to 3-31-64 (variety store; 59 employees).

McCrorry-McLellan-Green Stores, No. 1138, 8649 Colesville Road, Silver Spring, Md.; effective 7-8-63 to 3-31-64 (variety store; 54 employees).

McCrorry-McLellan-Green Stores, No. 317, 2449-51 East Market Street, East York, Pa.; effective 7-8-63 to 3-31-64 (variety store; 45 employees).

McCrorry-McLellan-Green Stores, 510-516 Penn Street, Reading, Pa.; effective 7-8-63 to 3-31-64 (variety store; 18 employees).

McCrorry Stores Corp., No. 68, 24-26 North Washington Street, Easton, Md.; effective 7-8-63 to 3-31-64 (variety store; 28 employees).

J. J. Newberry Co., No. 181, 258-266 Mill Street, Danville, Pa.; effective 7-8-63 to 3-31-64 (variety store; 19 employees).

F. W. Woolworth Co., No. 2125, 230 East Main Street, Newark, Del.; effective 7-11-63 to 3-31-64 (variety store; 25 employees).

F. W. Woolworth Co., 5714 Ritchie Highway, Baltimore, Md.; effective 7-8-63 to 3-31-64 (variety store; 22 employees).

F. W. Woolworth Co., No. 2240, Lawrence Park Shopping Center, Sproul and Lawrence Roads, Broomall, Pa.; effective 7-8-63 to 3-31-64 (variety store; 21 employees).

F. W. Woolworth Co., 444-46 Main Street, Johnstown, Pa.; effective 7-8-63 to 3-31-64 (variety store; 69 employees).

F. W. Woolworth Co., No. 819, 20 South 60th Street, Philadelphia, Pa.; effective 7-8-63 to 3-31-64 (variety store; 28 employees).

F. W. Woolworth Co., No. 249, 247 Seneca Street, Oil City, Pa.; effective 7-8-63 to 3-31-64 (variety store; 26 employees).

F. W. Woolworth Co., 427 Lacka Avenue, Scranton, Pa.; effective 7-8-63 to 3-31-64 (variety store; 87 employees).

F. W. Woolworth Co., No. 2329, 923 Paoli Pike, West Chester, Pa.; effective 7-8-63 to 3-31-64 (variety store; 18 employees).

REGION IV

Cannata's Super Market, Inc., 813 Brashear Avenue, Morgan City, La.; effective 7-5-63 to 3-31-64 (food store; 50 employees).

TriAngle Super Market, No. 2, Lee Highway, Florence, Ala.; effective 6-25-63 to 3-31-64 (food store; 21 employees).

REGION VI

Grebe's Bakeries, Inc., 5132 West Lincoln, Milwaukee, Wis.; effective 8-13-63 to 3-31-64 (food store; 153 employees).

McLellan's Stores, 155 South Schuyler, Kankakee, Ill.; effective 7-2-63 to 3-31-64 (variety store; 18 employees).

G. C. Murphy Co., No. 251, 7075 Cermak Plaza, Berwyn, Ill.; effective 6-10-63 to 3-31-64 (variety store; 106 employees).

The White Store of Green Bay, Inc., 610 South Broadway, Green Bay, Wis.; effective 6-19-63 to 3-31-64 (apparel store; 40 employees).

REGION VIII

C. R. Anthony Co., No. 84, Duma, Tex.; effective 7-9-63 to 3-31-64 (department store; 11 employees).

McCrorry-McLellan Stores Corp., No. 485, Bel Aire Shopping Center, Dal Paso and Bender Hobbs, N. Mex.; effective 6-10-63 to 3-31-64 (variety store; 20 employees).

REGION IX

Wrights Shopping Center, 422 East Fourth Avenue, Mesa, Ariz.; effective 7-9-63 to 3-31-64 (food store; 73 employees).

REGION X

Norris Food Markets, 2406 Washington Pike, Knoxville, Tenn.; effective 7-11-63 to 3-31-64 (food store; 49 employees).

REGION XI

Colonial Stores, Inc., No. 2235, 206 Broad Street, Bennettsville, S.C.; effective 7-8-63 to 3-31-64 (food store; 32 employees).

McCrorry-McLellan-Green Stores, 23-29 East Flagler Street, Miami, Fla.; effective 7-8-63 to 3-31-64 (variety store; 186 employees).

J. J. Newberry Co., 1147 Broadway, Columbus, Ga.; effective 7-9-63 to 3-31-64 (variety store; 55 employees).

Rose's Stores, Inc., No. 48, Newberry, S.C.; effective 8-1-63 to 3-31-64 (variety store; 18 employees).

NORTH CAROLINA

Roses Store, No. 43, 102 Main Street, Clinton, N.C.; effective 8-8-63 to 3-31-64 (variety store; 17 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below \$1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Centers, 151-159 Main Street, Waterville, Maine; effective 7-8-63 to 3-31-64, sales clerks, maintenance; 10 percent for each month (variety store; 19 employees).

Colquitt Piggly Wiggly, Inc., 209 West College Street, Colquitt, Ga.; effective 7-14-63 to 3-31-64, bag boy, carry-out; between 9.2 percent and 9.7 percent (food store; 11 employees).

Famous Co., Inc., Parkview Shopping Center, Marshall, Tex.; effective 7-15-63 to 3-31-64, sales personnel, stock clerk, janitorial; 10 percent for each month (Department store; 11 employees).

Graceville Piggly Wiggly, Inc., Cotton Street, Graceville, Fla.; effective 7-14-63 to 3-31-64, bag boy, carry-out; between 9.1 percent and 9.9 percent (food store; 11 employees).

Jupiter, No. 4533, 2330 North Front Street, Philadelphia, Pa.; effective 7-14-63 to 3-31-64, sales clerk; 10 percent for each month (variety store; 13 employees).

Jupiter Discount Store, 183 Main Street, New Britain, Conn.; effective 7-10-63 to 3-31-64, sales clerks; 10 percent for each month (variety store; 16 employees).

S. H. Kress and Co., Vineland Shopping Center, 36 West Landis Avenue, Vineland, N.J.; effective 7-19-63 to 3-31-64, sales clerk; 10 percent for each month (variety store; 61 employees).

Marianna Piggly Wiggly, Inc., Northeast-West Lafayette Street, Marianna, Fla.; effective 7-14-63 to 3-31-64, bag boy, carry-out; between 9.1 percent and 9.6 percent (food store; 20 employees).

G. C. Murphy Co., No. 91, Frederick Avenue Shopping Center, Frederick Avenue, Baltimore, Md.; effective 7-12-63 to 3-31-64, sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 54 employees).

G. C. Murphy Co., No. 285, 3901-03 Erdman Avenue, Baltimore, Md.; effective 7-12-63 to 3-31-64, sales, clerical, stockkeeping, janitorial; 10 percent for each month (variety store; 40 employees).

Neisner Brothers, Inc., No. 184, 1101 Eighth Avenue, Palmetto, Fla.; effective 7-14-63 to 3-31-64, sales clerk, stock clerk, porter; between 9.8 percent and 10 percent (variety store; 15 employees).

Neisner Brothers, Inc., No. 142, 2461 Brunswick Pike, Trenton, N.J.; effective 7-11-63 to 3-31-64, sales girls, waitress, stock boy; 10 percent for each month (variety store; 25 employees).

Rayless Department Store, 232 South Elm Street, Greensboro, N.C.; effective 7-13-63 to 3-31-64, clerical, stock work, selling, marking, janitorial; between 9.9 percent and 10 percent (department store; 17 employees).

Rayless Department Store, 119-121 Main Street, High Point, N.C.; effective 7-15-63 to 3-31-64, clerk, sales clerks, stock clerks, markers, janitor; between 8.7 percent and 10 percent (department store; 16 employees).

F. W. Woolworth Co., Perry Hall Shopping Center, 4327 Joppa Road, Baltimore, Md.; effective 7-10-63 to 3-31-64, sales clerk; between 7.1 percent and 10 percent (variety store; 24 employees).

F. W. Woolworth, No. 1397, Reisterstown Shopping Center, 11933-11939 Reisterstown Road, Reisterstown, Md.; effective 7-8-63 to 3-31-64, sales clerk; between 6.0 percent and 10 percent (variety store; 31 employees).

F. W. Woolworth Co., No. 8620, 318-336 North State Street, Caro, Mich.; effective 7-15-63 to 3-31-64, sales clerk; 10 percent for each month (variety store; 29 employees).

F. W. Woolworth Co., No. 14, Colonial Park Shopping Center, U.S. Route 22 and Colonial Road, Harrisburg, Pa.; effective 7-9-63 to 3-31-64, sales clerk, stock clerk; between 2.1 percent and 10 percent (variety store; 26 employees).

F. W. Woolworth Co., No. 1236, 1700 North Koyser Avenue, Scranton, Pa.; effective 7-9-63 to 3-31-64, sales clerk; between 3.9 percent and 10 percent (variety store; 28 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 31st day of July 1963.

LUTHER E. STONE,  
Authorized Representative of  
the Administrator.

[F.R. Doc. 63-8453; Filed, Aug. 7, 1963; 8:53 a.m.]

**CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students

working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1.00 an hour in the base period.

## REGION I

M. H. Fishman Co., Inc., 52-58 Pleasant Street, Claremont, N.H.; effective 6-10-63 to 3-31-64 (variety store; 27 employees).  
 W. T. Grant Co., 97 East Main Street, Waterbury, Conn.; effective 6-10-63 to 3-31-64 (variety store; 84 employees).  
 W. T. Grant Co., 113 Lisbon Street, Lewiston, Maine; effective 6-10-63 to 3-31-64 (variety store; 20 employees).  
 W. T. Grant Co., 324-350 Essex Street, Lawrence, Mass.; effective 6-10-63 to 3-31-64 (variety store; 121 employees).  
 W. T. Grant Co., 191 Main Street, Berlin, N.H.; effective 6-10-63 to 3-31-64 (variety store; 22 employees).  
 Grover Cronin, Inc., 223 Moody Street, Waltham, Mass.; effective 6-10-63 to 3-31-64 (department store; 618 employees).  
 S. S. Kresge Co., 1534 Main Street, Springfield, Mass.; effective 6-10-63 to 3-31-64 (variety store; 62 employees).  
 S. S. Kresge Co., 474 Main Street, Worcester, Mass.; effective 6-10-63 to 3-31-64 (variety store; 69 employees).  
 G. C. Murphy Co., No. 63, 218-22 Main Street, Ansonia, Conn.; effective 6-10-63 to 3-31-64 (variety store; 18 employees).  
 G. C. Murphy Co., No. 97, 134-36 Church Street, Naugatuck, Conn.; effective 6-10-63 to 3-31-64 (variety store; 17 employees).  
 G. C. Murphy Co., No. 93, 87-71 Main Street, Torrington, Conn.; effective 6-10-63 to 3-31-64 (variety store; 24 employees).  
 J. J. Newberry Co., No. 238, 362 Main Street, Rockland, Maine; effective 6-10-63 to 3-31-64 (variety store; 15 employees).  
 Wilson's Inc., 258 Main Street, Greenfield, Mass.; effective 6-10-63 to 3-31-64 (department store; 123 employees).

## REGION II

S. S. Kresge Co., 910 Springfield Avenue., Irvington, N.J.; effective 7-2-63 to 3-31-64 (variety store; 19 employees).

## REGION III

Bergman & Monarch, Inc., T/A The Bon Ton Dept. Store, 1305-07 11th Avenue, Altoona, Pa.; effective 7-1-63 to 3-31-64 (variety store; 157 employees).  
 Glosser Bros. Inc., Franklin and Locust Streets, Johnstown, Pa.; effective 7-3-63 to 3-31-64 (variety store; 428 employees).  
 W. T. Grant Co., No. 368, 58 East Main Street, Norristown, Pa.; effective 7-2-63 to 3-31-64 (variety store; 37 employees).  
 W. T. Grant Co., 4536 Frankford Avenue, Philadelphia, Pa.; effective 7-2-63 to 3-31-64 (variety store; 33 employees).

W. T. Grant Co., No. 28, 508 Penn Street, Reading, Pa.; effective 7-5-63 to 3-31-64 (variety store; 65 employees).

W. T. Grant Co., No. 240, 108 West Fourth Street, Williamsport, Pa.; effective 7-5-63 to 3-31-64 (variety store; 48 employees).

H. L. Green Co., No. 1022, 327 Northampton Street, Easton, Pa.; effective 7-2-63 to 3-31-64 (variety store; 29 employees).

H. L. Green Co., 221 Market Street, Harrisburg, Pa.; effective 7-3-63 to 3-31-64 (variety store; 33 employees).

H. L. Green Co., No. 1052, 1015 Market Street, Philadelphia, Pa.; effective 7-3-63 to 3-31-64 (variety store; 83 employees).

King Edward's Super Susie-Q Bakery, 23 North Hamilton Avenue, Greensburg, Pa.; effective 7-20-63 to 3-31-64 (food store; 46 employees).

S. S. Kresge Co., No. 616, 1550 Havenwood Road, Baltimore, Md.; effective 7-2-63 to 3-31-64 (variety store; 42 employees).

S. S. Kresge Co., No. 414, 1300 Eastern Boulevard, Essex, Md.; effective 7-2-63 to 3-31-64 (variety store; 38 employees).

S. S. Kresge Co., No. 698, 460 Harundale Shopping Center, Glen Burnie, Md.; effective 7-2-63 to 3-31-64 (variety store; 41 employees).

S. S. Kresge Co., No. 691, Congressional Plaza, 1631 East Montgomery Avenue, Rockville, Md.; effective 7-1-63 to 3-31-64 (variety store; 27 employees).

S. S. Kresge Co., No. 327, 3614 Germantown Avenue, Philadelphia, Pa.; effective 7-3-63 to 3-31-64 (variety store; 25 employees).

S. S. Kresge Co., No. 121, 16 South Centre Street, Pottsville, Pa.; effective 7-5-63 to 3-31-64 (variety store; 22 employees).

S. S. Kresge Co., No. 675, East Hills Center, Penn Hills Branch, Pittsburgh, Pa.; effective 7-1-63 to 3-31-64 (variety store; 51 employees).

S. S. Kresge Co., No. 478, 204 Liberty Street, Warren, Pa.; effective 7-3-63 to 3-31-64 (variety store; 28 employees).

McCrorry-McLellan-Green Stores, No. 1111, 315 West Lexington Street, Baltimore, Md.; effective 7-5-63 to 3-31-64 (variety store; 47 employees).

McCrorry-McLellan-Green, No. 1214, 215 West Lexington Street, Baltimore, Md.; effective 7-2-63 to 3-31-64 (variety store; 48 employees).

McCrorry Stores Corp., No. 46, 13-15 North Market Street, Frederick, Md.; effective 7-5-63 to 3-31-64 (variety store; 40 employees).

McCrorry-McLellan-Green Stores, No. 8, 725-731 Hamilton Street, Allentown, Pa.; effective 7-2-63 to 3-31-64 (variety store; 88 employees).

McCrorry's Stores Corp., 1306-1310 11th Avenue, Altoona, Pa.; effective 7-2-63 to 3-31-64 (variety store; 43 employees).

McCrorry-McLellan-Green Stores, 62-64 Main Street, Bradford, Pa.; effective 7-2-63 to 3-31-64 (variety store; 13 employees).

McCrorry-McLellan-Green Store, No. 28, 609 Edgmont Avenue, Chester, Pa.; effective 7-2-63 to 3-31-64 (variety store; 27 employees).

McCrorry Stores Corp., No. 220 110-12 West Crawford Avenue, Connellsville, Pa.; effective 7-2-63 to 3-31-64 (variety store; 25 employees).

McCrorry Store, No. 147, 126-130 West High Street, Ebensburg, Pa.; effective 7-2-63 to 3-31-64 (variety store; 15 employees).

McCrorry-McLellan-Green Stores, No. 316, Gateway Shopping Center, South Wyoming Avenue, Edwardsville, Pa.; effective 7-2-63 to 3-31-64 (variety store; 51 employees).

McCrorry-McLellan-Green Stores, Bucks County, Fairless Hills, Pa.; effective 7-2-63 to 3-31-64 (variety store; 51 employees).

McCrorry-McLellan-Green Stores, No. 323, 562 West Broad Street, Hazleton, Pa.; effective 7-3-63 to 3-31-64 (variety store; 54 employees).

McCrorry-McLellan-Green Stores, No. 39, 33-37 Frederick Street, Hanover, Pa.; effective

7-3-63 to 3-31-64 (variety store, 35 employees).

McCrorry-McLellan-Green Co., 301 Allegheny Street, Hollidaysburg, Pa.; effective 7-3-63 to 3-31-64 (variety store; 22 employees).  
 McCrorry-McLellan-Green Stores, 682-84 Philadelphia Street, Indiana, Pa.; effective 7-3-63 to 3-31-64 (variety store; 34 employees).

McCrorry Stores Corp., No. 80, 15-17 North Queen Street, Lancaster, Pa.; effective 7-3-63 to 3-31-64 (variety store; 56 employees).

McCrorry-McLellan-Green Co., 59 North Queen Street, Lancaster, Pa.; effective 7-2-63 to 3-31-64 (variety store; 25 employees).

McCrorry-McLellan-Green, 744 Cumberland Street, Lebanon, Pa.; effective 7-3-63 to 3-31-64 (variety store; 25 employees).

McCrorry-McLellan-Green Corp., 824-28 Cumberland Street, Lebanon, Pa.; effective 7-3-63 to 3-31-64 (variety store; 26 employees).

McCrorry-McLellan-Green Store, No. 273, 14-16 East Market Street, Lewistown, Pa.; effective 7-3-63 to 3-31-64 (variety store; 31 employees).

McCrorry-McLellan-Green Stores, No. 1029, 231 Fifth Avenue, McKeesport, Pa.; effective 7-3-63 to 3-31-64 (variety store; 115 employees).

McCrorry-McLellan-Green Stores, 1006 Market Street, Philadelphia, Pa.; effective 7-5-63 to 3-31-64 (variety store; 49 employees).

McCrorry-McLellan Stores Corp., No. 63, 1205-7-9 Market Street, Philadelphia, Pa.; effective 7-3-63 to 3-31-64 (variety store; 63 employees).

McCrorry Stores Corp., No. 201, 919 Market Street, Philadelphia, Pa.; effective 7-3-63 to 3-31-64 (variety store; 108 employees).

McCrorry's Store, No. 104, 200-202 Front Street, Philadelphia, Pa.; effective 7-3-63 to 3-31-64 (variety store; 21 employees).

McCrorry-McLellan Stores Corp., No. 11, 105 East Ohio Street, Pittsburgh, Pa.; effective 7-3-63 to 3-31-64 (variety store; 86 employees).

McCrorry-McLellan-Green Co., No. 1005, 644 Penn Street, Reading, Pa.; effective 7-5-63 to 3-31-64 (variety store; 11 employees).

McCrorry Stores Corp., No. 67, 1011-15 Pennsylvania Avenue, Tyrone, Pa.; effective 7-1-63 to 3-31-64 (variety store; 18 employees).

F. W. Woolworth Co., 5-7 South Main Street, Bel Air, Md.; effective 7-3-63 to 3-31-64 (variety store; 27 employees).

F. W. Woolworth Co., No. 431, 139-145 South Main Street, Butler, Pa.; effective 7-3-63 to 3-31-64 (variety store; 52 employees).

F. W. Woolworth Co., No. 80, 818 State Street, Erie, Pa.; effective 7-3-63 to 3-31-64 (variety store; 24 employees).

F. W. Woolworth Co., No. 58, 304-10 Market Street, Harrisburg, Pa.; effective 7-5-63 to 3-31-64 (variety store; 77 employees).

F. W. Woolworth Co., Narrow's Shopping Center, Northampton and Wyoming Avenue, Kingston, Pa.; effective 7-1-63 to 3-31-64 (variety store; 34 employees).

F. W. Woolworth Co., No. 53, 21-27 North Queen Street, Lancaster, Pa.; effective 7-1-63 to 3-31-64 (variety store; 86 employees).

F. W. Woolworth Co., No. 1614, 321-327 West Main Street, Lansdale, Pa.; effective 7-1-63 to 3-31-64 (variety store; 30 employees).

F. W. Woolworth Co., No. 692, 8-10 East Main Street, Lock Haven, Pa.; effective 7-1-63 to 3-31-64 (variety store; 29 employees).

F. W. Woolworth Co., No. 1521, 1152 Northway Mall, Pittsburgh, Pa.; effective 7-3-63 to 3-31-64 (variety store; 20 employees).

F. W. Woolworth Co., 12 West Independence Street, Shamokin, Pa.; effective 7-3-63 to 3-31-64 (variety store; 38 employees).

F. W. Woolworth Co., No. 1916, 69 South 69th Street, Upper Darby, Pa.; effective 7-3-63 to 3-31-64 (variety store; 41 employees).

## REGION IV

Morgan and Lindsey, Inc., No. 3086, West Point Village, Sulphur, La.; effective 7-1-63 to 3-31-64 (variety store; 13 employees).

Morgan and Lindsey, Inc., No. 3036, 1007 Denny Avenue, Pascagoula, Miss.; effective 7-5-63 to 3-31-64 (variety store; 13 employees).

T. G. & Y. Stores Co. of Arkansas, Inc., d/b/a T. G. & Y. Stores Co., No. 174, 1219 South 34th Street, Fort Smith, Ark.; effective 7-9-63 to 3-31-64 (variety store; 17 employees).

## REGION V

W. T. Grant Co., No. 373, 240 Euclid Avenue, Cleveland, Ohio; effective 7-3-63 to 3-31-64 (variety store; 128 employees).

S. S. Kresge Co., No. 240, 25871 Euclid Avenue, Cleveland, Ohio; effective 7-10-63 to 3-31-64 (variety store; 23 employees).

McCrory-McLellan Stores Corp., No. 125, 236 High Street, Hamilton, Ohio; effective 7-3-63 to 3-31-64 (variety store; 12 employees).

J. J. Newberry Co., 135 North Main Street, Lima, Ohio; effective 7-10-63 to 3-31-64 (variety store; 24 employees).

F. W. Woolworth Co., No. 1085, 201 South Front Street, Dowagiac, Mich.; effective 7-14-63 to 3-31-64 (variety store; 20 employees).

## REGION VI

S. S. Kresge Co., No. 554, King Plaza Center, 23d Avenue at 41st, Moline, Ill.; effective 7-17-63 to 3-31-64 (variety store; 40 employees).

F. W. Woolworth Co., No. 312, 824 La Salle Street, Ottawa, Ill.; effective 7-24-63 to 3-31-64 (variety store; 35 employees).

F. W. Woolworth Co., No. 176, 224 Main Street, Lafayette, Ind.; effective 7-16-63 to 3-31-64 (variety store; 17 employees).

## REGION VII

Weeks, Inc., 505 South Santa Fe, Salina, Kans.; effective 7-1-63 to 3-31-64 (food store; 57 employees).

## REGION VIII

C. R. Anthony Co., No. 187, Lovington, N. Mex.; effective 7-9-63 to 3-31-64 (department store; 12 employees).

C. R. Anthony Co., No. 40, Elk City, Okla.; effective 7-16-63 to 3-31-64 (department store; 12 employees).

C. R. Anthony Co., No. 170, 340 East Side Boulevard, Muskogee, Okla.; effective 7-16-63 to 3-31-64 (department store; 10 employees).

C. R. Anthony Co., 3436 South West 29th, Oklahoma City, Okla.; effective 7-10-63 to 3-31-64 (department store; 16 employees).

Food Mart, No. 10, 550 North Main, Las Cruces, N. Mex.; effective 7-10-63 to 3-31-64 (food store; 13 employees).

K-T Food Store, No. 101, 2309 Haltom Road, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 26 employees).

F. W. Woolworth Co., No. 1007, 218 North Mesa, El Paso, Tex.; effective 7-7-63 to 3-31-64 (variety store; 64 employees).

Worth Food Mart, No. 26, 1003 Avenue D, Cisco, Tex.; effective 7-9-63 to 3-31-64 (food store; 11 employees).

Worth Food Mart, No. 29, 4430 Marsalis, Dallas, Tex.; effective 7-10-63 to 3-31-64 (food store; 37 employees).

Worth Food Mart, No. 30, 2366 Oates Drive, Dallas, Tex.; effective 7-10-63 to 3-31-64 (food store; 28 employees).

Worth Food Mart, No. 34, 4511 McKinney, Dallas, Tex.; effective 7-10-63 to 3-31-64 (food store; 27 employees).

Worth Food Mart, No. 36, 2639 West Davis, Dallas, Tex.; effective 7-10-63 to 3-31-64 (food store; 26 employees).

Worth Food Mart, No. 37, 201 Keist Village, Dallas, Tex.; effective 7-10-63 to 3-31-64 (food store; 30 employees).

Worth Food Mart, No. 41, 4311 Live Oak, Dallas, Tex.; effective 7-10-63 to 3-31-64 (food store; 39 employees).

Worth Food Mart, No. 25, 114 West Olive Street, Eastland, Tex.; effective 7-9-63 to 3-31-64 (food store; 11 employees).

Worth Food Mart, No. 2, 3204 Camp Bowie, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 18 employees).

Worth Food Mart, No. 3, 3724 Decatur, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 18 employees).

Worth Food Mart, No. 4, 3107 Hemphill, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 21 employees).

Worth Food Mart, No. 5, 2005 North Main, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 20 employees).

Worth Food Mart, No. 7, 2001 Eighth Avenue, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 17 employees).

Worth Food Mart, No. 10, 5162 Wichita, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 24 employees).

Worth Food Mart, No. 11, 6120 Camp Bowie Boulevard, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 28 employees).

Worth Food Mart, No. 12, 5425 East Lancaster, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 14 employees).

Worth Food Mart, No. 14, 4107 West Rose-dale, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 23 employees).

Worth Food Mart, No. 15, 3722 East Rose-dale, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 28 employees).

Worth Food Mart, No. 16, 3720 Lancaster, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 21 employees).

Worth Food Mart, No. 18, 3016 Vaughn Boulevard, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 19 employees).

Worth Food Mart, No. 19, 3551 Alton Road, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 26 employees).

Worth Food Mart, No. 21, 3821 South West Boulevard, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 22 employees).

Worth Food Mart, No. 22, 1608 Hemphill, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 23 employees).

Worth Food Mart, No. 23, 4817 Odessa, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 21 employees).

Worth Food Mart, No. 38, 805 East Seminary, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 30 employees).

Worth Food Mart, No. 39, 2406 Azle, Fort Worth, Tex.; effective 7-10-63 to 3-31-64 (food store; 18 employees).

Worth Food Mart, No. 42, 202 Orchard Hills, Garland, Tex.; effective 7-10-63 to 3-31-64 (food store; 24 employees).

Worth Food Mart, No. 32, 300 West Hurst Boulevard, Hurst, Tex.; effective 7-10-63 to 3-31-64 (food store; 21 employees).

Worth Food Mart, No. 9, 724 North Sylvania, Fort Worth, Tex.; effective 7-9-63 to 3-31-64 (food store; 27 employees).

Worth Food Mart, No. 35, 100 Village Center, Irving, Tex.; effective 7-10-63 to 3-31-64 (food store; 26 employees).

Worth Food Mart, No. 24, 303 Main Street, Ranger, Tex.; effective 7-9-63 to 3-31-64 (food store; 15 employees).

Worth Food Mart, No. 31, 310 South Main, Weatherford, Tex.; effective 7-10-63 to 3-31-64 (food store; 22 employees).

## REGION IX

Willow Variety, Inc., d/b/a T.G. & Y. Stores Co., No. 177, 5020 West Indian School Road, Phoenix, Ariz.; effective 7-11-63 to 3-31-64 (variety store; 15 employees).

## REGION X

Cherokee Food Town, Inc., 427 Cherokee Boulevard, Chattanooga, Tenn.; effective 7-1-63 to 3-31-64 (food store; 31 employees).

Daisy, Pruett's Food Town, Inc., Daisy, Tenn.; effective 7-1-63 to 3-31-64 (food store; 28 employees).

Dyche Jones Food Store, Manchester, Ky.; effective 7-26-63 to 3-31-64 (food store; 12 employees).

W.T. Grant Co., No. 887, 1070 Frederick Boulevard, Portsmouth, Va.; effective 7-19-63 to 3-31-64 (variety store; 49 employees).

K.C. Super Market, Etowah, Tenn.; effective 7-28-63 to 3-31-64 (food store; 13 employees).

Pruett's Food Town, Inc., 2108 East Third Street, Chattanooga, Tenn.; effective 7-1-63 to 3-31-64 (food store; 47 employees).

## REGION XI

Edward's of Beaufort, Beaufort, S.C.; effective 7-1-63 to 3-31-64 (variety store; 61 employees).

Edward's Inc., 496 King Street, Charleston, S.C.; effective 7-1-63 to 3-31-64 (variety store; 29 employees).

Edward's Inc., 517 King Street, Charleston, S.C.; effective 7-1-63 to 3-31-64 (variety store; 94 employees).

Edward's of Byrnes Downs, St. Andrews Shopping Center, Charleston, S.C.; effective 7-1-63 to 3-31-64 (variety store; 49 employees).

Edward's of Pinehaven, Pinehaven Shopping Center, Charleston Heights, S.C.; effective 7-1-63 to 3-31-64 (variety store; 108 employees).

Edward's Inc., 82-84 Reynolds Avenue, Charleston Heights, S.C.; effective 7-1-63 to 3-31-64 (variety store; 34 employees).

Edward's Inc., 4141½ Laurel Street, Conway, S.C.; effective 7-1-63 to 3-31-64 (variety store; 30 employees).

Edward's of Georgetown, Front Street, Georgetown, S.C.; effective 7-1-63 to 3-31-64 (variety store; 27 employees).

Edward's of Myrtle Beach, Myrtle Beach, S.C.; effective 7-1-63 to 3-31-64 (variety store; 23 employees).

Edward's of Sumter, North Main Street, Sumter, S.C.; effective 7-1-63 to 3-31-64 (variety store; 49 employees).

Edward's Inc., 31-33 Washington Street, Walterboro, S.C.; effective 7-1-63 to 3-31-64 (variety store; 54 employees).

McCrorry-McLellan-Green-Corp., No. 75, 13 Southeast First Street, Gainesville, Fla.; effective 7-23-63 to 3-31-64 (variety store; 26 employees).

Neisner Brothers, Inc., No. 158, 230 Southwest 40th Avenue, Fort Lauderdale, Fla.; effective 7-18-63 to 3-31-64 (variety store; 24 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentages of full-time student hours of employment at rates below \$1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Bonifay Shopworth Store, Inc., 226 North Waukesha Street, Bonifay, Fla.; effective 7-14-63 to 3-31-64; bag boys, carry-out boys; between 9.2 percent and 9.9 percent (food store; 12 employees).

Britts Brick Plaza Corp., Chambers Bridge Road, Brick Twp., N.J.; effective 7-5-63 to 3-31-64; office clerk, sales clerk, stock clerk, janitor, window trimmer, markers; between 8.8 percent and 10 percent (department store; 75 employees).

Britts Newton Corp., 77-89 Spring Street, Newton, N.J.; effective 7-5-63 to 3-31-64; office clerk, sales clerk, stock clerk, janitor, window trimmer, markers; between 8.8 percent and 10 percent (department store; 75 employees).

Edward's of Aiken, Mitchell Shopping Center, Aiken, S.C.; effective 7-1-63 to 3-31-64; part-time sales clerks; between 4.3 percent and 10 percent (variety store; 35 employees).

S. S. Kresge Co., No. 173, 65 Connecticut Post Center, Milford, Conn.; effective 7-1-63 to 3-29-64; part-time sales clerks; 10 percent for each month (variety store; 40 employees).

S. S. Kresge Co., No. 49, 1104 East Meyer Boulevard, Kansas City, Mo.; effective 7-14-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 35 employees).

J. J. Newberry Co., 340 Pompton Avenue, Verona, N.J.; effective 7-1-63 to 3-31-64; office clerks, sales clerks, stock clerks, janitors, window trimmers, markers; between 8.8 percent and 10 percent (variety store).

Newberry Mitchell Corp., No. 559, 400 North Main Street, Mitchell, S. Dak.; effective 7-12-63 to 3-31-64; sales clerks, stock clerks, office clerks; between 6.5 percent and 10 percent (variety store; 82 employees).

Thompson Food Basket, Inc., 1201 West Garfield Avenue, Bartonville, Ill.; effective 7-1-63 to 3-31-64; checkers, stock boys, carry-out boys; 10 percent for each month (food store; 17 employees).

Thompson Food Basket, Inc.; 2421 East Washington Road, Sunnyland Addition, Washington, Ill.; effective 7-8-63 to 3-31-64; checkers, carry out boys, stock boys; 10 percent for each month (food store; 16 employees).

F. W. Woolworth Co., 160a South Oak Cliff Shopping Center, Dallas, Tex.; effective 7-5-63 to 3-31-64; sales clerks; between 1.2 percent and 10 percent (variety store; 65 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 26th day of July 1963.

LUTHER E. STONE,  
Authorized Representative of  
the Administrator.

[F.R. Doc. 63-8454; Filed, Aug. 7, 1963;  
8:53 a.m.]

### CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage

rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bestform Foundations of Pennsylvania, Inc., Johnstown, Pa.; effective 8-3-63 to 8-2-64 (brassieres, girdles, and corselets).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 7-16-63 to 7-15-64 (work clothing).

The Foster Co., P.O. Box 246, Greenville, Ala.; effective 7-23-63 to 7-22-64 (men's and boys' trousers).

Holly Hill Dress Corp., Holly Hill, S.C.; effective 7-20-63 to 7-19-64 (children's dresses).

Iva Manufacturing Co., Iva, S.C.; effective 7-16-63 to 7-15-64 (ladies' blouses and dresses).

Jeansco, Inc., 123 Pine and Brown Streets, Petersburg, Va.; effective 7-29-63 to 7-28-64 (boys' denim dungarees).

LaCrosse Sportswear Corp., LaCrosse, Va.; effective 7-20-63 to 7-19-64 (men's sport shirts).

McMinnville Garment Co., McMinnville, Tenn.; effective 7-24-63 to 7-23-64 (men's and boys' cotton pants).

Mantachie Manufacturing Co., Inc., Itawamba County, Mantachie, Miss.; effective 7-19-63 to 7-18-64 (men's sport and dress shirts).

The Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7-19-63 to 7-18-64 (men's slacks).

Ozark Manufacturing Co., Highway 231 Bypass, Ozark, Ala.; effective 7-21-63 to 7-20-64 (ladies' blouses).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-63 to 7-21-64 (men's and boys' sport shirts).

Salley Manufacturing Co., P.O. Box 516, Salley, S.C.; effective 7-18-63 to 7-17-64 (ladies' slacks, shorts, and pedal pushers).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 8-1-63 to 7-31-64 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-3-63 to 8-2-64 (men's and boys' single pants).

Sportswear Unlimited, Box 148, Iva, S.C.; effective 7-16-63 to 7-15-64 (ladies' blouses and pedal pushers).

Tallassee Manufacturing Co., Inc., Box 188, Tallassee, Ala.; effective 7-18-63 to 7-17-64 (women's shirts and ladies' and children's shorts and jamaicas).

Wilson Shirt Co., 2804 Wilco Avenue, Augusta, Ga.; effective 7-24-63 to 7-23-64 (work clothing).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Garment Co., North Third and Division Streets, Altamont, Ill.; effective

7-20-63 to 7-19-64; 10 learners (boys' trousers).

Edinburg Manufacturing Co., Wardensville, W. Va.; effective 7-26-63 to 7-25-64; 10 learners (infants' wear).

Gunnin Manufacturing Co., Main and Church Streets, Dawson, Ga.; effective 7-22-63 to 7-21-64; 10 learners (men's and women's sport shirts).

Morris Maler Shirt Manufacturing Co., Inc., 320 North Arizona, Prescott, Ariz.; effective 7-22-63 to 7-21-64; 10 learners (women's blouses and men's shirts).

Sylvia Garments, Inc., 32 West King Street, Littlestown, Pa.; effective 7-18-63 to 7-17-64; 10 learners (ladies' cotton dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Glendale Manufacturing Corp., 175 Sweeten Creek Road, Asheville, N.C.; effective 7-18-63 to 1-17-64; 20 learners (ladies' cotton sleepwear).

Rosvall & Goellner Co., 150 South Main, Beaver, Beaver County, Utah; effective 7-17-63 to 1-16-64; 80 learners (girls' dresses).

Tallassee Manufacturing Co., Inc., Box 188, Tallassee, Ala.; effective 7-18-63 to 1-17-64; 15 learners (women's shirts and ladies' and children's shorts and jamaicas).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-30-63 to 7-29-64; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo.; effective 7-18-63 to 7-17-64; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 7-17-63 to 7-16-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and circular knit nylon hosiery).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N.C.; effective 8-1-63 to 7-31-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-63 to 7-21-64; 5 percent of the total number of factory production workers engaged in the production of men's and boys' woven shorts for normal labor turnover purposes (men's and boys' woven shorts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C. this 26th day of July 1963.

LUTHER E. STONE,  
Authorized Representative of  
the Administrator.

[F.R. Doc. 63-8455; Filed, Aug. 7, 1963;  
8:54 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 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. 38466: *Sheet steel to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4357), for interested rail carriers. Rates on sheet steel, lithographed, in carloads, from Alton, East St. Louis and Federal, Ill., also St. Louis, Mo., to New Orleans, La.  
Grounds for relief: Carrier competition.

Tariff: Supplement 89 to Southern Freight Association, agent, tariff I.C.C. S-163.

FSA No. 38467: *Iron or steel articles to points in Louisiana.* Filed by Southwestern Freight Bureau, agent (No. B-8426), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from points in Alabama, Georgia, Kentucky, Ohio, Tennessee, and West Virginia, to points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 38468: *Iron or steel articles to points in Louisiana.* Filed by Southwestern Freight Bureau, agent (No. B-8427), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from Kansas City and St. Louis, Mo., East St. Louis and Granite City, Ill., Sand Springs, Okla., and Houston, Tex., to points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 38469: *Caustic potash from Calvert, Ky., to South Bend, Ind.* Filed by O. W. South, Jr., agent (No. A4360), for interested rail carriers. Rates on potassium (potash), caustic, in tank-car loads, from Calvert, Ky., to South Bend, Ind.

Grounds for relief: Rate relationship.  
Tariff: Supplement 26 to Southern

Freight Association, agent, tariff I.C.C. S-263.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-8466; Filed, Aug. 7, 1963;  
8:56 a.m.]

### ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

#### Duties of Divisions and Boards

JULY 30, 1963.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; and 28 F.R. 198, 896) in the following particulars:

Under the heading *Assignment of Duties to Division* paragraphs (j) and (w) of Item 4.2, Division One—Operating Rights Division, are amended to read as follows:

(j) Sections 206, 207, and 208, relating to certificates of public convenience and necessity, and certificates of registration, except matters assigned to and determined by an Operating Right Board pursuant to Items 7.11(a) (1) and 7.11(b) (1).

(w) Any matters arising under Parts II, III, and IV not specially assigned or referred to other Divisions, except matters relating to the Commission's Deviation Rules (49 CFR Part 211, or as amended) assigned to and determined by an Operating Rights Board, pursuant to Item 7.11(b) (2).

Under the heading *Assignments to Boards*, paragraph (b) (1) of Item 7.11, *Operating Rights Boards*, is amended to read as follows:

(b) Operating Rights Board No. 2:

(1) Determination of issues, raised by the filing of protests or otherwise, concerning applications by holders of intrastate authorities for certificates of registration to engage in operations in interstate or foreign commerce under sections 206(a) (6) and (7), except those applications under section 206(a) (6) in connection with which petitions for reconsideration of the finding of the State Commission that the public convenience and necessity require applicant's proposed operations in interstate or foreign commerce are seasonably filed, not involving the taking of testimony at a public hearing before the Commission or the submission of evidence to the Commission by opposing parties in the form of affidavits, with the right to designate any such matter for hearing and determination in accordance with the general rules of practice where such action is deemed necessary or desirable.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 63-8465; Filed, Aug. 7, 1963;  
8:55 a.m.]

[No. 33750]

### REFORMATION OF RATES AND OTHER CONDITIONS OF MAIL- ABILITY OF FOURTH CLASS MAIL

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of July A. D. 1963.

It appearing, that on January 2, 1962, the Postmaster General submitted to the Commission for its consent, after investigation, specific and inseparable proposals, as amended by letter dated April 2, 1962, for reformation of rates and other conditions of mailability of fourth-class mail including increases in size and weight limits, under the provisions of 31 U.S.C. 695 and 39 U.S.C. 247 (1958 ed.);

It further appearing, that by order dated April 10, 1962, an investigation into the merits of the said proposals was instituted;

It further appearing, that by order dated December 3, 1962, consent to the proposals, as presented, was denied and the investigation discontinued without prejudice, however, to the submission of further proposals limited to increases in rates;

And it further appearing, that on July 17, 1963, the Postmaster General submitted to the Commission for its consent, after investigation, further specific proposals for reformation of rates and other conditions of mailability of fourth-class mail, limited as provided in the Commission's order of December 3, 1962, and advised that justification for such proposals will be available for the purpose of investigation not later than September 3, 1963:

*It is ordered*, That this proceeding be, and it is hereby, reopened for consideration of the merits of the proposals contained in the Postmaster General's letter of July 17, 1963.

*It is further ordered*, That no oral hearing be held but that the proceeding be conducted upon written representations according to the following schedule:

1. Prior to September 10, 1963, the Postmaster General shall (a) file an original and 14 copies of verified statements and exhibits (unless such exhibits are already contained in the Commission's docket) in support of his proposals; (b) serve copies thereof only upon those persons or groups he has reason to believe will also file similar documents in the proceeding; and (c) furnish the Commission with a list of such persons or groups upon whom service has been made. Any interested person not so served should promptly notify the Commission and the Postmaster General of his intention to so participate and consideration will be given to having his name added to the service list.

2. Prior to September 24, 1963, the Postmaster General, at a time and place designated by him, will make available for inspection by the Commission's staff and any other interested party the available working papers relating to the underlying ascertainment of revenue

and costs upon which the proposals are based.

3. Prior to October 15, 1963, any interested person may file an original and 14 copies of verified statements and exhibits in opposition to or in support of the said proposals, and serve 6 copies thereof upon the Postmaster General.

4. Prior to October 29, 1963, the Postmaster General may file and serve, as specified in 1 above, verified statements and exhibits in rebuttal.

5. Prior to November 12, 1963, the Postmaster General and any interested party may file briefs (original and 14 copies) with the Commission and furnish copies thereof to the party or parties upon whom their verified statements and exhibits were served.

*And it is further ordered,* That notice of this proceeding be given, (1) by posting a copy of this order in the office of the Secretary of the Commission for public inspection, (2) by filing a copy thereof with the Director, Office of the Federal Register, (3) by serving copies thereof on the Postmaster General and Comptroller General of the United States, and (4) by mailing a copy of this order to the other persons shown on the service list attached to the original of this order.

By the Commission.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-8467; Filed, Aug. 7, 1963;  
8:56 a.m.]

### CUMULATIVE CODIFICATION GUIDE—AUGUST

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