

Washington, Friday, October 13, 1961

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10966

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1947 to 1961, inclusive, shall, during the Eighty-seventh Congress, be open to inspection by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of tax returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall become effective upon its filing for publication in the Federal Register.

JOHN F. KENNEDY

THE WHITE HOUSE, October 10, 1961.

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[F.R. Doc. 61-9864; Filed, Oct. 11, 1961; 4:47 p.m.

Executive Order 10967 ADMINISTRATION OF PALMYRA ISLAND

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior shall be responsible for the civil administration of Palmyra Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Palmyra Island other than the authority contained in the Act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 2. The executive, legislative, and judicial authority provided for in section 1 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through

such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 3. The Secretary of the Interior may confer upon the United States District Court for the District of Hawaii such jurisdiction, in addition to that contained in the Act of June 15, 1950, and such judicial functions and duties, as he may deem appropriate for the civil administration of Palmyra Island.

SEC. 4. The foregoing provisions of this order shall continue in force until the Congress shall provide for the civil administration of Palmyra Island or until such earlier time as the President may specify.

SEC. 5. As used herein, the term "Palmyra Island" means the place of that name, consisting of a group of islets located in the Pacific Ocean approximately at Latitude 5°52′ North and Longitude 162°06′ West, and includes the territorial waters of that place and includes also the reefs surrounding that place or any part thereof.

SEC. 6. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 7. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal eases arising under the provisions of the Act of June 15, 1950, or under the provisions of section 3 of this order.

JOHN F. KENNEDY

THE WHITE HOUSE, October 10, 1961.

[F.R. Doc. 61-9865; Filed, Oct. 11, 1961; 4:47 p.m.]

Executive Order 10968

AMENDMENT OF EXECUTIVE ORDER NO. 10858, RELATING TO THE PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 10858, dated January 13, 1960, and headed "The President's Committee for Traffic

¹25 F.R. 373; 3 CFR, 1960 Supp., p. 56.

Safety," be, and it is hereby, amended by substituting for paragraph (b) of section 1 thereof the following:

"(b) The President's Committee for Traffic Safety (hereinafter referred to as the Committee) shall be composed of not more than eighteen members to be appointed by the President from among individuals active in agriculture, business, labor, public-information media, civic, service, and women's organizations, State or local governments, and such other fields as the President may from time to time determine. The Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall serve as ex officio members of the Committee."

JOHN F. KENNEDY

THE WHITE HOUSE, October 10, 1961.

[F.R. Doc. 61-9866; Filed, Oct. 11, 1961; 4:47 p.m.]

Executive Order 10969

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE READING COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Reading Company, a carrier, and certain of its employees represented by the International Organization of Masters, Mates and Pilots, Local No. 14, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended: and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by The Reading Company or by its employees, in the condition out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE, October 11, 1961.

[F.R. Doc. 61-9868; Filed, Oct. 12, 1961; 9:57 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the Federal Register, paragraph (f)(4) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

- (f) Farmers Home Administration.
- (4) Two Confidential Assistants to the Administrator.

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

United States Civil Service Commission,
Warren B. Irons,

[SEAL]

Executive Director.

[F.R. Doc. 61-9811; Filed, Oct. 12, 1961; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

[Amdt. 6]

PART 503—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Miscellaneous Amendments

The purpose of this amendment is to incorporate in these regulations the provisions of Public Law 87-179 which amends Public Law 86-756 relating to use of foods in home economics courses.

Section 503.1 General purpose and scope, paragraph (b), subparagraph (11), is amended to read as follows:

(11) Public Law 86-756, as amended, which reads as follows: "Schools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economics, including college students if the same facilities and instructors are used

for training both high school and college students in home economics courses."

Section 503.8 Eligible recipient agencies, paragraph (a), is amended to read as follows:

(a) Schools operating lunch programs under the National School Lunch Act are eligible to receive commodities under section 416, section 32, and section 6. Other schools which operate non-profit lunch programs are eligible to receive commodities under section 416 and section 32. Schools receiving commodities under section 416 and section 32 in accordance with this part shall also be eligible to receive such foods for use in training students in home economics, including college students if the same facilities and instructors are used for training both high school and college students in home economics courses. Schools receiving such commodities shall not discriminate against any child in receiving lunches because of his inability to pay the full price of the lunch or because of his race, creed, or color.

> John P. Duncan, Jr., Assistant Secretary.

OCTOBER 9, 1961.

[F.R. Doc. 61-9827; Filed, Oct. 12, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Orange Reg. 1]

PART 1072—ORANGES

Importation Into United States

§ 1072.1 Orange Regulation No. 1.

(a) On and after 12:01 a.m., e.s.t., October 22, 1961, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 3, and are of a size not smaller than 27_{16} inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 27_{16} inches in diameter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are im-

ported into the United States under the provisions of section 8e of the act. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, McClendon Bldg., P.O. Box 111, 305 E. Jackson, Harlingen, Tex. (Tel.: Garfield 3-5644).	1 day.
	or Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Tel.: Key- stone 3-9351, Ext. 340).	Do.
All New York points.	W. C. Hackleman, 346 Broadway, Room 306, New York 13, N.Y. (Tel.: Rector 2-8000, Ext. 811).	Do.
All Arizona points.	R. H. Bertelson, Room 202, Trust Bldg., 305 American Ave., P.O. Box 1646, Nogales, Ariz. (Tel.: At- water 7-2902).	Do.
All Florida points,	Lloyd W. Boney, Dade County Growers Market, 1200 Northwest 21 Ter- race, Room 5, Miami, Fla. (Tel.: Newton 5-7967).	Do.
	or Hubert S. Flynt, 775 Warner St., P.O. Box 6697, Or- lando, Fla. (Tel.: Gar- den 2-2447).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles 21, Calif.	3 days.
All other points.	(Tel.: Madison 2-8756). E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Divi- sion, AMS, Washington 25, D.C. (Tel.: Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any oranges to be imported into the United States shall set forth, among other things:

opposition statement suggested that import restrictions be comparable with respect to any oranges to be imported into the United States shall set ulations imposed on Florida oranges. Texas Citrus Mutual, Weslaco, Texas.

(1) The date and place of inspection; (2) The name of the shipper, or ap-

plicant:

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks

on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of

1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of oranges which, in the aggregate, does not exceed five 1% bushel boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of oranges, during the effective time of this section, are in most direct competition with oranges grown in the State of Texas. The requirements set forth in this section are the same as those in effect for oranges grown in Texas (Orange Regulation 12; § 1031.330 of this chapter, 26 F.R. 8483).

(h) No provisions of this section shall supersede the restrictions or prohibitions on oranges under the Plant Quarantine

Act of 1912.

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ny be (i) The terms "U.S. No. 3" and "diameter" shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title). "Importation" means release from custody of the United States Bureau of Customs.

On September 13, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8565) regarding proposed restrictions on the importation of oranges into the United States. Such notice afforded interested parties an opportunity to submit data, views, or arguments for consideration in connection with the proposed action. Four statements were filed within the prescribed time. Three were in opposition to and one in support of the provision requiring import regulations for oranges to be on a basis comparable with regulations established for oranges grown in Texas. Florida Citrus Mutual and the Growers Administrative Committee, both of Lakeland, Florida, filed statements in opposition principally because of the larger volume of Florida orange production. Sunkist Growers, Los Angeles, California, filed a statement in opposition based on the relative volume shipped from Texas and other producing areas to the major consuming markets. Each

port restrictions be comparable with regulations imposed on Florida oranges. Texas Citrus Mutual, Weslaco, Texas, filed a statement in support of the proposal. It is recognized that production of oranges in Florida far exceeds the production in Texas. However, production should not be the principal factor in determining which area of production that is regulated by a marketing order is the area with which the imported commodity is in most direct competition. Imports of oranges from Mexico represent, on the basis of the most recent season for which data is available, 87 percent of all orange imports. Most of the imports from Mexico enter the United States at points in Texas. Many of such imports are transhipped from the lower Rio Grande Valley in Texas by handlers of Texas oranges. Many of such shipments are commingled with Texas oranges. Oranges from Mexico go to the same markets as Texas oranges. While the oranges that are imported compete with the oranges grown in Florida and other producing areas, it is concluded that such imported oranges are in most direct competition with oranges produced in Texas.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those in effect on domestic shipments of oranges under Orange Regulation 12 (§ 1031.330, 26 F.R. 8483); (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of September 13. 1961 (26 F.R. 8565), and interested parties were afforded an opportunity to submit written data, views, or arguments for consideration in connection therewith; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reason-

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

Dated: October 10, 1961.

Paul A. Nicholson,
Acting Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-9826; Filed, Oct. 12, 1961; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 299—IMMIGRATION FORMS

Prescribed Forms

Correction

In F.R. Doc. 61–9589, appearing at page 9406 of the issue for Friday, October 6, 1961, the following correction is made in the title and description entry for Form No. I–600, under § 299.1: The parenthetical citation should read "(Section 101(b) (6) of the Immigration and Nationality Act, as amended)".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency [Reg. Docket No. 821; Reg. No. SR-448A]

PART 40—SCHEDULED INTERSTATE
AIR CARRIER CERTIFICATION AND
OPERATION RULES

PART 41—CERTIFICATION AND OP-ERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUT-SIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER
AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Precautions to Prevent Hijacking of Aircraft and Interference With Crewmembers in the Performance of Their Duties

Special Civil Air Regulation No. SR-448 was adopted and effective July 28, 1961 (26 F.R. 7009). The preamble thereto stated that:

The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on or about his person while aboard an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the performance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination.

Special regulation SR-448, however, does not prohibit a person from carrying an unconcealed deadly or dangerous weapon on or about his person while aboard an aircraft. The present emergency situation requires stringent measures to preclude the carriage of any weapon which may be used to intimidate or interfere with crewmembers performing their duties on an aircraft engaged in air transportation. Therefore, paragraph 2 of SR-448 is amended by this regulation to prohibit any person, except those specified, from carrying a deadly or dangerous weapon on or about his person, either concealed or openly, while on board an air carrier aircraft engaged in air transportation.

Since the promulgation of Special Civil Air Regulation No. SR-448, Public Law 87-197 has been enacted which, among other things, makes it a criminal offense to carry a concealed deadly or dangeous weapon on or about one's person while aboard an air carrier aircraft being operated in air transportation. Excepted from this provision are certain law enforcement officers, and "other persons as may be so authorized under regulations issued by the Administrator." To implement this statutory provision, this regulation excepts from the prohibition against carrying a concealed weapon while aboard an aircraft being operated by an air carrier in air transportation (1) employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms: (2) crew members authorized by the air carrier; and (3) such other persons as may be authorized by the air carrier pursuant to such precautions as may be established by the carrier.

In view of the foregoing exceptions, the prohibition of paragraph 2 of SR-448 is changed to apply to any person, rather than only to those persons who are This regulation does not in passengers any way affect the shipment of unloaded firearms in baggage not accessible to the passenger while aboard the aircraft if these firearms are otherwise acceptable for shipment under the provisions of Part 49. In such case, the firearms will be located so as not to be accessible to the passenger during flight, and therefore, not deemed to be on or about his person within the meaning of this regulation.

The present provisions of paragraph 1 of SR-448 apply to aircraft being operated in air transportation. This paragraph is changed to apply to aircraft being operated in air commerce to broaden the scope of the provision to provide similar protection to those general aviation operations and operations conducted for compensation or hire which are not considered as air transportation under the Federal Aviation Act of 1958.

Because of the emergency nature of the situation and the present threat to

safety of persons being carried in air commerce, I find that notice and public procedure hereon would be impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing changes, Special Civil Air Regulation SR-448 is superseded by the following Special Civil Air Regulation to become effective October 13, 1961:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air commerce; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State, or Federal Governments who are authorized or required to carry arms, and except for those crewmembers and such other persons as may be authorized by an air carrier, no person, while aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed.

This special regulation supersedes Special Civil Air Regulation No. SR-448. (Secs. 313, 601, 902; 72 Stat. 752, 775, 784; 49 U.S.C. 1354, 1421, 1472)

Issued in Washington, D.C., on October 9, 1961.

N. E. HALABY, Administrator.

[F.R. Doc. 61-9805; Filed, Oct. 12, 1961; 8:47 a.m.]

Chapter III—Federal Aviation Agency SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 917; Amdt. 345]

PART 507—AIRWORTHINESS DIRECTIVES

De Havilland Model 104 Aircraft

Amendment 290, 26 F.R. 4395, was adopted to extend the frequency of inspections for corrosion of the rib areas on De Havilland Model 104 "Dove" aircraft from six months to twelve months. The six-month inspection had been required by AD 57-1-1 (22 F.R. 6047), and Amendment 290 was intended as a relaxation superseding AD 57-1-1 reflecting the less extensive inspection provisions of De Havilland Technical News Sheet CT (104) No. 125, Issue 5. As there was no intention to require a more extensive inspection than that in the referenced TNS, nor to require the repetition of the initial inspection program if such had already been accomplished, Amendment 290 is amended to reword the inspection requirements.

Since this amendment affords relief to operators of De Havilland Model 104 aircraft and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

§ 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 290, 26 F.R. 4395, is amended by—

1. Changing the first paragraph to read:

Due to reports of severe corrosion at the mainplane lower spar booms, the following inspections are required except that any inspections accomplished in accordance with AD 57-1-1 may be utilized in establishing the less frequent inspection intervals permitted in this directive.

- 2. Changing paragraph (a) to read:
- (a) Inspections shall be performed on the upper and lower spar booms from rib No. 1 to the wing tip as follows:
- 3. Inserting the word "Visual" at the beginning of the first sentence of paragraph (a) (3) and deleting "with a 10-power glass".

This amendment shall become effective October 13, 1961.

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

Issued in Washington, D.C., on October 6, 1961.

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

[F.R. Doc. 61-9789; Filed, Oct. 12, 1961; 8:45 a.m.]

[Reg. Docket No. 918; Amdt. 346]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

The investigation of several Douglas DC-8 incidents associated with a malfunction or failure in the hydraulic system has shown that the flight crew is not always provided with comprehensive information concerning the quantity of reserve hydraulic fluid which remains available for necessary flight and landing The lack of effective fluid operations. quantity indication is conducive to erroneous conclusions, and decisions to refrain from the use of certain hydraulic system operating procedures. Therefore, a modification or replacement of the present hydraulic fluid quantity indicating system incorporated in the basic DC-8 type design is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the Federal Register.

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

Douglas. Applies to all DC-8 Series aircraft.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

As a result of recent incidents which have shown the need for effective quantity indication of "reserve" hydraulic fluid in the system reservoir, the following must be accomplished:

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Unless already accomplished in accordance with FAA approved technical data, replace or modify in accordance with Douglas Service Bulletin No. DC-8 A29-40 (Reissue No. 1 or later) or FAA approved equivalent, the existing hydraulic quantity gage in the cockpit and the quantity transmitter in the fluid reservoir, to provide a system which will indicate the quantity of reserve hydraulic fluid in the reservoir down to approximately, one gallon. The system indication error shall not exceed 10 percent. The dial on the quantity gage shall be marked in a manner which divides the total indicator range into three segments and identifies the three segments, as follows:

Reserve fluid quantity in reservoir

Segment:

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NORMAL. Full (11.5 gal.) to 4.9 gal. AUX...... 4.9 gal. to 1.5 gal. EMER..... 1.5 gal. to approx. 1.0 gal.

The exact quantities in gallons need not be marked on the quantity indicator. "EMER." need not be shown provided that this segment is otherwise marked in a manner distinctly different from the other segments.

(Douglas Service Bulletin No. DC-8 A29-40 (Reissue No. 1 or later) pertains to this same subject.)

This amendment shall become effective October 13, 1961.

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

Issued in Washington, D.C., on October 6, 1961.

GEORGE C. PRILL, Director, Flight Standards Service. [F.R. Doc. 61-9790; Filed, Oct. 12, 1961; 8:45 a.m.]

[Reg. Docket No. 922, Amdt. 347]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

Investigation of numerous reports of recent Douglas DC-8 hydraulic system difficulties has shown that certain flexible hoses installed in the high-pressure discharge line from each of the enginedriven hydraulic pumps have failed. These failures have led to loss of hydraulic fluid thereby making it necessary for the flight crew to follow prescribed abnormal or emergency operating procedures, and thus reducing the level of operational safety. An adequate supply of the replacement hoses and clamps is not immediately available. Therefore, a maximum of 600 hours' time in service is being allowed although operators are expected to accomplish the replacement as soon as the parts are available.

As a situation exists which demands immediate adoption of this regulation in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the Federal Register.

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

Douglas. Applies to all DC-8 aircraft equipped with JT3C, JT4 and Conway engine installations (Models DC-8-11, -12, -31, -32, -33, -41, -42, and -43).

Compliance required as soon as the installation of available parts can be scheduled but not later than the next 600 hours' time in service after the effective date of this AD.

As a result of numerous recent failures of the flexible hoses in the discharge lines of the engine-driven hydraulic pumps, unless already accomplished, certain hoses and clamps approved as part of the basic type design must be removed and replaced as follows:

(a) Replace hoses as indicated or with FAA approved equivalents:

Airplane Serial Nos.	Remove Hose P/N	Install Hose P/N
All DC-8-11 and -12 aircraft (JT3-C engines).	5654402-10-6129	5765665-10-6129
All DC-8-21, -31, -32, and -33 aircraft (JT4 engines) ex- cept S/N 45422- 45431, 45433 and 45602-45606.	5654402-10-6724	5765665-10-6824
45422-45431, 45433, and 45602-45606.	618-10-0676	624663-10-0676
All DC-8-41, -42 and -43 aircraft (Con- way engines).	5654402-10-5700	5765665-10-5700

(b) Replace clamps, P/N 4365431D21C, as used with the hoses removed per (a), with clamps, P/N 4365431D25C and 4365431D26C, in the manner and positions described in Douglas DC-8 Service Bulletin No. 29-37, Reissue No. 1, dated October 3, 1961, or later issue.

(Douglas DC-8 Service Bulletin No. 29-37, Reissue No. 1, pertains to this same subject) (Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective October 13, 1961.

Issued in Washington, D.C., on October 9, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-9791; Filed, Oct. 12, 1961; 8:45 a.m.]

SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-258]

PART 625—LANDING AREA, NOTICE OF PROPOSED ESTABLISHMENT, ALTERATION, OR DEACTIVATION

On November 16, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 10892) stating that the Federal Aviation Agency (FAA) was considering a revision to Part 625 of the regulations of the Administrator which would delete the requirement for notice of construction or alteration of structures extending above the surface and which would prescribe the form and manner of notice required for the establishment, alteration or deactivation of civil airports and landing areas.

As stated in the notice, Part 625 of the regulations of the Administrator presently prescribes the requirement for notice for both tall structures and landing area construction. On July 15, 1961, Part 626 of the regulations of the Administrator was adopted. Part 626 estab-

lishes the requirements for notification of the contemplated construction or alteration of structures and prescribes the form and manner of notice required. A substantial number of comments and recommendations were received on the proposed Part 625 from representatives of the aviation industry, airport operators and other interested persons, but none was received with respect to this editorial action. Part 625 is herein amended to reflect the exclusion of notices that pertain to structures.

The comments which were received regarding the form and manner of notice required for the establishment, alteration or deactivation of civil airports and landing areas have been given careful consideration. All comments and recommendations, where found appropriate, have been incorporated in this amendment.

Several comments referred to the requirement that notice be given under this part for those airport projects which are handled under the Federal Aid Airport Program (FAAP) pursuant to the Federal Airport Act (60 Stat. 170), as amended. It was recommended that FAAP projects be excluded from the notice requirements of Part 625 because detailed information is provided to the Agency by the airport operator in the project application for FAAP funds. Similarly, some of the comments noted that proposals for the development of the landing area, including substantial alterations to the runway layout, are contained in the current Airport Master Plan Layout which is on file or submitted with the project application for FAAP funds. After very careful consideration, recommendations have adopted and FAAP projects have been excluded from the requirements for notice under this part. Project applications for FAAP funds will be studied from the standpoint of the effect of the project upon efficient utilization of airspace as a routine step in the Agency's processing of Master Plan Layouts and project applications.

Some comments stated that the definition of the term "alteration" was too broad and would require notification on minor changes to the landing areas or other airport property not directly associated with aircraft operations. In consideration of these comments the definition of this term was revised. Some alterations reported under this Part will not require detailed airspace studies; however, the Agency must have the opportunity to make this determination.

Some comments recommended that the 90-day notice requirement be reduced to 30 days or less. Other comments indicated a misunderstanding regarding any revision, by the proponent, of the information submitted on the original Form FAA-2681. The 90-day requirement is based on the normal minimum time required for airspace review by the Agency. Minor revisions to the original notice are not subject to the 90-day minimum time limit and may be submitted on Form FAA-2681.

Other comments referred to FAA approval of Airport Master Plans. It was

recommended that FAA approval of a Master Plan indicate airspace approval of all construction proposed in the Master Plan and any expansion thereof. Any Master Plan, for the construction of a new airport, which is submitted to the FAA will be carefully considered and an airspace study will be made and, to the extent possible, airspace clearance will be granted. The sponsor will like-wise be advised of any potential airspace conflictions so that the master plan can be revised prior to actual construction. However, most master plans provide for stage construction in which portions of the airport will not be completed for five years or more after initial construction is commenced. During this period of time, changes may occur which would introduce new airspace problems not apparent when the master plan was initially reviewed, such as (1) the introduction of new types of aircraft, (2) alterations in the use of superjacent airspace and (3) revisions to the original master plan. Therefore, the comments and recommendations with respect to FAA approval of master plans, have not been incorporated in the revision of this Part.

Comment was received regarding the note to subsection 625.3 which refers to one time or short term use of landing areas. It was noted that "short term use" might be variously interpreted by different persons. Consequently, this provision has been more precisely defined and, in lieu of a note, one time and short term use landing areas are included with other landing areas which are exempt from notice.

In addition to military projects on military bases used exclusively by the military, projects for which a request for Federal funds has been filed, and landing areas intended for one time or short term use, the Agency has also exempted from notice privately owned airports not open to the public which are located more than 5 miles from any other landing area and 20 miles from any landing area for which a civil or military instrument approach is authorized by the Federal Aviation Agency, subject to certain specified conditions. This provision was not included in the Notice. However, in the interest of lessening the impact of this revision upon persons planning to construct or alter a landing area which would not, as a general rule, affect the efficient use of airspace, we are providing this additional exception. In lieu of the notice requirement, a report of such construction or alteration in the form of a letter or other adequate means of communication will be required within 30 days following the completion of the project.

The actions taken herein required certain modifications and revisions to the sections involved, including renumbering in order to maintain proper context and clarity. In addition, several editorial changes were adopted which do not affect the basic provisions of the amendment.

In consideration of the foregoing, Part 625 of the regulations of the Administrator is amended to read: Sec.
625.1 Basis and purpose.
625.2 Explanation of terms.
625.3 Projects requiring notice.
625.4 Projects exempt from notice.
625.5 Submission of notice.

625.6 Determination of effect of proposed establishment, alteration or deactivation upon use of airspace by aircraft.

AUTHORITY: §§ 625.1 to 625.6 issued under secs. 307, 309, 311, 312, 313; 72 Stat. 749, 751, 752, 49 U.S.C. 1348, 1350, 1352, 1353, 1354.

§ 625.1 Basis and purpose.

(a) The basis of this part is found in sections 307, 309, 312, and 313 of the Federal Aviation Act of 1958 as amended.

(b) The purpose of this part is to require all persons to give adequate notice of the proposed establishment, alteration or deactivation of landing areas for civil or joint civil-military use and to prescribe the form and manner of such notice.

§ 625.2 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Administrator" means the Administrator of the Federal Aviation

Agency.

(b) "Alteration" means realignment, modification, enlargement, or deactivation of any runway layout and/or associated taxiways, or other substantial change to the surface of that part of a landing area which is used or intended to be used for the landing and taking off of aircraft.

(c) "Deactivation" means the discontinuance of use of a landing area permanently or for a temporary period of one (1) year or more.

(d) "Establishment" means the construction, reactivation, laying out or otherwise setting apart of a new landing

(e) "Landing Area" means any locality, either of land or water, including airports, heliports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(f) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

§ 625.3 Projects requiring notice.

Except as otherwise provided in § 625.4 all persons proposing to establish, alter or deactivate a landing area are required to give prior notice thereof to the Administrator in the form and manner prescribed herein.

§ 625.4 Projects exempt from notice.

Any person proposing an establishment, alteration or deactivation project of a type listed in this section is not required to give prior notice thereof to the Administrator:

(a) Military projects on military landing areas used exclusively by the military.

(b) Projects for which a request for Federal aid has been filed pursuant to the provisions of the Federal Airport Act (60 Stat. 170; 49 U.S.C. 1101).

(c) Projects involving landing surfaces intended for one-time or short-term use not exceeding a period of 30 days provided daily aircraft operations shall not exceed a total of 10.

(d) Projects involving privately owned landing areas not open to the public. located or proposed to be located, more than 5 miles from any other landing area and 20 miles from any landing area for which a civil or military instrument approach procedure is authorized by the Federal Aviation Agency: Provided, That (1) aircraft operations at the proposed location are confined to Visual Flight Rules as prescribed in Part 60 of this title (Civil Air Regulations) and (2) the project is reported to the Federal Aviation Agency for record keeping purposes within 30 days following each such establishment, alteration or deactivation of the landing area.

§ 625.5 Submission of notice.

(a) Notices required in compliance with § 625.3 shall be submitted to the nearest District Airport Engineer's Office or Regional Office of the Federal Aviation Agency, in triplicate on Form FAA-2681, Notice of Proposed Establishment, Alteration or Deactivation of Landing Area, not less than 90 days prior to the date on which action is to begin: Provided, That in case of an emergency requiring immediate action, such notice may be communicated to an authorized representative of the Administrator by telephone, telegraph, or other expeditious means, and the executed Form FAA-2681 shall be submitted within 5 days thereafter.

(b) The District Airport Engineer's Office or the Regional Office of the Federal Aviation Agency shall be notified of any delay in excess of 6 months in the date upon which the establishment, construction or alteration is to begin, or of any other change in the data contained in the original Form FAA-2681.

Note: Copies of Form-2681 may be obtained from the Federal Aviation Agency, Washington 25, D.C., or from the nearest Regional Office or District Airport Engineer's Office of the Federal Aviation Agency.

§ 625.6 Determination of effect of proposed establishment, alteration or deactivation upon use of airspace by aircraft.

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(a) Upon receipt of notice submitted in compliance with § 625.5 the Agency will study the proposal from the standpoint of its effect upon the efficient utilization of airspace and safety of aircraft, consulting with other interested persons when appropriate.

(b) As a result of such study, the Agency will issue its determination as to the effect the proposal would have upon the safe, efficient use of airspace.

(c) Such determination will be furnished to the proponent and state avia-

tion officials, and made available to other interested persons.

The reporting requirements contained in this Regulation have been approved by the Bureau of the Budget.

This amendment shall become effective November 15, 1961.

Issued in Washington, D.C., on October 9, 1961.

N. E. HALABY, Administrator.

[F.R. Doc. 61-9763; Filed, Oct. 12, 1961; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Miscellaneous Amendments

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3). §§ 204.55 and 204.56 establishing and governing the use and navigation of danger zones in Pamlico Sound and New River, North Carolina, and vicinity are hereby amended deleting paragraphs (c) and (d) from § 204.55 and inserting the same in § 204.56 as paragraphs (d) and (e), and changing the enforcing agency for the danger zones in § 204.55, effective on publication in the FEDERAL REGISTER since the changes are of a minor nature, as follows .

§ 204.55 Pamlico Sound and adjacent waters, N.C.; danger zones for Marine Corps operations.

(a) Bombing and rocket firing area in Pamlico Sound in vicinity of Brant Island—(1) The area. The waters within a circular area with a radius of 3.0 statute miles having its center on the southern side of Brant Island at latitude 35°12′30′′, longitude 76°26′30′′.

(2) The regulations. The area shall be closed to navigation at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to bombing or firing operations the area will be "buzzed" by plane. Upon being so warned vessels working in the area shall leave the area immediately.

(b) Bombing, rocket firing, and strafing areas in Pamlico Sound and Neuse River—(1) The areas. (i) The waters within a circular area with a radius of 1.8 statute miles having its center at latitude 35°02'12", longitude 76°28'00".

(ii) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°00′30′′, longitude 76°29′50′′.

(iii) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°04'12", longitude 76°28'24"

(iv) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°01'42", longitude 76°25'48".

(v) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 34°58′48′′, longitude 76°26′12′′.

(2) The regulations. (i) The areas described in subparagraph (1) (i) and (ii) of this paragraph will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The areas shall be closed to navigation at all times except for such vessels as may be directed by the enforcing agency to enter on assigned duties. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have been inadvertently entered the danger zones upon being so warned shall leave the area immediately.

(ii) The areas described in subparagraph (1) (iii), (iv), and (v) of this paragraph will be used as bombing. rocket firing, and strafing areas. Practice and dummy ammunition will be used. All operations will be conducted during daylight hours, and the areas will be open to navigation at night. No vessel shall enter these areas during the hours of daylight without special permission from the enforcing agency. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have inadvertently entered the danger zones upon being so warned shall leave the areas immediately.

(c) Enforcing agency. The regulations of this section shall be enforced by the Commander, Marine Corps Air Bases, East, Cherry Point, North Carolina, or his authorized representatives.

§ 204.56 New River, N.C., and vicinity; Marine Corps Firing Ranges.

(a) Atlantic Ocean east of New River Inlet. The waters of the Atlantic Ocean within a sector bounded on the north by a line bearing 105° from latitude 34°-37'25'', longitude 77°10'35''; on the east and south by the arc of a circle having a radius of 25,000 yards centered at latitude 34°34'15'', longitude 77°16'10''; on the west by a line bearing 205° from latitude 34°32'37'', longitude 77°18'34'', and on the northwest by the shore.

Note: All bearings in this section are referred to true meridian.

(b) New River. The firing ranges include all waters to the high waterline within eight sections described as follows:

(1) Trap Bay Sector. Bounded on the south by a line running from Cedar Point 280° to New River Light 70, thence 254° to Hatch Point; and on the northwest by a line running from Wilkins Bluff 232° to Hall Point.

(2) Courthouse Bay Sector. Bounded on the southeast by the northwest boundary of the Traps Bay Sector and on the west by Sneads Ferry Bridge.

(3) Stone Bay Sector. Bounded on the east by Sneads Ferry Bridge and on the north by a line running from a point on the east side of New River opposite the head of Sneads Creek 291°30′ to the south side of the mouth of Stone Creek.

(4) Stone Creek Sector. The northwest portion of Stone Bay, bounded on the south by the north boundary of the Stone Bay Sector; and on the east by longitude 77°26'.

(5) Grey Point Sector. Bounded on the south by the north boundary of the Stone Bay Sector; on the west by the east boundary of the Stone Creek Sector; and on the northeast by a line running from Town Point 113° to the south side of the mouth of French Creek.

(6) Farnell Bay Sector. Bounded on the south by the northeast boundary of the Grey Point Sector, including French Creek up to longitude 77°20′; and on the north by a line running from Hadnot Point 285°30′ to Holmes Point.

(7) Morgan Bay Sector. Bounded on the south by the north boundary of the Farnell Bay Sector, including Wallace Creek up to longitude 77°22'; and on the northwest by a line running from Paradise Point 243°30' to Ragged Point.

(8) Jacksonville Sector. Bounded on the southeast by the northwest boundary of the Morgan Bay Sector, including Southwest Creek up to the point where it narrows to 200 feet in width, and Northeast Creek up to longitude 77°23'30"; and on the north by an eastwest line passing through New River Day Beacon 41.

(c) The regulations. (1) Sailing vessels and any watercraft having a speed of less than 5 knots shall keep clear of any closed sector at all times after notice of firing therein has been given. Vessels propelled by mechanical power at a speed greater than 5 knots may enter the sectors without restriction except when the firing signals are being displayed. When these signals are displayed, vessels shall clear the closed sectors immediately and no vessels shall enter such sectors until the signals indicate that firing has ceased.

(2) Firing will take place both day and night at irregular periods throughout the year. Insofar as training requirements will permit, underwater explosions will be restricted in the Atlantic Ocean sector (described in paragraph (a) of this section) during the periods May 1 and June 5, inclusive, and November 22 to December 15, inclusive.

(3) Two days in advance of the day when firing in any sector except the Stone Creek sector is scheduled to begin, the enforcing agency will warn the public of the contemplated firing, stating the sector or sectors to be closed, through the public press and the United States Coast Guard and, in the case of the Atlantic Ocean sector, the Cape Fear Pilots Association at Southport, and the pilots Association at Moorehead City, North Carolina. The Stone Creek sector may be closed without advance notice.

(4) Towers at least 50 feet in height will be erected near the shore at the northeast and southwest limits of the Atlantic Ocean sector, and towers at least 25 feet in height will be erected near the easterly shore at the upper and lower limits of each New River sector. On days when firing is to take place a

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red flag will be displayed on each of the towers marking the sector or sectors to be closed. These flags will be displayed by 8:00 a.m., and will be removed when firing ceases for the day. Suitable range markers will be erected indicating the bearings of the north and west limits of the Atlantic Ocean sector.

(5) During the night firing, red lights will be displayed on the towers; and, in the case of the Atlantic Ocean sector, searchlights will be employed as barrier lights to enable safety observers to detect vessels which may attempt to enter the

danger zone.

(d) Target and bombing area in Atlantic Ocean in vicinity of Bear Inlet—
(1) The Area. The waters within an area described as follows: Beginning at latitude 34°37′32′′, longitude 77°12′03′′; thence to latitude 34°36′58′′, longitude 77°11′25′′; thence to latitude 34°37′44′′, longitude 77°10′35′′; thence to latitude 34°37′44′′, longitude 77°10′35′′; thence to latitude 34°36′30′′, longitude 77°10′20′′; thence to latitude 34°36′00′′, longitude 77°14′00′′′; and thence to the point of beginning.

(2) The regulations. Vessels may proceed along established waterways except during military training periods. Warning of military training periods will be given through Notices to Mariners and by displaying one hour prior to commencement a red danger streamer during daylight hours or a red light at night, from a flag pole 40 feet in height located at the U.S. Coast Guard Life Boat Station, Bogue Inlet, Swansboro, North Carolina, and from observation tower 40 feet in height located at the northern end of Onslow (Hurst) Beach. Prior to bombing and firing operations, the area will be searched by plane. Watercraft in the area will be warned by aircraft "buzzing" of the impending target practice. Upon being so warned, vessels shall leave the area as quickly as possible by the most direct route.

(e) Inland waters in the Browns Inlet area between Bear Creek and Onslow Beach Bridge over the Atlantic Intracoastal Waterway—(1) The area. Navigable waters between Bear Creek and Onslow Beach Bridge to include all inlets, streams, bays, and water therein contained, bounded on the north by Bear Creek, on the east and south by the Atlantic Ocean, to the meridian 77°16′-20′'; thence by this meridian to latitude 34°34′31′'; and thence by a line bearing 44° from this point until the line intersects Bear Creek.

(2) The regulations. (i) Vessels may proceed through the Atlantic Intracoastal Waterway in the area without stopping except in cases of extreme

emergencies.

(ii) All navigable waters in the area between the south bank of Bear Creek and the north bank of the north connecting channel between the Atlantic Intracoastal Waterway and Browns Inlet shall be closed to navigation at all times. There are highly sensitive unexploded projectiles within the limits of this area.

(iii) Vessels may proceed through the north connecting channel and the south

connecting channel (Banks Channel) in the area between the Atlantic Intracoastal Waterway and Browns Inlet to the Atlantic Ocean without stopping during periods of nonmilitary use. Caution should be used when proceeding through these waters due to the presence of unexploded projectiles lying in this area.

(iv) Navigable waters in the area between the south connecting channel (Banks Channel) leading to Browns Inlet and Onslow Beach Bridge on both sides of the Atlantic Intracoastal Waterway are open to unrestricted navigation during periods of nonmilitary use. An unknown element of risk exists in this area due to the possible presence of unexploded projectiles.

(v) Warning of impending military use of the area will be contained in

weekly Notice to Mariners.

(vi) Vessels having specific authority from the Commanding General, Marine Corps Base, Camp Lejeune, North Caro-

lina, may enter the area.

(f) Enforcing agency. The regulations of this section shall be enforced by the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, or his authorized representatives.

[Regs., September 28, 1961, 285/91-ENGCW-ON] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

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

[F.R. Doc. 61-9786; Filed, Oct. 12, 1961; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration
PART 3—ADJUDICATION

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

MISCELLANEOUS AMENDMENTS

1. In § 3.327, subdivision (d) is added to paragraph (b) (1) (ii) and paragraph (c) is amended to read as follows:

§ 3.327 Reexaminations.

(b) Compensation cases—(1) Scheduling reexaminations.

* * * * * * * * *

(d) In running award active tuberculosis cases which do not qualify for rating without future scheduled examination by reason of absence of improvement established by examinations at least 5 years apart, examinations will be scheduled at intervals of 6 months for the first year, thereafter at yearly intervals.

(c) Pension cases. In non-service-connected cases, rated permanent total, based on other than obviously static disabilities, reexamination will be conduct-

ed within 30 months of the date the permanent total rating was first effective.

(1) However, in the cases of veterans over 55 years of age, reexamination will be requested only under unusual circumstances.

(2) Where initial entitlement was established on a private physician's statement under § 3.326(d) reexamination by the Veterans Administration will be scheduled in 1 year.

(3) In running award active tuberculosis cases in which permanency of disability has not been established by reason of absence of improvement in a 5-year period, examinations will be scheduled at intervals of 6 months for the first year and thereafter at yearly intervals for the next 4 years, unless inactivity is established prior to that

(4) In other cases further examination will not be requested routinely and will only be accomplished if considered necessary based upon the particular

facts of the individual case.

(5) In cases in which the permanent total disability is confirmed by reexamination or by the history of the case, or with obviously static disabilities, further reexaminations will not be requested.

2. In § 3.342(b), subparagraph (2) is amended to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

(b) Criteria. * * *

(2) The permanence of total disability will be established as of the earliest date consistent with the evidence in the case. Active pulmonary tuberculosis not otherwise established as permanently and totally disabling will be presumed so after 6 months' hospitalization without improvement. The same principle may be applied with other types of disabilities requiring hospitalization for indefinite periods. The need for hospitalization for periods shorter or longer than 6 months may be a proper basis for determining permanence. Where, in application of this principle, it is necessary to employ a waiting period to determine permanence of totality of disability and a report received at the end of such period shows the veteran's condition is unimproved, permanence may be established as of the date of entrance into the hospital. Similarly, when active pulmonary tuberculosis is improved after 6 months' hospitalization but still diagnosed as active after 12 months' hospitalization permanence will also be established as of the date of entrance into the hospital. In other cases the rating will be effective the date the evidence establishes permanence.

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

These regulations are effective October 13, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-9809; Filed, Oct. 12, 1961; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency MISCELLANEOUS AMENDMENTS TO CHAPTER

This chapter is supplemented and corrected as follows:

PART 2-1-GENERAL

Subpart 2-1.7-Small Business Concerns

Sec 2-1.710

Subcontracting with small business concerns and labor surplus area concerns.

2-1.710-1 General.

2-1.710-4 Responsibility for reviewing subcontracting program.

Subpart 2-1.8-Labor Surplus Area Concerns

Definitions. 2-1.801

2-1.801-2 Labor surplus area.

Labor surplus area policies. 2-1.802

Report on preference procure-ment on labor surplus areas. 2-1.807

AUTHORITY: §§ 2-1.710 to 2-1.807 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

Subpart 2-1.7—Small Business Concerns

§ 2-1.710 Subcontracting with small business concerns and labor surplus area concerns.

§ 2-1.710-1 General.

(a) When the contractor is required to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program", the invitation for bids (IFB) or the request for proposals (RFP) will require that the name of the prospective contractor's designated liaison officer be furnished with the bid or proposal. Immediately after award of contract, the representative of the Small Business Administration serving the area should be given the name of the contractor's liaison officer for small business matters.

(b) The IFB or RFP should also advise prospective contractors that labor surplus areas are listed in the publication "Area Labor Market Trends", copies of which may be secured from the Bureau of Employment Security, Department of Labor, Washington 25, D.C.

§ 2-1.710-4 Responsibility for reviewing subcontracting program.

The contracting officer shall be responsible for the review required by § 1-1.710-4 of this title. A review shall be made as soon as possible after the award of a contract, and periodically thereafter. Written reports of all such reviews shall be included in the contract

Subpart 2-1.8—Labor Surplus Area Concerns

§ 2-1.801 Definitions.

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§ 2-1.801-2 Labor surplus area.

To assist Agency procurement offices in identifying labor surplus areas, arrangements have been made for each office to receive, directly from the Department of Labor, their publications, "Directory of Important Labor Market Areas" and "Area Labor Market Trends". Failure to receive these publications, or requirements for additional copies should be called to the attention of the Materiel Policy Division, Office of Management Services.

§ 2-1.802 Labor surplus area policies.

(a) The Agency policy on assistance to labor surplus areas is expressed in Agency Order 65. In essence this order stipulates that FAA will do everything possible, consistent with efficiency and within the framework of existing law and regulation to assist labor surplus areas. This policy shall be applied in the implementation of the regulations set forth in Subpart 1-1.8 and in § 1-1.710 of this

(b) Pursuant to the Buy American Act (41 U.S.C. 10a-10d) and section 3(c) of Executive Order 10582 of December 17. 1954, the bid or offered price of materials of domestic origin shall not be considered unreasonable for purposes of establishing Buy American Act preference, if substantially all the domestic material will be manufactured in a labor surplus area and the price does not exceed the price of like material of foreign origin by more than 12 percent. In such situations, award shall be made to the labor surplus area concern unless the price differential thus established exceeds \$10,000. Where the price differential exceeds \$10,000, the matter shall be referred to the Deputy Administrator for Administration for determination. Any such referral shall be accompanied by a summary of the public interest and other relevant factors involved, and by a recommendation of the course of action to be taken.

§ 2-1.807 Report on preference procurement on labor surplus areas.

Reports required pursuant to § 1-1.807 of this title shall be prepared by each procurement office and submitted in quadruplicate through channels to the Materiel Policy Division, Office of Management Services, within 30 days after the close of each calendar quarter.

PART 2-3-PROCUREMENT BY **NEGOTIATION**

Subpart 2-3.4-Types of Contracts

Sec. 2-3.405 Other types of contracts. 2-3.405-3 Letter contracts.

AUTHORITY: §§ 2-3.405 and 2-3.405-3 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

Subpart 2-3.4—Types of Contracts § 2-3.405 Other types of contracts.

§ 2-3.405-3 Letter contracts.

(a) Policy. (1) Letters of intent shall not be used.

(2) Use of letter contracts shall be kept to a minimum. They should be used only in situations where the interests of the Government require that the work be commenced immediately, a binding commitment to the contractor is necessary and negotiation of a definitive contract cannot be completed in [F.R. Doc. 61-9788; Filed, Oct. 12, 1961; sufficient time.

(b) Approval. (1) The use of letter contracts must be approved in advance on a case by case basis by the head of the procuring activity as defined in § 1-1.206 of this title.

(2) Request for approval must state: The necessity and advantage to the Government in issuing the letter contract; why no other type of contract is suitable; name and address of the proposed contractor; duration of proposed letter contract in number of days from date of execution; amount of letter contract and estimated amount of definitive contract showing source and citation of funds with statement that funds are available for the entire requirement: the estimated delivery date or dates and the proposed type of definitive contract.

(c) Limitations. The letter contract shall be superseded by a definitive contract within 90 days after the date of the letter contract. The maximum liability of the Government stated in the letter contract shall not exceed 50 percent of the total estimated cost of the procurement.

(d) Conditions for use. The authority to issue a letter contract is contingent on compliance with the following:

(1) Each letter contract shall incorporate by reference all required standard clauses and such optional standard and special clauses that are determined to be applicable, and shall provide therein that the definitive contract shall contain such provisions

(2) If the definitive contract is to be a cost type, the total estimated cost of the procurement, plus the maximum fixed fee, if any, shall be set forth in the letter contract with a provision for further negotiations of the cost and fee. The fixed fee stipulated shall not exceed the limitation established by § 2-3.404-3. If the definitive contract is to be on a fixed price basis, the total estimated cost of the procurement shall be set forth in the letter contract as a maximum or not to exceed amount.

(3) All internal copies of the letter contract shall contain a citation of the appropriate funds. The statutory authority for negotiation shall be cited on each copy of the letter contract (see § 2-3.350(c)).

PART 2-9-PATENTS, DATA AND COPYRIGHTS

Subpart 2-9.50—Retention of Patent and Royalty Rights

The heading of § 2-9.5000 (25 F.R. 14032) should read as follows:

§ 2-9.5000 Scope of subpart.

(Secs. 303, 313, 72 Stat. 747, 752, 49 U.S.C. 1344, 1354)

Effective date: These regulations are effective immediately.

Dated: October 9, 1961.

ALAN L. DEAN, Deputy Administrator for Administration.

8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

PART 12—AMATEUR RADIO SERVICE Amateur Radio Operator Examination Points

The Commission having under consideration a modification of its amateur radio operator examination points; and

It appearing that it will be in the public interest to add the Commission's office at San Pedro to the list of examination points where Amateur Radio Operator examinations are given by appointment; and

It further appearing that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with public rulemaking procedures required by section 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, Effective November 1, 1961, pursuant to authority of section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and Other Information, and to authority contained in sections 4(i) and 303(r) of

the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that Appendix 1 of Part 12 of the Commission's rules be amended as set forth in the Appendix appearing below.

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

Adopted: October 9, 1961.

Released: October 9, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

The second paragraph of Appendix 1 to Part 12 is amended to read as follows:

APPENDIX 1

EXAMINATION POINTS

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Anchorage, Alaska. Beaumont, Tex. Juneau, Alaska. Mobile, Ala. San Diego, Calif. San Pedro, Calif. Savannah, Ga. Tampa, Fla.

[F.R. Doc. 61-9824; Filed, Oct. 12, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization
Service

[8 CFR Part 214]

TERMINATION OF NONIMMIGRANT STATUS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to the termination of nonimmigrant status of certain aliens in the United States. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. The heading of existing § 214.1 General requirements for admission, extension, and maintenance of status is amended to read Requirements for admission, extension, and maintenance of status—(a) General and paragraph (b) is added to read as follows:

(b) Termination of status. Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver previously authorized in his behalf under section 212(d) (3) or (4) of the Act or by the revocation and invalidation of his visa pursuant to section 221(i) of the Act.

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

Dated: October 11, 1961.

J. M. SWING, Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-9867; Filed, Oct. 12, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1031]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Texas Valley Citrus Committee, established under Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031)

regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of \$8,909.12, which are in excess of expenses incurred during the fiscal period ended July 31, 1961, shall be carried over into subsequent fiscal periods as a reserve, and may be used, in accordance with the provisions of \$1031.35 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the Federal Register.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

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

Dated: October 10, 1961.

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

[F.R. Doc. 61-9800; Filed, Oct. 12, 1961; 8:46 a.m.]

[7 CFR Part 1032]

CARROTS GROWN IN SOUTH TEXAS

Proposed Limitation of Shipments

This is a notice that the Secretary of Agriculture is considering issuing the regulation as set forth below regarding limitation of carrot shipments. The regulation was recommended by the South Texas Carrot Committee, which was established under Marketing Order No. 132 (7 CFR Part 1032). This order was established under the provisions of the Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and regulates the handling of carrots grown in certain designated counties of South Texas.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the Federal Register. The proposals are as follows:

§ 1032.302 Limitation of shipments.

During the period from November 1, 1961, through July 1, 1962, no person may handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section and one of the size designations of paragraph (b) of this section and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), and (g) of this section.

(a) Minimum grade requirements. U.S. No. 1, or better.

(b) Sizing requirements—(1) Small-to-medium. 34 inch minimum diameter to 11/8 inches maximum diameter, 51/2 inches minimum length;

(2) Medium-to-large. % inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length;

(3) Jumbos. 1 inch minimum diameter to 3 inches maximum diameter and 5 inches minimum length.

(c) Container requirements. (1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 pound;

(ii) 2 pounds;

(iii) 25 pounds; (iv) 50 pounds; and

(v) 75–80 pounds.

(2) "Jumbos," as specified in paragraph (b) (3) of this section, may be handled only in 25, 50, and 75-80-pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall be applicable to carrots handled for export.

(d) Pack requirements. (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1-pound packages;

(ii) 48 1-pound packages; or

(iii) 24 2-pound packages.
(2) (i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3820, and 2 pounds for crate No. 5055 (crate designations are carrier numbers).

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances.

(a) One-pound packages, 20 percent.

(b) Over one-pound and including two-pound packages, 15 percent.

(c) Over two-pound packages, 10 percent.

(iii) Containers weighing 25 pounds or more may not exceed an average of 10 percent of the net weight of contents.

(e) Minimum quantities. Pursuant to § 1032.52(c) (2) of this part any person subject to these regulations may handle up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

(f) Special purpose shipments. The requirements set forth in paragraphs (a), (b), (c), and (d) of this section, and the inspection and assessment requirements of this part, shall not be applicable to carrots handled for:

(i) Canning or freezing;

(ii) Relief or charity;

(iii) Experimental purposes; and

(iv) Livestock feed within the pro-

duction area:

(g) Safeguards. Each handler of carrots which do not meet the requirements of paragraphs (a), (b), (c), and (d) of this section, and which are handled under paragraph (f) of this section shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee. This shall require the handler to furnish reports and documents as the committee may require showing that the carrots handled were utilized for the purpose specified in the certificate. Certificates are not required on carrots for livestock feed if (1) the carrots are mutilated to make them unfit for commercial markets or (2) the carrots are farm packed and limited in distribution to one mile or less of loading point. Certificates are not required on carrots for canning or freezing if processed within the Lower Valley.

(h) Inspection. (1) No handler may handle any carrots for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid

at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of carrots by motor vehicle for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto.

(3) For administration of this part each inspection certificate is valid for only 72 hours following completion of inspection as shown on the certificate.

(i) Definitions. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360 to 51.2381 of this title) including the tolerances set forth therein. The term "loading point" means a commercial facility maintained and operated by a Registered Handler as defined in § 1032.8. "Farm packed" means carrots handled by the grower on the farm where such carrots were produced. All other terms used in this section shall have the same meaning as when used in Marketing Order No. 132 (Part 1032 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. (601-674)

Dated: October 10, 1961.

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

[F.R. Doc. 61-9799; Filed, Oct. 12, 1961; 8:46 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 727]
MARYLAND TOBACCO

Notice of Proposed Amendment to Provide for Lease and Transfer of Tobacco Acreage Allotments

Correction

In F.R. Doc. 61–9426 appearing at page 9238 of the issue for Saturday, September 30, 1961, § 727.1328 is corrected by changing the tenth line of paragraph (n) to read: "727.1327, the term or expression 'tobacco'.

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration
[21 CFR Part 121]

FOOD ADDITIVES

Amendment of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), a notice of filing of petition, proposing the amendment of § 121.208 of the food additive regulations, published in the Federal Register of September 16, 1961 (26 F.R. 8677), is amended by changing the item "400 grams * * *" to read as follows:

Level of use	Period of adminis- tration	Purpose
400 grams of chlortetracy- cline per ton of feed.	14 days	As an aid in reducing shedding of leptospirae; as an aid in reducing the abortion rate of swine and the mortality rate of newborn pigs when leptospirosis is present.

Dated: October 9, 1961.

[SEAL]

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

[F.R. Doc. 61-9812; Filed, Oct. 12, 1961; 8:47 a.m.]

[21 CFR Part 121] FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act

(sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 529) has been filed by Lederle Laboratories Division, American Cyanamid Company, Pearl River, New York, proposing the issuance of a regulation to provide for the safe use of terpene resin consisting of polymers of β -pinene as a moisture barrier when used as an internal coating on gelatin capsules and as a coating agent for ascorbic acid and salts of ascorbic acid.

Dated: October 9, 1961.

[SEAL]

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

[F.R. Doc. 61-9813; Filed, Oct. 12, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

EXEMPTIONS AND CONTINUED REG-ULATORY AUTHORITY IN AGREE-MENT STATES UNDER SECTION 274

Notice of Proposed Rule Making

Statement of considerations. Public Law 86–373, dated September 23, 1959, amended the Atomic Energy Act of 1954 by the addition of a new section 274, "Cooperation With States." One principal purpose of that legislation was to clarify the responsibilities of the Federal Government, on the one hand, and State and local governments, on the other, with respect to the regulation of byproduct, source, and special nuclear materials, as defined in the Atomic Energy Act, in order to protect the public health and safety from radiation hazards.

To implement this purpose, the Commission was authorized to enter into an agreement with the Governor of any State to provide for a discontinuance by the Commission and a corresponding assumption by the State of regulatory authority and responsibility with respect to certain activities involving byproduct material, source material, and special nuclear material in quantities less than a critical mass.

Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:

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

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

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

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

In addition to the foregoing the Commission, notwithstanding an agreement is authorized by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device or commodity shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

This regulation defines ocean or sea for purposes of section 274 of the Atomic Energy Act. In connection with sea or ocean disposal, the Commission will regulate the design and specification of containers, the selection of disposal sites, and the kinds, quantity and concentration of radioactive waste material permitted to be disposed of at sea.

The Commission has not taken a position as to whether it should retain, or relinquish to the States, its authority to regulate the commercial disposal by burial of atomic wastes or its authority to license the distribution by producers of products containing atomic energy materials. The Commission invites public comment on these questions.

If the Commission decides to retain licensing and regulatory authority over the disposal of atomic waste by burial, it may adopt a rule similar to paragraph (d) of § 150.8 below. Such a decision, and rule, would not preclude the State from licensing persons within the State to collect, package and provide temporary storage of atomic wastes and to transport such wastes (subject to applicable regulations of Federal agencies having jurisdiction over the means of transportation) for land burial. license would still have to be obtained from the Atomic Energy Commission for the operation of the land burial site; and the Federal license would prescribe the container specifications, burial sites, precautions to detect and protect against undue migration of buried wastes, and types of wastes acceptable for such burial. It should be noted that paragraph (d) of § 150.8 would apply only to commercial land burial activities.

If the Commission, after public comment, decides to retain licensing authority over product transfers by producers, it may adopt a rule similar to paragraph (e) of § 150.8. Such a decision and rule would only apply to the transfer of the product or device by the manufacturer, processor or producer and would not preclude the State from regulating radiation hazards which might arise during manufacture, transportation or use of such products and devices.

If, on the other hand, the Commission decides to relinquish licensing authority in either or both of these areas, it will not adopt the pertinent paragraph (d) or (e) of § 150.8.

In determining whether to retain or relinquish licensing and regulatory authority over commercial burial of atomic wastes, the Commission must consider, among other things: (1) Whether research and development programs of the Commission have progressed sufficiently to permit the establishment of satisfactory criteria for the selection and operation of land burial sites outside Federal jurisdiction; (2) whether the require-

ments for long-term maintenance of burial grounds can best be accomplished by the Federal Government or the States; and (3) whether waste handling and disposal have such interstate aspects that regulatory control should be continued by the Commission.

In determining whether to retain or relinquish licensing and regulatory authority over the distribution by the producer of products containing atomic energy materials, the Commission must consider, among other things: (1) Whether continued control is needed to achieve reasonable uniformity of safety design and labelling requirements for such products, many of which are widely distributed; and (2) whether continued Federal control over such products is needed to assure that appropriate limits are maintained on the total quantity of atomic energy materials entering into our general environment.

The Commission particularly invites public comment on the alternatives available to it with respect to these two areas of regulatory authority.

The exemptions herein granted are applicable to the activities of source, by-product and special nuclear material licensees of agreement States only within the confines of the licensing agreement

Notice is hereby given that adoption of the following additions to Title 10 Code of Federal Regulations is contemplated. All interested persons desiring to submit written comments and suggestion for consideration in connection with adoption of these regulations should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after initial publication of this notice in the Federal Register.

In reviewing this proposed regulation, interested persons should also consider the proposed agreement between the Commission and the Commonwealth of Kentucky published elsewhere in this issue of the Federal Register.

GENERAL PROVISIONS

Sec.
150.1 Purpose.
150.2 Scope.
150.3 Definitions.
150.4 Communications.
150.5 Interpretations.

EXEMPTIONS IN AGREEMENT STATES

150.6 Persons exempt. 150.7 Critical mass.

CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

150.8 Activities not exempted.

ENFORCEMENT

150.9 Violations.

AUTHORITY: §§ 150.1 to 150.9 issued under secs. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirement contained in Chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or

transfer byproduct material, source material or special nuclear material in less than a critical mass; and define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons ir. agreement States engaging in activities over which the regulatory authority of the Commission continues.

§ 150.2 Scope.

The regulations in this part apply in the States listed in this section on and after the indicated effective dates.

State: Effective date
Kentucky_____ Dec. 1, 1961

§ 150.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, including any amendments thereto.

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under Section 274 of the Atomic Energy Act of 1954, as amended.

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(d) The term "Commission" means

the Atomic Energy Commission.

(e) "Source material" means source material as defined in the Commission's regulations contained in other parts of this chapter.

(f) "Special nuclear material" means special nuclear material as defined in the Commission's regulations contained in other parts of this chapter.
 (g) "Production facility" means pro-

(g) "Production facility" means production facility as defined in the Commission's regulations contained in other parts of this chapter.

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Federal Government Agencies.

(i) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.

(j) "Utilization facility" means utilization facility as defined in the Commission's regulations as contained in other parts of this chapter.

§ 150.4 Communications.

All communications concerning the regulations of this part or any Commission license issued under them should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's Office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

PROPOSED RULE MAKING

§ 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission

EXEMPTIONS

§ 150.6 Persons exempt.

(a) Any person in an agreement State who receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act. regulations of the Commission imposing licensing requirements upon persons who receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees.

(b) The activities described in § 150.8 are not within the exemptions in paragraph (a) of this section.

§ 150.7 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235: uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitation and is within the formula, as follows:

			132	AND THE PARTY OF T	reits a seco	Marily !		831 TO 100	TOP L
75 (8	grams contained	U-235)	50	(grams	U-233)	50	(grams	Pu)	-1
4-18	350		10 8	200			200		

(b) To determine whether the special nuclear material is in quantities not sufficient to form a critical mass, a person shall include in the formula given in paragraph (a) of this section the total special nuclear material to be received, possessed or used in an agreement State.

CONTINUED COMMISSION REGULATORY AU-THORITY IN AGREEMENT STATES

§ 150.8 Activities not exempted.

The exemptions provided in § 150.6 do not apply to:

(a) The construction and operation of production and utilization facilities;

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

(c) The disposal into the ocean or sea of byproduct, source or special nuclear waste material. Ocean or sea means any part of the territorial waters of the United States and any part of international waters;

(d) The burial by any person of byproduct, source, or special nuclear waste received by such person from any other

person for disposal.1

(e) Notwithstanding any exemptions provided in this part no person who is the manufacturer, processor or producer of any equipment, device, commodity or product listed below which contains source, byproduct, or special nuclear material shall transfer possession or control of such products except pursuant to a license or an exemption from licensing under regulations of the Commission contained in other parts of this chapter.1

(1) Sealed sources and holder or containers for sealed sources (e.g., radiographic exposure devices, teletherapy units).

(2) Any device, equipment, or product designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage or qualitative or quantitative chemical composition or for producing an ionized atmosphere.

(3) Any device, equipment or product containing byproduct, source or special nuclear material as a luminous paint or compound.

(4) Products into which byproduct. source or special nuclear material have been introduced for tracing or other purposes

(5) Glazed ceramic tableware containing source material.

(6) Glassware containing material including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction.

(7) Any finished product or part fabricated of or containing tungsten or magnesium thorium alloy.

(8) Aircraft counterweights containing uranium.

(9) Gas mantles, vacuum tubes and welding rods.

(10) Any other device, equipment, commodity or product, not including containers used solely for storage, containing source, byproduct or special nuclear material.

ENFORCEMENT

§ 150.9 Violations.

An injunction or other court order may be obtained prohibiting any viola-

tion of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., September 25, 1961.

For the Atomic Energy Commission.

[SEAT.] WOODFORD B. McCool, Secretary.

[F.R. Doc. 61-9371; Filed, Sept. 28, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 916]

CONVAIR MODELS 22 (880) AND 22M (880M) AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a modification to provide cockpit indicating means on Convair Models 22 (880) and 22M (880M) aircraft to determine that the engine starter has been de-energized after each start. This action is considered necessary as the result of an engine pod explosion on a Model 22 aircraft resulting in loss of a nose cowl and portions of the side cowl panel doors. The explosion was attributed to an open starter bleed air supply valve.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 14, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 776; 49 U.S.C. 1354(a),

1421, 1423) In consideration of the foregoing, it is

proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the Iollowing airworthiness directive:

CONVAIR. Applies to all Model 22 (880) and Model 22M (880M) aircraft.

Compliance with paragraphs (a) and (b) required at the next starter overhaul but

¹ The Commission has not taken any position as to whether paragraphs (d) and (e) should be adopted pending public comment thereon. (See Statement of Considerations for discussion of policy questions involved.)
The Commonwealth of Kentucky has submitted for Commission approval a program which would allow it to regulate the commercial land burial of atomic energy wastes and to license the transfer of devices and products by manufacturers. A summary of the Kentucky program is published elsewhere in the FEDERAL REGISTER.

not to exceed 4,000 hours' time in service after effective date of this directive.

Compliance with paragraph (c) is required on effective date of this directive.

An inflight engine pod explosion occurred on a Model 22 airplane causing the loss of a nose cowl and portions of the side cowl panel doors. This incident has been attributed to an open starter bleed air supply valve causing continued rotation and subsequent overheating and disintegration of the air tur-

The following modifications and procedures are required to prevent the recurrence

of this incident:

(a) Provide a FAA approved cockpit indicating means by which it can be determined that each engine starter is de-energized. Approval of this item shall be processed through the FAA, Flight Standards Service, Engineering and Manufacturing Branch, Western Region.

(b) Concurrently with the incorporation the modification described in paragraph (a), the Normal Procedures Section of the Models 22 and 22M FAA Approved Airplane Flight Manual, under that portion entitled "Engine Starting Procedure—Ground", shall be revised to include a provision that the flight crew determine that the cockpit indicating means required by paragraph (a) indicates that the starter is de-energized after each engine start.

(c) Pending completion of the modifica-tions required by paragraph (a) of this AD install placard in the flight compartment on the pilot's start switch panel to read as follows: "Engine ground starts shall be made according to Convair Alert Service Bulletin No. 80-3".

Issued in Washington, D.C., on October

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

[F.R. Doc. 61-9792; Filed, Oct. 12, 1961; 8:45 a.m.]

> [14 CFR Part 600] [Airspace Docket No. 61-FW-88]

FEDERAL AIRWAY **Proposed Alteration**

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6154 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed

action.

VOR Federal airway No. 154 extends in part from the Montgomery, Ala., VORTAC via the Tuskeegee, Ala., VOR to the Columbus, Ga., VOR including a south alternate from the Mongtomery VORTAC to the Columbus VOR via the intersection of the Mongtomery VORTAC 088° True radial and the Columbus VOR direct radial to the Eufaula, Ala., VOR. It is proposed to alter Victor 154 by redesignating the south alternate from the Montgomery VORTAC to the Columbus VOR via the intersection of the Montgomery VORTAC 090° and the Columbus VOR 219° True radials. The proposed realignment of Victor 154 south alternate would be compatible with terminal area procedures at Columbus, Ga.; it would benefit the aviation public by providing a common intersection with Victor 159 and Victor 454, reducing the route mileage between Montgomery and Columbus by nine (9) miles.

Subsequent to publication of the notice, it has been determined that it will

The control areas associated with this airway are so designated that they would automatically conform to the altered The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER Will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time. but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief. Airspace Utilization Division, Federal Aviation Agency, Washington 25, Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on October 6, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[F.R. Doc. 61-9794; Filed, Oct. 12, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601] [Airspace Docket No. 61-NY-4]

FEDERAL AIRWAYS AND CON-TROLLED AIRSPACE

Alteration of Proposal Designating Federal Airway and Associated Control Area

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-NY-4 on June 14, 1961 (26 F.R. 5327), it was stated that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 511 and its associated control areas from the Akron, Ohio, VOR to the Windsor, Ontario, Canada, VOR via the intersection of the Akron VOR 319° and the Windsor VOR 121° True radials.

be more practical to extend low altitude VOR Federal airway No. 103 from Akron to Windsor. Accordingly, action is hereby taken to alter the original Notice by proposing that Victor 103 between Cleveland, Ohio, and Navarre, Ohio, be revoked and that a new segment of Victor 103 be designated from Akron to Windsor via the intersection of the Akron VOR 319° and the Windsor VOR 121° True radials, excluding the portion outside of the United States. This would result in Victor 103 extending from Greensboro, N.C., to Navarre, Ohio, and from Akron to Windsor.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to Octo-

ber 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-NY-4 is extended to October 31, 1961. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, New York International Airport, Jamaica, New York.

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

Issued in Washington, D.C., on October 6, 1961.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[F.R. Doc. 61-9793; Filed, Oct. 12, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13340; FCC 61-1189]

[47 CFR Part 3]

INTERIM POLICY ON VHF TELEVISION CHANNEL ASSIGNMENTS: TELEVI-SION ENGINEERING STANDARDS

Supplement to Report and Order

1. On August 3, 1961, the Commission released a Report and Order in this proceeding (FCC 61-994) which among other things stated that the minimum geographic separation requirements of our rules would be waived to permit additional VHF channel assignments in certain specified cities. A new TV station authorized to operate at less than our standard minimum separations on the same channel as the existing station will be required to suppress radiation in the direction of the existing station to the extent necessary to provide protection equivalent to that which the existing station would enjoy if the new station were operating with full power at the standard minimum separation. The Report and Order included Tables which could be used to determine the permissible power for the new assignment in

No. 198-3

station.

2. Since the issuance of the Report and Order there has been indication that there is some misunderstanding as to how equivalent protection is to be applied. Paragraph 16 states that the amount of suppression required of a new TV station operating at less than the minimum co-channel separation specified in our rules, shall be sufficient to maintain a ratio of 28 decibels between the estimated F(50,50) value of the desired signal and the estimated F(50,10) value of the undesired signal (45 decibels in the case of nonoffset carrier operation) at all points around the existing station where this ratio would occur if the stations were at the standard minimum separations and operating with the maximum permissible facilities. This paragraph goes on to say that the estimated F(50,50) field strength values are based upon the F(50,50) Field Strength Charts contained in Section 3.699 of our rules and that the estimated F(50.10) field strength values are based upon the F(50,10) Field Strength Charts issued with a Further Notice of Proposed Rule Making in this proceeding, on July 1, 1960 (FCC 60-766). For identification purposes, these curves bore the date June 20, 1960. Data taken from these charts was reduced to tabular form and published with the Report and Order. However, these Tables are useful only for determining the amount of suppression required in the precise direction of the protected station. They were not intended to be used to compute directional antenna patterns which might be required to provide equivalent protection off the direct line between the two stations involved.

3. In order that there be no misunderstanding of the application of the "equivalent protection" principle, the following procedure will govern the determination of whether the facility proposed in an application does, in fact, provide equivalent protection to an existing co-channel station:

(a) A straight line will be drawn between the proposed site of the new station and the site of the existing cochannel station which is to be afforded protection. This line will be extended beyond the location of the proposed new station to a distance from the existing station equal to the standard minimum separation which would apply to the Zone location of the actual proposed site.

(b) A hypothetical station will be assumed to be operating at a point on this line which is at the standard minimum separation determined in subparagraph (a) above. This hypothetical station will also be assumed to have a circular radiation pattern centered on the hypothetical site and to be operating with the following parameters:

(1) Zone I, Channels 2 to 6 inclusive; 100 kw ERP and 1,000 ft.

(2) Zone I, Channels 7 to 13 inclusive: 316 kw ERP and 1,000 ft.

(3) Zones II & III, Channels 2 to 6 inclusive; 100 kw ERP and 2,000 ft.

(4) Zones II & III, Channels 7 to 13 inclusive; 316 kw ERP and 2.000 ft.

(c) Regardless of the actual power and antenna height employed by the

the direction of the existing co-channel existing station, it will be assumed to be operating with the maximum facilities for the Zone in which it is located as detailed in subparagraph (b) above, and it too will be assumed to have a perfectly circular radiation pattern centered on its transmitter site. Since there is no generally acceptable method of evaluating terrain effects, no consideration will be given to terrain anomalies. The "interference limited" contour resulting from the assumed operations may then be established as the line through all points where the estimated F(50, 50) signal of the existing station is exactly 28 decibels higher than the estimated F(50,10) signal of the hypothetical station.

(d) The proposed new station will then be required to suppress radiation to the extent necessary so that its estimated F(50,10) signal is at least 28 decibels below the estimated F(50,50) of the existing station (45 decibels in the case on nonoffset operation) at any point on or within the interference limited contour of the existing station, established

as set forth in paragraph (c).

4. Since it appears that virtually all of the situations arising in connection with the short-spaced proposals will involve not only computation of the permissible power on a line between the stations but also at various angles off the direct line, there is little advantage in using the tables for the on-line computation and the Field Strength Charts for all other computations. Therefore, computations to determine the amount of permissible power in any direction shall be made by means of the F(50,50) and F(50,10) Field Strength Charts described in the foregoing paragraphs.

Adopted: October 4, 1961.

Released: October 9, 1961. FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 61-9825; Filed, Oct. 12, 1961; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 61]

[File No. 21-538]

FOR STATIONERS INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions or **Objections**

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Stationers Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of

the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 6, 1961. Opportunity to be heard orally will be afforded at the hearing beginning at 10:30 a.m., c.s.t., on Monday, November 6, 1961, at the Edgewater Beach Hotel, 5349 N. Sheridan, Chicago, Illinois, to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry is composed of the persons, firms, corporations, and organizations (including manufacturers, wholesalers, distributors, jobbers, importers, retailers and others) engaged in the sale, offering for sale, or distribution, in commerce, of any products of the industry which are as follows: Inks, pastes, blank books, tablets, social stationery, art supplies, calendars, paper clips, crayons, filing cabinets and filing supplies, globes, maps, pencil sharpeners, rubber bands, staples and staplers, stenographic supplies, desk accessories and other office supplies and equipment except furniture not specified above and furnishings such as rugs, draperies and pictures. Also not included are products of the following industries for which trade practice rules already exist:

Gummed Paper and Sealing Tape Industry. Fountain Pen and Mechanical Pencil In-

dustry.
Marking Devices Industry.

Wood Cased Lead Pencil Industry.
Engraved Stationery and Allied Products
Industry of the New York City Trade Area.
Luggage and Related Products Industry.

Manifold Business Forms Industry. Fine and Wrapping Paper Distributing In-

dustry.
School Supply and Equipment Industry.
Office Machine Marketing Industry.

These proceedings are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission.

Issued: October 12, 1961.

By the Commission.

[SEAL]

JOSEPH W. SHEA, Secretary.

PROPOSED TRADE PRACTICE RULES [F.R. Doc. 61-9735; Filed, Oct. 12, 1961; 8:45 a.m.]

INTERSTATE COMMERCE **COMMISSION**

[49 CFR Part 131]

[No. 33746]

PULLMAN-STANDARD HYDRO-FRAME-60 BOX CARS

Drawbar Extensions

It appearing that in the order dated September 21, 1961, 26 F.R. 9445, this proceeding was set for hearing at Chicago, Ill., on December 6, 1961;

It further appearing that by letter dated October 5, 1961, counsel for Pullman, Inc., Pullman-Standard Division, has advised the Commission that the parties to this proceeding have, in mutual consultation, reached an agreement urging that the Commission cancel the hearing now set for December 6, 1961, in Chicago, Ill., and reset it on December 13, 1961, in Washington, D.C., and, further, that the proceeding be set for a pre-hearing conference in Washington, D.C., during the week of November 13, 1961:

It is ordered, That the hearing now schedules in this matter on December 6. 1961, in Chicago, Ill., be, and it is hereby, canceled and the proceeding is reassigned for hearing in Washington, D.C., on December 13, 1961, at 10:00 o'clock a.m., United States Standard Time before Examiner Robert R. Boyd:

It is further ordered, That this proceeding be set down for pre-hearing conference in Washington, D.C., on November 14, 1961, at 10:00 o'clock a.m., United States Standard Time before Examiner Robert R. Boyd;

And it is further ordered, That a copy of this order shall be given to persons of interest and to the general public by

posting a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of October A.D., 1961.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY. Secretary.

[F.R. Doc. 61-9803; Filed, Oct. 12, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 196]

RECONSIDERATION OF WARSAW CONVENTION AND THE HAGUE **PROTOCOL**

Invitation to Public To Submit Comments

The State Department draws attention to the attached self-explanatory letter regarding reconsideration of the Warsaw Convention and The Hague Protocol, which is being transmitted to certain persons and organizations by the Interagency Group on International

Aviation (IGIA)

The United States is a party to the Warsaw Convention, a treaty which regulates the responsibilities and liabilities of airlines toward passengers and shippers in international air transportation. A principal provision of this treaty (Article 22) provides that "the liability of the carrier for each passenger shall be limited" to \$8,300. Article 17 provides that "the carrier shall be liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger' from an aircraft accident. Article 20 provides that "the carrier shall not be liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures". Further Article 25 provides that "the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability if the damage is caused by his wilful misconduct".

The Hague Protocol, which was submitted to the Senate for advice and consent in 1959 but has not yet been acted upon, is an amendment to the Warsaw Convention and, in general, would raise the limit of recovery from \$8,300 to \$16,600, and in addition would permit recovery of attorneys' fees and costs of litigation.

Persons and organizations, in addition to those to whom the letter has been addressed, are invited to submit to Interagency Group on International Aviation, % Federal Aviation Agency, Washington 25, D.C., by November 15, 1961, written comments and any requests to present oral statements.

(Attached letter-September 22, 1961.) As part of the general review of pending international conventions before the Senate, and in the light of the controversial provision on limitation of liability with respect to passengers, the Department of State has asked the Interagency Group on Inter-national Aviation (IGIA) to undertake a consideration of the relationship of the United States to The Hague Protocol and the Warsaw Convention. More specifically, the Department desires the advice of the IGIA (1) whether or not the Department should recommend that the President withdraw the

request to the Senate for advice and consent to The Hague Protocol; and (2) whether or not the United States should withdraw from participation in the Warsaw Convention by giving the required six-months' notice.

In order that member agencies of the IGIA (the Departments of State, Commerce, and Defense, the Federal Aviation Agency and the Civil Aeronautics Board) may be in a position to evaluate all aspects of the two questions, comments thereon are being invited from interested persons and organi zations. Comments should be directed to the legal, economic and international consequences, as appropriate, which should be taken into account by the Government in making its determination on these questions.

As background for your consideration of the many factors involved, please find en-closed, as Enclosure 1, a copy of the position taken by the Executive Branch of the Government as prepared by an interagency committee in 1957, and, as Enclosure 2, the composite text of the Warsaw Convention and The Hague Protocol. Persons and organizations desiring to comment may find it convenient to utilize the topical discussions contained in Enclosure 1 as a basis for reply to this inquiry. It is suggested that comments will have maximum useful-ness and value if they are supported by established statistical data, decided case law or enacted statute, or other specific and existing evidence. In addition, opinions are invited as to the significance of any recent developments under the various topics.

Written comments should be received by the IGIA by November 15, 1961. Persons and organizations desiring to present an oral statement will be afforded an opportunity to do so December 4, 1961. A request there-for should be submitted with any written comments by November 15. Such persons and organizations will be separately advised as to the hour and place.

Sincerely yours,

W. C. HANNEMAN, Staff Officer, Interagency Group on International Aviation.

(Enclosures omitted.)

* Dated: October 4, 1961.

For the Secretary of State.

ELY MAURER, Assistant Legal Adviser for Economic Affairs.

[F.R. Doc. 61-9828; Filed Oct. 12, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., seeks the privilege of serving ports in Atlantic France and Northern Spain with its freight ships operating on Trade Route No. 34 (U.S. Great Lakes/Mediterranean)

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 October 27, 1961, 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 Administration.

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 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: October 10, 1961.

By order of the Maritime Subsidy Board.

> GEO. A. VIEHMANN, Assistant Secretary.

[F.R. Doc. 61-9814; Filed, Oct. 12, 1961; 8:47 a.m.]

Office of the Secretary GEORGE E. HARDING

Statement of Changes in Financial Interests

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

A. Deletions: No change. B. Additions: No change.

This statement is made as of September 19, 1961.

GEORGE E. HARDING.

SEPTEMBER 19, 1961.

[F.R. Doc. 61-9804; Filed, Oct. 12, 1961; 8:47 a.m.1

ATOMIC ENERGY COMMISSION

KENTUCKY

Proposed Agreement for Discontinuance of Certain Regulatory Authority and Responsibility

Notice is hereby given that the U.S. Atomic Energy Commission proposes to enter into the following agreement 1 with the Commonwealth of Kentucky pur-

¹This proposed agreement was published initially on Aug. 24, 1961, 26 F.R. 7889. In order to facilitate public comment on the proposed agreement, it is hereby published in amended form to include a summary of the Kentucky program for control of byproduct, source and special nuclear materials in quantities not sufficient to form a critical

suant to section 274 of the Atomic Energy Act, as amended. A summary of the Kentucky program, as contained in paragraphs I.A.-G. of the program submitted to the Commission by the Commonwealth of Kentucky, is set forth below as Appendix A to this notice. A copy of the complete text of the Kenprogram, including proposed Kentucky regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for consideration in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after initial publication in the FEDERAL REGISTER.

In reviewing this proposed agreement interested persons should also consider proposed Part 150 to the Commission's regulations published elsewhere in this issue of the FEDERAL REGISTER.

Proposed Agreement Between the United States Atomic Energy Commission and the Commonwealth of Kentucky for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the Commonwealth Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas The United States Atomic Energy Commission (hereinafter referred to as the Commission), is authorized under section 274 of the Atomic Energy Act of 1954, to discontinue within the States its regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass,

Whereas, The Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and;

Whereas, the Governor of the Commonwealth certifies to the existence of a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the Commonwealth covered by this agree-

Whereas, the Commission has found that the program of the Commonwealth for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety;

Whereas, this agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended.

Now, therefore, it is hereby agreed between the Commission and the Commonwealth as follows:

Article I. With respect to activity in the Commonwealth, the Commission, to exceptions provided in Article II of this agreement, agrees to discontinue its regulatory authority with respect to the following materials:

(a) Byproduct materials;

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(b) Source materials; and

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not apply to the following activities:

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

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

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

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

E. The authority of the Commission to require, by rule, regulation, or order, that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession, or control of such product except pursuant to a license issued by the Commission.

Article III. This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Atomic Energy Act of 1954, as amended, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article IV. This agreement shall become effective on December 1, 1961.

Dated at Germantown, Md., September 25, 1961.

For the Atomic Energy Commission. [SEAL] WOODFORD B. McCool,

APPENDIX A

I. Policies and Procedures of the Commonwealth of Kentucky for the Regulation and Licensing of Byproduct, Source, and Special Nuclear Materials in Less Than a Critical Mass 2

A. Introduction. The purpose of this narrative is to summarize the Commonwealth of Kentucky's program for the control of radiation hazards with respect to byproduct, source, and special nuclear materials in quantities not sufficient to form a critical mass. This program has been submitted to the United States Atomic Energy Commission by the Commonwealth in order to enable the Commonwealth to assume and the Commission discontinue certain of the Commission's regulatory authority over byproduct, source, and special nuclear materials in less than a critical mass pursuant to Public Law 86-373 (sec. 274 of the Atomic Energy Act of 1954, 68 Stat. 919).

Pursuant to an agreement to be executed by the Governor and the Commission, the Nuclear Energy Act of Kentucky (KRS 152), certain executive orders, and regulations proposed to be adopted, the Department of Health, Division of Radiological Health will be responsible for regulating the possession and use of byproduct, source, and special nuclear materials in less than a critical mass to protect the health and safety of the public, including employees, against the hazards These documents provide for of radiation. a comprehensive system of regulatory control over byproduct, source, and special nuclear

materials in less than a critical mass. the absence of exceptions granted by the Division of Radiological Health, hereinafter referred to as the "Agency" the regulations prohibit the possession or use of these materials without a license from the Agency. The regulations also require licensees to observe such regulations and orders applicable to their licensed activities as may be issued by the Agency.

The first category of material for which the Nuclear Energy Act, hereinafter referred to as the Act, the executive orders, and the regulations establish licensing control is byproduct material.

The second category of material for which licensing control is established is source material. Except for quantities of source material, which in the opinion of the Agency are unimportant, a license is required before any person may transfer or use source material after removal from its place of deposit in nature.

A license is required for the possession and use of special nuclear materials in quantities less than a critical mass. Recognition of the fact that title to all special nuclear material is vested by the Atomic Energy Act of 1954

in the USAEC is given cognizance.

The Agency may issue general licenses for source, special nuclear and byproduct materials in situations where more individualized control by specific licenses is not necessary. General licenses are effective without the filing of applications with the Agency or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to Agency regulations. The Agency is also authorized to exempt from the licensing requirements quantities and classes of source and byproduct materials which are insignificant from a health and safety standpoint.

B. The Agency's program for regulating radioactive materials. The Agency's regulations designed to protect the health and safety of the public are:

R.H-1 Scope of radiological health regulations.

Definitions of terms. RH-2 RH-3

Rules of practice. Permissible dose, levels, concentra-RH-4 tions and precautionary procedures.

RH-5 Waste disposal.

R.H-6 Records, reports, and notifications.

Exemptions or additional require-

RH-8 Licensing of byproduct material.

Radiation safety requirements for radiographic operations. RH-9

Licensing of source material.

RH-11 Licensing of special nuclear materials.

RH-12 Transportation of radioactive material.

Basically, the regulations require that-(a) Each licensee or his staff must be qualified by training and experience to pos-sess and use the material safely for the purpose for which it is licensed.

(b) Equipment and facilities of each licensee must be appropriate to protect health

and minimize danger to life and property.

(c) The location of the proposed activity

must be suitable for the purpose.

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

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

The general health and safety regulations (RH-4, RH-5, RH-6, and RH-7) apply to all persons who possess byproduct, source, or special nuclear materials in less than a critical mass under a general or specific license from the Agency. They establish maximum permissible concentrations of radioactive material in the air to which a licensee may expose employees. They also establish standards applicable to the amount of radiation

² This summary of the Kentucky program is contained in paragraphs I.A.-G. of program submitted to the Commission by the Commonwealth of Kentucky. A copy of the complete text of the program, including proposed Kentucky regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C.

and the concentrations of radioactive materials which a licensee may create or release in the environment. These standards are based upon recommendations of recognized technical authorities, including the National Committee on Radiation Protection, and reflect the USAEC's experience in its operations. Other provisions prescribe requirements for personnel monitoring, protective equipment, caution signs, labels and signals, waste disposal, storage of licensed material, and records and reports. The Agency's regulatory program is designed to assure safety to licensees and their employees, and to the public, and also to avoid unnecessary restrictions.

When necessary, the Agency will include in a particular license specific requirements covering those matters not expressly defined in the applicable regulations. If, after a license is issued, the Agency finds that some aspect of the licensee's activity has not been appropriately covered by the regulations or by the conditions in the license, the Agency will issue an order to the licensee imposing additional requirements upon him.

The Agency will keep interested members of the public and public authorities informed as to its regulatory program. As provided in KRS 13, the public is given an opportunity to participate in the issuance and amendment of the Agency's regulations. In the interest of health and safety, new regulations and amendments could be made effective immediately under the Governor's emergency powers in accordance with KRS 152.130. Normally, however, new regulations and amendments will not be made effective until the public is afforded an opportunity for comment.

Interested persons will be permitted to intervene in licensing proceedings before the Agency and may request a hearing and the Agency and the Coordinator of Atomic Activities will make available for public inspection, copies of licenses and related documents.

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

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

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

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

General licenses will exist with respect to limited quantities of the various source and byproduct materials with certain restrictions as to use. Larger quantities will require specific licenses.

Presently there are no outright exemptions under RH-8 (byproduct material). Under RH-10 (source material) there are exemptions for products such as: incandescent mantles, ceramic items, refractories, glass products, photographic film negatives and prints, vacuum tubes, thoriated tungsten containing not more than 3 percent thorium, and rare earth metals and compounds containing not more than 0.25 percent source material. There are also exemptions for certain small quantities of materials, and general licenses for other small quantities of materials for specified uses.

C. Waste disposal. Under the regulations there are four ways by which licensees may dispose of wastes: (1) By burial of small quantities in land, (2) by limited disposal in the sanitary sewer system, (3) by release of effluents in specified low concentrations, or (4) by transfer of the material to another licensee for subsequent disposal. The Agency's regulations provide for consideration of methods such as incineration and for consideration of the disposal of higher levels of wastes on an individual These alternative methods and levels are permitted only upon approval of the Agency of specific applications. Such applications must provide information from which the can make an analysis to determine that the disposal can be done safely. levels of activity specified in the regulations are so low as to be considered safe under projected conditions of disposal.

Specific approval of the Agency is required before a licensee may dispose of radioactive

materials by incineration.

A pre-licensing visit may be made to the applicant prior to issuing a license for the disposal of wastes. During this visit a careful review will be made with the applicant of the proposed program to determine that it can be conducted in accordance with the regulations and any special terms or conditions as may be added to the license

tions as may be added to the license.

D. Inspection. Based upon the existing number and kind of byproduct, source, and special nuclear material licenses, a priority system has been established under which inspection of the most hazardous activities will be conducted once each 12 months, and the remainder on less frequent basis depending on the relative hazard.

Most inspections will be scheduled visits. A significant number may be on an un-

announced basis.

Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, and personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. The inspector will review the licensee's records of receipts and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil. if pertinent.

This type of review should provide data sufficient to determine whether or not the licensee is in compliance with the provisions of the license and regulations. The Agency representative may or may not make measurements of radiation levels. Most of the time he will be able to detect whether or not survey information maintained by the licensee on a continuing basis constitutes an adequate evaluation of the radiation hazards associated with the program.

Prior to leaving the licensee's premises the

Prior to leaving the licensee's premises the Agency representative will meet with management to discuss the results of his inspec-

tion. During this meeting, the Agency representative will attempt to answer questions concerning the regulatory program. The inspector will prepare a detailed report setting out all the facts and circumstances that he gathered or observed during the inspection. This report will be reviewed by the Agency. The report will provide the basis for appropriate administrative enforcement action.

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

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from

the Agency.

E. Enforcement. Reports of inspections of licensee's activities will be evaluated to determine the status of compliance of the licensees with Agency regulations. If no item of non-compliance is observed, the licensee is so informed. If only minor matters of non-compliance, such as improper signs, failure to label, etc. are involved which the licensee agrees to correct at the time of the inspection, the licensee will be informed by letter of the items of non-compliance and that corrective action will be reviewed during the next inspection. If the inspection reveals non-compliance of a more serious nature, the licensee will be required to inform the Agency, in writing, usually within 15-30 days, as to corrective action taken and the date completed. In these cases the Agency representative will either conduct a prompt follow-up inspection, or the matter will be reviewed during a regular inspection to assure that corrective action has in fact been accomplished. If the reply does not satisfactorily explain the non-compliance and assure that further violations will be prevented, the Agency may issue an order show cause why the license should not be terminated or otherwise modified.

F. Formal procedure in licensing and enforcement. There are provisions for formal hearings before the Agency and review of results may be granted by the Board of Health. Hearings will be held at the request of licensees, applicants for licenses, and persons whose interests may be affected. Decisions by the Agency will usually be final unless appealed to the Board of Health or reviewed by the Board of Health on its own

motion.

Agency hearings will result in the grant or denial of applications for licenses or renewals, or modifications, suspension, or revocation of licenses. In addition to these remedies, the Agency has available, under KRS 152.190, injunctive relief and criminal sanctions afforded in the Commonwealth courts.

G. Transportation of radioactive material. Except pursuant to certain specific exemptions, no licensee may package for transport or cause to be transported radioactive material by intrastate rail, water, air, or highway unless the Agency has first evaluated the proposed packaging or transport and has determined that the proposed packaging or transport can be accomplished without undue risk to the health and safety of the public. In evaluating an application for a license to possess byproduct, source, or special nuclear material pursuant to RH-8, RH-10, or RH-11, the Agency will ascertain if the applicant intends to package for transport or transport radioactive material. packaging or transportation of material is involved the Agency will determine: (1) Whether the transport or packaging for transport will be repetitive or non-repetitive; (2) The quantity of material involved; (3) The proposed packaging; (4) Precautionary measures to be employed; and (5) The po[]

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In accordance with the degree of hazard involved, the Agency will incorporate special conditions relating to packaging and transport in the license, using as criteria appli-cable regulations of the Interstate Commerce Commission, Civil Aeronautics Board, and Coast Guard. Violation of any of the ditions of the license regarding transport or packaging for transport will constitute grounds for the suspension, modification, amendment or revocation of the license in accordance with RH-2, "Rules of Practice". Regulations of the Department of Motor Transportation will be revised to impose upon intrastate carriers of radioactive ma-terials requirements similar to those provided by the Interstate Commerce Commission, including, but not limited to the following: (1) The carrier must receive the material from a licensee; (2) The vehicle must be placarded; (3) No more than forty (40) units will be transported in any one vehicle; and (4) The carrier must notify the Agency in the event of an accident.

[F.R. Doc. 61-9372; Filed, Sept. 28, 1961; 8:49 a.m.]

[Docket No. 27-33]

TRACERLAB, INC.

Notice of Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of proposed licensing action with the Federal Register Division on August 24, 1961, the Atomic Energy Commission has this date issued Byproduct, Source and Special Nuclear Material License No. 20-1382-14 to Tracerlab, Inc., 1601 Trapelo Road, Waltham 54, Massachusetts. This license authorizes the receipt, storage and transfer of solid waste material to the AEC-designated land burial sites at the National Reactor Testing Station, Idaho Falls, Idaho and Oak Ridge National Laboratory, Oak Ridge, Tennessee.

Notice of the proposed licensing action was published in the FEDERAL REGISTER on August 25, 1961, 26 F.R. 7985.

Dated at Germantown, Md., October 5,

For the Atomic Energy Commission.

R. LOWENSTEIN Director.

Division of Licensing and Regulation. [F.R. Doc. 61-9810; Filed Oct. 12, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12461 etc.; Order E-17564]

CATALINA CHANNEL AIRLINES ET AL.

Order Instituting Investigation and Granting Temporary Exemption

In the matter of the petition of Catalina Channel Airlines for an exemption and the petition and applications of Avalon Air Transport, Inc., and Pacific Air Lines, Inc., Docket Nos. 12461, 12580, 12683, 12695.

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In the matter of the Catalina Island Service Investigation, Docket No. 13101. Board at its office in Washington, D.C., on the 10th day of October 1961.

On June 12, 1961, in Docket 12580, Avalon Air Transport, Inc. (Avalon) filed an application for amendment of its certificate to remove a restriction therein which prohibits subsidy payments to the carrier under section 406(b) of the Federal Aviation Act of 1958, as amended.1

On June 28, 1961, Pacific Air Lines, Inc. (Pacific) filed a petition, in Docket 12695, to reopen the Service to Catalina Island Case, Docket 7149, and for institution of an investigation directed toward the possible suspension or termination of Avalon's certificate.2

On July 14, 1961, Avalon filed a motion for an expeditious hearing on its subsidy request. In support, Avalon alleges, inter alia, that the Board has recognized that the route involved can support only one carrier, and that air taxi operators must not be allowed to compete on a point-to-point basis with a certificated air carrier.

An application filed by Pacific on June 28, 1961 (Docket 12683), seeks an amendment of its certificate so as to add a segment between the co-terminal points, Los, Angeles, Burbank and Long Beach, and the terminal point Santa Catalina Island. Pacific represents that it would accept this proposed additional authority, for the transportation of persons, property and mail, on a nonsubsidy

The Board has determined that an investigation into the requirements of air transportation between the mainland and Santa Catalina Island is warranted at this time. Avalon's action in seeking relief from its certificate restriction which prohibits subsidy requires a new determination as to the public convenience and necessity considerations as to this service. As Avalon sets forth in its application for amendment, its certificate was accepted and acknowledged in the light of the provision that Avalon "* * * agrees that it is only entitled to receive service mail pay * * * for the mail service rendered or to be rendered and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered in excess of the amount payable by the Postmaster General." The express provision that certificated air transportation between the mainland and Santa Catalina Island in the Service to Catalina Island Case was to be provided on a nonsubsidy basis was an important factor in our determination to

¹ Avalon, a former air taxi operator, received a temporary certificate of public convenience and necessity for route 144 authorizing it to engage in air transportation with respect to persons, property and mail, between the terminal point Los Angeles, California, and the terminal point Santa Catalina Island, California. Avalon's certification resulted from the Service to Catalina Island Case, Order E-14635, November 12, 1959.

² The City of Burbank, on July 17, 1961, filed an answer in support of Pacific's petialleging a need for service between Burbank and Catalina, and that Avalon provides no service to fulfill this need.

Adopted by the Civil Aeronautics make a certificate award. Moreover, Pacific, an unsuccessful applicant in the Service to Catalina Island Case, represents that it stands ready to provide air transportation between the markets in question on a nonsubsidy basis. Therefore, while we find no necessity for reopening Docket 7149 as requested by Pacific, we do find that the changes in the circumstances which lead to Avalon's certification are such as to warrant a new comprehensive investigation. We also note that Avalon's temporary certificate is due to expire January 11, 1963, and we will, therefore, grant Avalon's motion for an expeditious hearing to the extent necessary to permit an orderly decision prior to that date.

A related matter (Docket 12461) concerns a petition filed on May 22, 1961, by Catalina Channel Airlines (Channel). Channel, therein, seeks an exemption from § 298.21(b) (4) of the Board's Economic Regulations. Channel has been engaged in air taxi operations since June 1959, and it provides regular service in the transportation of persons and property between Long Beach, California, and Santa Catalina Island. Channel received its authorization pursuant to exemption authority under Part 298 as it existed when Channel instituted service. The Board implemented a revision of Part 298 on January 1, 1961. As now written, Part 298 prohibits regular air taxi operations which parallel certificated route service where the certificated carrier provides service on a scheduled daily basis with aircraft having a maximum take-off weight of 12,500 pounds or less.3

Channel, in its petition, challenges the constitutionality of Part 298, as revised. on the ground that the revised regulation, if applied to Channel, will deprive it of its property without due process in contravention to the Fifth Amendment of the Federal Constitution.4

On May 31, 1961, Avalon filed an answer in opposition to Channel's petition. The substance of Avalon's answer urges that Part 298, as revised, constitutes a bar to the continuation of regular air service as provided by Channel.

On June 12, 1961, the City of Avalon filed a resolution supporting Channel's petition and reciting the city's reliance on Channel's service.

³ Specifically, § 298.21(b) (4) provides: "An air taxi operator is prohibited from providing air transportation, or holding out to the public, expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regular-ity * * * between any points where an air carrier certificated by the Board to provide unlimited route-type air transportation of persons, property and mail provides scheduled daily transportation with aircraft having a maximum take-off weight of 12,500 pounds or less."

⁴ Channel, in its petition, also challenges the Board's jurisdiction on the theory that its air service is wholly intra-state. In view of section 101(21) of the Federal Aviation Act, the Board disagrees, and will not consider this point further in its proceeding. See United Air Lines v. Public Utility Commission of California, 109 F. Supp. 13 (N.D. Cal., 1952); reversed on other grounds, 346 U.S. 402.

Part 298 was revised, as indicated above, in accordance with comments submitted by Avalon in response to a Board Notice of Proposed Rule Making. In support of the revision, Avalon stated that 60 percent of its traffic to Santa Catalina Island would be handled with small aircraft and 40 percent with aircraft in excess of 12,500 pounds. Subsequent to the Board's adoption of \$298.21(b)(4), Avalon filed a complaint concerning the continuation of regular service by Channel.⁵

We find that the certification of Avalon, its use of air taxi equipment and our revision of Part 298 have created a situation wherein Channel's continuation of its operation runs contrary to the Board's regulation. As set forth above, Channel contests the legality of § 298.21(b)(4). In view of our action looking into the overall problem of air transportation between the mainland and Santa Catalina, and the several issues related thereto, we will grant a temporary exemption to Channel, make Channel a party to the investigation which we are instituting, and afford Channel the opportunity of contesting the validity of § 298.21(b)(4), as it bears on Channel's operation.6

Since Channel's operations were lawful when instituted and since contrary action on our part might require a cessation of those operations before a final resolution of the validity of the new regulation, it would be an undue burden to enforce the requirements of \$298.21(b) (4) against Channel at this time.

The investigation contemplated herein shall encompass the following issues: (1) Whether Avalon's temporary certificate should be terminated; whether Avalon's certificate should be amended to include subsidy eligibility; (3) whether Avalon's certificate should be renewed, and, if so, for what period, and whether such renewal, if warranted, should be on a subsidy or a nonsubsidy basis; (4) whether Pacific should be certificated, on a nonsubsidy basis, to authorize air transportation of persons, property and mail between the Los Angeles Metropolitan Area and Catalina: and (5) whether Channel's exemption authority, granted herein, should be continued or terminated at the close of the investigation instituted herein.

The Board finds that the enforcement of § 298.21(b) (4) of the Economic Regulations and section 401 of the Federal Aviation Act of 1958, as amended, would be an undue burden on Channel by reason of the limited extent of, and unusual circumstances affecting, its operations and is not in the public interest.

The Board further finds that an investigation as described above is warranted, and that Dockets 12461, 12580,

12683, and 12695 should be consolidated therein.

Accordingly, it is ordered:

1. That Channel be, and it hereby is, temporarily exempted from the provisions of § 298.21(b)(4) of the Economic Regulations and section 401 of the Act to the extent that they would otherwise prevent Channel from operating regular service in air taxi operations between Long Beach and Pebbly Beach, Santa Catalina Island;

2. That the temporary exemption granted to Channel shall continue until further order of the Board in the instant proceeding;

3. That an investigation, known as the Catalina Island Service Investigation, Docket 13101, be, and it hereby is instituted to determine whether the public convenience and necessity require, and the Board should order, the renewal, alteration, amendment, modification, suspension, or cancellation of Avalon's certificate for route 144, and that Dockets 12461, 12580, 12683, and 12695 be consolidated herein;

4. That the investigation instituted in the preceding clause also determine whether the public convenience and necessity require the amendment of Pacific's certificate for route 76 to authorize Pacific to engage in air transportation with respect to persons, property, and mail between Santa Catalina Island and the coterminal points of Los Angeles, Burbank, and Long Beach on a nonsubsidy basis;

5. That this proceeding shall be set down for prompt hearing before an Examiner of the Board at a time and place to be hereafter determined;

6. That a copy of this order shall be served upon Channel, Avalon, and Pacific, who are hereby made parties to this proceeding;

7. That, to the extent not granted herein, all motions and requests for relief are hereby denied; and

8. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-9817; Filed, Oct. 12, 1961; 8:48 a.m.]

[Docket No. 12091 etc.; Order E-17563]

READING AVIATION SERVICE, INC. ET AL.

Order of Consolidation, Statement of Tentative Findings and Conclusions and Order To Show Cause

In the matter of the application of Reading Aviation Service, Inc., Docket No. 12091.

In the matter of the applications of Trans World Airlines, Inc., Docket Nos. 12156, 12157; for temporary suspension authority at Reading and Williamsport, Pennsylvania on Route 2.

In the matter of the petition of the City of Reading, Pennsylvania, Reading Municipal Airport Authority, Docket No. 12293; for amendment of the certificate of public convenience and necessity of Allegheny Airlines, Inc.

In the matter of the service of TWA at Reading and Williamsport, Docket No. 13100

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of October 1961.

Reading Aviation Service, Inc. (RAS), on February 3, 1961, filed an application seeking certificate authority for the carriage of passengers, property and mail with aircraft in excess of 12,500 pounds gross weight between Reading, Pa., and Newark, N.J., and between Reading and Newark, via Allentown, Pa. (Docket 12091).

Trans World Airlines, Inc. (TWA), filed applications on February 24, 1961, requesting temporary suspension authority at Reading and Williamsport, Pa., on its Route 2 (Dockets 12156 and 12157).

The City of Reading, Pa., and the Reading Municipal Airport Authority (Reading) jointly filed a petition on April 5, 1961, requesting that Allegheny Airlines, Inc. (Allegheny) be authorized and required to provide direct single-plane service between Reading and Pittsburgh, Pa., and between Reading and New York (Docket 12293).

Both Reading and the City of Williamsport (Williamsport) filed answers in opposition to TWA's applications for temporary suspension authority at Reading and Williamsport, respectively. In addition, Reading filed a motion for consolidation of its petition with TWA's Reading suspension request and the RAS certificate application. TWA filed an answer to the latter motion and to the Reading petition in Docket 12293.

In support of its certificate application, RAS states, in part, that it is an air taxi operator currently operating as such between Reading and Newark (New York), and that it contemplates utilization of Lockheed Lodestar (L-18) and/or DC-3 equipment in the event it is certificated as requested. The Official Airline Guide indicates that RAS currently conducts four daily round trips between New York and Reading.

As indicated in appendices F and G, and on the basis of the comparatively favorable assumptions there made, the certification of an additional carrier into this market with L-18 or DC-3 equipment would offer Reading-Allentown-New York service to almost 26,000 passengers, producing approximately \$275,-000 in revenues. On the other hand, with the operation of services contemplated in appendix F, the cost, with DC-3 equipment, would be in excess of \$375,000, and more than \$500,000 if L-18 aircraft are used (appendix G1a). Therefore, the operations would be conducted at an operating loss ranging between \$90,000 and \$224,000, depending on the type of equipment utilized. We note that this is a conservative estimate inasmuch as our computation does not take into account many expense items customarily experienced by newly certificated carriers, yet, allocates a gener-

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⁵ The Bureau of Enforcement instituted an enforcement proceeding, in Docket 12120, on April 20, 1961. This proceeding will not be considered in the investigation instituted herein, but will be determined by separate Board action.

⁶ Channel filed no objections to our Notice of Proposed Rule Making concerning Part 298. The Notice was published in the FED-ERAL REGISTER.

¹The answer was jointly filed by the Williamsport Airport Authority, the City Council of the City of Williamsport, the West Branch Manufacturers' Association and the Greater Williamsport Chamber of Commerce.

^{1a} Filed as part of the original document.

ous amount of traffic to the new service, as previously pointed out. Moreover, as hereinafter set forth and on the basis of our tentative conclusions, we find that presently certificated carriers will be able to adequately accommodate the service demands in the Reading-New York market.²

On the basis of the foregoing, the other matters contained in the RAS application, and the data reflected in the attached appendices, the Board tentatively finds and concludes that the public convenience and necessity do not require the issuance of a certificate to RAS authorizing it to conduct New York-Reading and New York-Allentown-Reading service; and consequently, that the RAS certificate application should be denied.

In support of its applications TWA alleges, in part, that Reading's principal demand for service lies in the short-haul markets in the area between Pittsburgh and the eastern seaboard; that Allegheny can provide virtually all the important service that TWA can now offer at Reading; that TWA experienced a loss of some \$50,000 in serving Reading in 1960; that its experienced decline in Williamsport traffic is primarily due to improved operating authority conferred on Allegheny and Capital Airlines; that its operations at this point resulted in losses of \$39,453 in 1960; that its losses will increase with the substitution of larger equipment; that suspension of TWA's service at Williamsport and Reading will have no measurable effect on the convenience of the traveling public; that its Martin-404 aircraft are being removed from scheduled service completely on or about April 30, 1961: 3 and that suspension of its operating authority here in issue will reduce duplication of routes between trunk and local carriers.

The respective answers of Williamsport and Reading to the applications of TWA, insofar as they affect those cities, urge denial of TWA's requests, primarily on the basis that existing needed service would be lost through the suspension of TWA. The answers argue in the alternative that the matter be set for hearing. In addition, Reading argues that TWA should not be suspended unless replaced by a local service carrier, and Williamsport questions TWA's loss estimates and presents that in the Northeastern States Area Investigation, TWA opposed the supension at Williamsport and estimated a \$103.000 profit.

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and estimated a \$103,000 profit.

Upon consideration of the foregoing and in light of all the circumstances, the Board finds that the requested temporary suspension authority at Reading and Williamsport would not be in the public interest. There are involved here, as evidenced in the pleadings, a number

of issues with respect to the precise needs for air service at these cities in terms of quality and quantity, raising controversial questions which should be resolved only pursuant to section 401(g) of the Act, rather than on an informal basis. Consequently, we will deny TWA's applications requesting temporary suspension authority at these points. However, upon examination of all data available to the Board, and on the basis of the materials contained in appendices A-E 3a and H-K.3a we tentatively find and conclude that the public convenience and necessity require the amendment of TWA's certificate of public convenience and necessity for Route 2 so as to delete Williamsport and Reading therefrom. We find it significant that TWA carried only some 17,000 passengers to and from Reading during 1960, in markets which are predominantly short-haul (appendix B), and that there has been a negligible growth in TWA's traffic at Reading, despite continuous and apparently reliable two daily round-trip Martin operations by TWA at the point (appendix E). We find, moreover, that there has been a recent decline in the number of de-partures offered by TWA at Reading and Williamsport, occasioned by the introduction of the larger Constellation equipment (appendices E, K). Also, we cannot overlook the fact that these services have been costly to TWA, and that they will become more so with utilization of the larger equipment.4

As to Williamsport, the elimination of TWA's uneconomical operations in this predominantly local service market will make additional traffic available to Allegheny, which it will be able to accommodate under its present schedules (appendix J), and which will result in an operating gain for Allegheny of almost \$49,000 (appendix H), without greatly affecting the air service now available at the point. Thus, Allegheny is presently authorized to serve all points on TWA's Pittsburgh-Boston route, except Albany and Binghamton, N.Y.5 More specifically, there will be excellent connecting service to Boston via New York; 6 there will continue to be Allegheny's Williamsport-Pittsburgh service, which has carried more than 80 percent of the traffic in the past; and the carrier's present Scranton, Pa., operations, which appear to be adequate, will remain. As to Reading, the elimination of TWA at that point will similarly benefit Allegheny while relieving TWA of a costly

service obligation, and will result in benefits to the public in light of our tentative findings and conclusions herein,

as more fully set forth below. Reading, in its petition, has requested a modification of Allegheny's operating authority to allow and require improved Reading-New York and Reading-Pittsburgh service. In support, Reading states, in part, that its businessmen are unable to execute a day's business in either city and return home on the same day; that the subject markets are more suited to local service operations than to trunk services; and that Allegheny should not only be authorized, but should be required, to provide direct singleplane service between the points involved so as to offer that type of service needed by the public. In light of the foregoing and our tentative conclusion that Reading be deleted from TWA's certificate, and on the basis of the materials contained in appendices A-E, we tentatively find and conclude that Allegheny's segment 7 should be extended beyond Reading to New York. Under the various assumptions made in appendix A, we estimate that Allegheny could offer direct New York-Reading service at a profit of \$112,000. The operating modifications which would be required would maintain present levels of service at the various points involved, except as to Scranton-Harrisburg, Pa., and Scranton-Boston service, which would be reduced, but would continue to be adequate to accommodate the traffic.8

As to the Reading-Pittsburgh authority of Allegheny, we find that there were 1600 passengers exchanged between these points in 1960, that Allegheny will be able to accommodate the traffic under its present operating authority with onestop single-plane service, and that no additional or liberalized authority is required. Consequently, we tentatively find that that part of Reading's petition which seeks improvement operating authority for Allegheny to Pittsburgh should be denied.

Accordingly, in light of the foregoing, we tentatively find and conclude that the public convenience and necessity require

^{3a} Filed as part of the original document. ⁴ We find Williamsport's argument on the basis of the Northeastern States Case unpersuasive. Regardless of what was found there, technological and other developments have taken place since then which have changed conditions substantially and warrant our action here.

⁵ These markets, however, generated less than two passengers per day in 1960, and, in any event, will continue to have connecting service to Williamsport via Scranton or New York.

⁶ Allegheny's nonstop to New York and one-stop to Boston with a 10-minute online connection at New York, or connections at New York with other carriers' flights allowing more connecting time.

We view Reading's petition in Docket 12293 as one seeking improved operating authority for the point. Consequently, our action here is not related to section 404(a) of the Act.

^{*}In 1960, there were an average of 15 local passengers per day between Scranton and Boston, and 4.5 local passengers per day between Scranton and Harrisburg. Scranton will have one daily round trip to Harrisburg by Allegheny, and two daily round trips by TWA and one daily round trip by Alleghany to Boston, in addition to the connecting services available at New York.

*We recognize that the flight times as-

we recognize that the hight times assumed in our calculations (appendix C) are not ideal for Reading passengers. However, these matters lie initially in the discretion of management, and Allegheny can, through further adjustment of its schedules, utilize its operating authority to the maximum so as to offer the best possible schedules to the various communities involved. Nonstop service between Reading and Pittsburgh, on the other hand, would probably necessitate additional flights at a cost of some \$104,000 to the carrier, which expense would be excessive under the circumstances (appendix A-2).

² As to Allentown, it will receive New York service from United Air Lines and TWA (four daily round trips), and Reading service from Eastern Air Lines (one daily round trip). Nothing has been submitted to indicate that this level of service will not adequately fulfill the needs of Allentown.

We note that the May 1961 Official Airline Guide shows that TWA is no longer serving Reading and Williamsport with Martin-404's, and has substituted Constellation equipment.

the amendment of the certificate of Allegheny so as to extend its segment 7 from Reading to New York; that the public convenience and necessity require the amendment of the certificate of TWA so as to delete Reading and Williamsport from its Route 2; that the public convenience and necessity do not require the certification of RAS to provide Reading-New York and Reading-Allentown-New York service; and that the public convenience and necessity do not require the amendment of Allegheny's certificate with respect to its authority between Reading and Pittsburgh. Moreover, we find that the temporary suspension of TWA at Williamsport and Reading would not be in the public interest.

Finally, we find that the application of RAS in Docket 12091 and the petition of Reading in Docket 12293 are essentially connected and can most appropriately be disposed of together with the proceeding instituted herein. Consequenty, these matters will be consolidated.

Accordingly, it is ordered:

1. That a proceeding be and it hereby is instituted to determine whether the public convenience and necessity require the deletion of Reading, Pa., and Williamsport, Pa., from the certificate of Trans World Airlines, Inc., for Route 2, to be known as the Service of TWA at Reading and Williamsport case, Docket 13100:

2. That the application of Reading Aviation Service, Inc., in Docket 12091, and the petition of the City of Reading, Pa., and the Reading Municipal Airport Authority, in Docket 12293, be consolidated in the proceeding hereby instituted:

3. That all interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and

conclusions stated herein:

4. That any interested person having objection to the issuance of an order making final the findings and conclusions stated herein shall, within twenty days from the service date of this order. file with the Board and serve upon all persons hereafter made parties to this proceeding, written notice of objection;

5. That in the event there are timely filed objections, the matter shall be set down for prehearing conferences at the earliest practicable time before an Ex-

aminer of the Board;

6. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

7. That the applications of Trans World Airlines, Inc., in Dockets 12156 and 12157, and all other motions, petitions and requests, or portions thereof not otherwise herein granted, be and they hereby are denied;

8. That copies of this order shall be served on Reading Aviation Service, Inc., Trans World Airlines, Inc., the City of Reading, Pa., the Reading Municipal Airport Authority, the Williamsport Municipal Airport Authority, the City Council of the City of Williamsport, Pa., the West Branch Manufacturers' Association, the Greater Williamsport Chamber of Commerce, the City of Scranton, Pa., the City of Harrisburg, Pa., the City of Pittsburgh, Pa., the City of Boston, Mass., the New York Port Authority, and Allegheny Airlines, Inc., all of whom are hereby made parties to this proceeding;

9. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON, [SEAL.] Secretary.

[F.R. Doc. 61-9818; Filed, Oct. 12, 1961; 8:48 a.m.l

FEDERAL AVIATION AGENCY

OE Docket No. 61-SW-691

ELEVATED WATER STORAGE TANK

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized information concerning the following structure to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The McLennan County Water Control and Improvement District Number 2, Elm Mott, Texas, has constructed an elevated water storage tank near Elm Mott, Texas, at latitude 31°39'46" north, longitude 97°06′16.7" west. The overall height of the structure is 665 feet above mean sea level (125 feet above ground).

An objection was made in response to the circularization by the Department of the Air Force, based upon the conclusion of the objector that the structure required an increase from 600 feet to 700 feet in the ceiling minima for Instrument Approach Procedures JAL-579-ADF, JAL-579-VOR/ADF-1, AL-579-JET-DF Letdown-17, and Conv-DF Letdown-17 for the James Connally AFB, Waco, Texas.

The structure is located 2.5 miles northwest of the James Connally AFB. The Agency study disclosed that the structure required an increase from 600 feet to 700 feet in the ceiling minima for JET-DF Letdown-17 and Conv-DF Letdown-17 to the James Connally AFB and no other Instrument Approach Procedures would be affected. At the Washington Informal Airspace Meeting, the Department of the Air Force confirmed this finding and withdrew its objection. The study disclosed that these increases do not adversely affect aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes are

affected by this structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 623.33; 26 F.R. 5292), it is concluded that the above described structure, at the location and mean sea level elevation specified herein, has no adverse effect upon aeronautical operations,

procedures or minimum flight altitudes: and it is hereby determined that this structure is not a hazard to air naviga-

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted.

Issued in Washington, D.C., on October 4, 1961.

OSCAR W. HOLMES. Chief

Obstruction Evaluation Branch.

[F.R. Doc. 61-9787; Filed, Oct. 12, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Commercial and Amateur Radio **Operator Examinations at Marine**

The Commission having under consideration a modification of its commercial and amateur radio operator license examination points; and

It appearing that it will be in the public interest to add the Commission's office at San Pedro to the list of examination points where Commercial and Amateur Radio Operator examinations are given by appointment; and

It further appearing that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative

Procedure Act is not required. It is ordered, Effective November 1, 1961, pursuant to authority of section 0.341 of the Commission's Statement of Delegations of Authority, and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that section 0.413(c) of Statement of Organization, Delegations of Authority, and Other Information, be amended as set forth in the Appendix appearing below.

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

Adopted: October 9, 1961.

Released: October 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE, Acting Secretary.

The introductory text of section 0.413 (c) is amended to read as follows:

SEC. 0.413 Applications for amateur station and operator license and/or commercial operator license. *

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(c) Schedules of radio operator examinations are available at the Commission's district offices listed in section 0.49. Examinations are given frequently under these schedules at the Commission's Washington examination office at 718 Jackson Place NW., Washington 25, D.C., and at each of the Commission's field offices listed in section 0.49. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Savannah, Georgia; San Diego, California; San Pedro, California; Tampa, Florida: Mobile, Alabama; Juneau, Alaska; Anchorage, Alaska; and Beaumont, Texas.

[F.R. Doc. 61-9819; Filed, Oct. 12, 1961; 8:48 a.m.]

CANADIAN BROADCAST STATIONS Changes, Proposed Changes, and Corrections in Assignments

SEPTEMBER 15, 1961.

Notification under the provisions of Part III, Section 2, of the North American Regional Broadcasting Agreement: list of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

3. Each of the subject applications would involve slight mutual interference with the pending application, File No. BP-13581, of Station WTCO, Campbellsville, Kentucky, to increase its daytime power. Since the slight mutual interference involved will not prejudice the grant of any one of the three applications involved, the WTCO application will not be consolidated herein. A grant of either Glasgow application will be conditioned upon acceptance of the interference from a subsequent grant of the Campbellsville application.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on

the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether John M. Barrick is financially qualified to construct and operate his proposed station.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed

station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed

in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That a grant of either subject application will contain a condition that the permittee accept any interference received as a result of a subsequent grant of the application of Taylor County Broadcasting Company, Inc., File No. BP-13581, for an increase in the daytime power of Station WTCO, Campbellsville, Kentucky.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if fea-

Call letters	Location	Power kw	Antenna	Sched- ule	Class	Expected date of commencement of operation
		610 kilocycles		3.45		Berginster of
New	Mont Laurier, Province of Quebec.	1	DA-N	U	III	EIO 9-1-62.
		860 kilocycles	A STATE OF THE PARTY OF THE PAR	Text of	er suits	
CHAK	Inuvik (Aklavik) North- west Territory.	1	ND	U	II	Now in oper-
CBH (notified on list No. 150 for 790 kc, 10 kw, DA-2).	Halifax, Nova Scotia	10	DA-N	Ū	II	ation. EIO 9-1-62.
7, 2/.		920 kilocycles		10000		
CFRY (PO: 1570 kc, 0.25 kw, ND).	Portage la Prairie, Mani- toba.	1	DA-1	υ	Ш	Do.
New		1240 kilocycles				· 学生生主义
110#	Abbotsford, British Co- lumbia.	1260 kilocycles	ND	υ	IV	Do.
CFRN	Edmonton, Alberta	Contract of the Contract of th	DA-N	υ	ш	Now in opera- tion with increased
		1320 kilocycles				power.
CKEC	New Glasgow, Nova Scotia,	5	DA-N	U	III	Do.
		1490 kilocycles		19/2	- *	
New	Wilmot Station, Nova Scotia.	0,25	ND	U	IV	EIO 9-1-62.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 61-9820; Filed, Oct. 12, 1961; 8:48 a.m.]

[Docket Nos. 14280, 14281; FCC 61-1183]

BARREN COUNTY BROADCASTING CO. AND JOHN M. BARRICK

Order Designating Applications for Consolidated Hearing on Stated

In re applications of Lewis M. Owens, John A. Hartnett, and Carl R. Thomale d/b as Barren County Broadcasting Company, Glasgow, Kentucky, requests 1440 kc, 1 kw, D, III, Docket No. 14280, File No. BP-13996; John M. Barrick, Glasgow, Kentucky, requests 1440 kc, 1 kw, D, III, Docket No. 14281, File No. BP-14641, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of October 1961:

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The Commission having under consideration the above-captioned and described applications;

It appearing, that, except for matters involved in the issues set forth below, each of the subject applicants possesses the basic requisite qualifications to construct and operate its proposed station; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applicants request identical facilities in Glasgow, Kentucky, and are

therefore mutually exclusive.

2. John M. Barrick states that he intends to supply all funds necessary for construction and initial operation of his proposal. It appears that a total of \$12,720 will be required for construction plus \$8,750 for three months initial operation. However, Mr. Barrick's balance sheet indicates only minimal liquid assets and no loan agreements have been submitted which would indicate the source of additional necessary funds.

sible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by

§ 1.362(c) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE. Acting Secretary.

[F.R. Doc. 61-9821; Filed, Oct. 12, 1961; 8:48 a.m.1

[Docket No. 14279; FCC 61-1179]

QUINCY VALLEY BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Donald R. Nelson, D. Adcox, Gene R. Johnsick, and Richard C. Singleton, d/b as Quincy Valley Broadcasters, Docket No. 14279, File No. BR-3607; For renewal of license of Station KPOR, Quincy, Washington.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of

October 1961:

The Commission having under consideration (1) the above-captioned application; (2) Ownership Reports—(FCC Form 323)—filed by the applicant on February 25, 1957 and November 4, 1959, respectively; and (3) a series of correspondence by and between the Commission, Richard C. Singleton and counsel for Donald R. Nelson dated December 31, 1959, January 8, 1960, September 9, 1960, September 19, 1960, September 26, 1960, November 7, 1960, January 3, 1961, January 16, 1961, and April 3, 1961; and

It appearing, that, on January 30, 1957, the Commission granted the application of Donald R. Nelson, L. D. Adcox, Gene R. Johnsick and Richard C. Singleton, d/b as Quincy Valley Broadcasters, to construct Station KPOR, Quincy, Washington, which station was subsequently licensed by the Commission on April 15, 1958, for the period ending

February 1, 1960; and

It further appearing that the abovedescribed matters before the Commission indicate that several ownership changes were effectuated in the abovenamed licensee partnership since January 30, 1957, amounting to unauthorized assignments of license of Station KPOR: and

It further appearing, that the abovedescribed transactions were effectuated without applying for and obtaining the prior consent of this Commission through misrepresentations to and concealments of material facts from this Commission in contravention of section

310(b) of the Communications Act of 1934, as amended, and the Commission's rules, regulations, and policies promulgated thereunder: and

It further appearing, that, in view of the above-described matters, the Commission is unable to find that a grant of the above-entitled application would serve the public interest, convenience and necessity: and that the application must, therefore, be designated for hearing:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether, during the period from January 30, 1957 to date, ownership and/or control of Station KPOR, Quincy, Washington was transferred by the above licensee contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

2. To determine whether, during the period from January 30, 1957 to date, the above licensee failed to file various reports and agreements as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

3. To determine whether, during the period from January 30, 1957, to date. the reports, subject application and correspondence filed by the licensee contained misrepresentations and omissions of material facts.

4. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Donald R. Nelson, L. D. Adcox, Gene R. Johnsick, and Richard C. Singleton, d/b as Quincy Valley Broadcasters, collectively or individually, are qualified to hold a broadcast license.

5. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the abovecaptioned application would serve the public interest, convenience or necessity.

It is further ordered, That to avail itself of the opportunity to be heard. the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: October 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 61-9822; Filed, Oct. 12, 1961; 8:48 a.m.]

[Docket Nos. 13736, 14282; FCC 61-11851

WINDBER COMMUNITY BROADCAST-ING SYSTEM AND RIDGE RADIO CORP.

Order Designating Application for Consolidated Hearing on Stated

In re applications of Dr. E. Z. Eperjessy, Louis Popp, and William H. Myers d/b as Windber Community Broadcasting System, Windber, Pennsylvania, requests 1350 kc, 1 kw, Day, Docket No. 13736, File No. BP-13475; Ridge Radio Corporation, Windber, Pennsylvania, requests 1350 kc, 1 kw, Day, Docket No. 14282, File No. BP-13682; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of October 1961;

The Commission having under consideration (1) the above-captioned and described applications; (2) the Initial Decision of Hearing Examiner David I. Kraushaar (FCC 61D-17, released February 20, 1961) looking toward a grant of the Windber Community Broadcasting System application; (3) the Decision of June 8, 1961, of the United States Court of Appeals for the District of Columbia Circuit in Ridge Radio Corporation v. Federal Communications Commission, 21 Pike and Fischer R.R. 2060; (4) the Order of the Commission (FCC 61-806 released June 23, 1961) remanding the application of the Windber Community Broadcasting System to the Hearing Examiner pending further order of the Commission:

It appearing that the Commission has previously found the Windber Community Broadcasting System to be legally, technically, financially, and otherwise qualified to construct and operate its proposed station; that examination of the application of the Ridge Radio Corporation indicates that said applicant is legally, technically, financially, and otherwise qualified to construct and operate its proposed station; and

It further appearing, that, in view of the aforementioned decision of the Court of Appeals, the above-captioned applications must be consolidated for hearing to determine on a comparative basis which of the proposed operations would better serve the public interest,

convenience and necessity;

It is ordered, That, the application of the Ridge Radio Corporation, heretofore dismissed by the Commission on April 27, 1960, is hereby reinstated, and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the said application of the Ridge Radio Corporation is designated for hearing in a consolidated proceeding with the application of the Windber Community Broadcasting System, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the apS 1 C fi

plicants as to:

each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the fore-going issue and the record heretofore made in the hearing on the application of the Windber Community Broadcasting System, which of the applications should be granted.

It is further ordered, That to avail itself of the opportunity to be heard, the Ridge Radio Corporation, pursuant to section 1.140 of the Commission rules, by attorney or appropriate corporate officer, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this

It is further ordered, That the Ridge Radio Corporation shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION. BEN F. WAPLE,

[SEAL] Acting Secretary.

[F.R. Doc. 61-9823; Filed, Oct. 12, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

ARKANSAS LOUISIANA GAS CO.

[Docket No. CP61-334]

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OCTOBER 6, 1961. Take notice that the hearing in the above-docketed proceeding, heretofore scheduled to commence on October 5, 1961, and postponed by notice, dated October 3, 1961, to a date to be fixed by further notice, will now be held on October 13, 1961, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Com-

Notice of the application filed herein was published in the FEDERAL REGISTER on September 9, 1961 (26 F.R. 8497).

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Dac. 61-9795; Filed, Oct. 12, 1961; 8:46 a.m.]

[Docket No. RI62-67]

RAVENCLIFFS DEVELOPMENT CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rates

OCTOBER 6, 1961.

On September 8, 1961, Ravencliffs Development Company 1 (Ravencliffs) tendered for filing a proposed change in its presently effective rate schedule 2 sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated September 7, 1961.

Purchaser and producing area: Amere Gas Utilities Company (Slab Fork and Oceana Districts, Wyoming and Raleigh Counties, West Virginia).

Rate Schedule designation: Supplement No. 22 to Ravencliffs' FPC Gas Rate Schedule No. 1.

Effective date: October 10, 1961.3

Proposed rates: 26.50 cents per Mcf (gravity gas); 29.50 cents per Mcf (compressed gas). Effective rates: 25.75 cents per Mcf (gravity gas); 28.75 cents per Mcf (compressed gas). Annual increase: \$14,684 (\$6,361 \$8,323).

Pressure base: 15.325 psia.

In support of its proposed redetermined rate increases, Ravencliffs refers to a cost of service for the year 1957 submitted in connection with a previous rate increase and cites certain increased costs (principally increased taxes) occurring since that time. However, Ravencliffs does not submit cost data for a recent test period which could be used to measure the reasonableness of the proposed rates.

The proposed rates exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments there-

The proposed increased rates may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise un-

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 a hearing concerning the lawfulness of the proposed change, and that Supplement No. 22 to Ravencliffs'

a. The background and experience of mission, 441 G Street NW., Washington, FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 22 to Ravencliffs' FPC Gas Rate Schedule

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 10, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has 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 November 20, 1961.

By the Commission.

MICHAEL J. FARRELL. Acting Secretary.

[F.R. Doc. 61-9796; Filed, Oct. 12, 1961; 8:46 a.m.]

[Docket No. CI61-1272 etc.]

TENNECO CORP. AND TENNESSEE GAS TRANSMISSION CO.

Order Denying Applications for Rehearing, Denying Requests for Temporary Certificates, Requiring the Filing of Information, Consolidating Proceedings, and Fixing Date of Hearing

OCTOBER 9, 1961.

Tenneco Corporation, Docket Nos. CI61-1272, CI61-1273, CI61-1475; Ten-Transmission Company, nessee Gas Docket No. CP61-264.

Take notice that Tenneco Corporation (Tenneco), a Delaware corporation having its principal place of business in the Tennessee Building, Houston, Texas, filed an application on February 28, 1961, at Docket No. CI61-1272, pursuant to section 7 of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing it to institute sales of natural gas in interstate commerce to Tennessee Gas Transmission Company

The application states that under the terms of an Instrument of Conveyance dated February 28, 1961, Tennessee assigned to Tenneco certain gas producing properties located in the following fields:

Address: Ravencliff, West Virginia.

² Present rate previously suspended and is in effect subject to refund in Docket No. RI60-241.

³ The stated effective date is the effective date proposed by Ravencliffs.

Field and Location

Randon, Fort Bond County, Tex. Lasalle, Jackson County, Tex. E. Bay City, Matagorda County, Tex. Carmichael, Jackson County, Tex. Decker's Prairie, Montgomery County, Tex. Cecil Noble, Colorado County, Tex. N. W. Chalkley, Calcasieu Parish, La. Timbalier Bay (Bay Marchand, Block 5), Offshore LaFourche Paris, La

Block 17, East Cameron Area, Offshore Cameron Parish, La.

El Ebanito, Starr County, Tex. Tabasco, Hidalgo County, Tex. Hungerford, Wharton County, Tex. Maude Traylor and S. Pt. Comfort, Calhoun

County, Tex.
Glasscock, Colorado County, Tex. Logansport, DeSoto Parish, La. Palacios, Matagorda County, Tex. W. Rock Island-Powell Glaze Unit, Colorado

County, Tex. Hynes Ranch, Refugio County, Tex.

W. Rock Island-W. K. Wall Unit, Colorado

County, Tex.
Bethany—Carrie Adams Unit, Panola County,

Bethany-Oden Unit, Panola County, Tex. Heyser, Calhoun County, Tex.

Copies of the contracts providing for the sale of gas produced from these fields by Tenneco to Tennessee are included in the application.

The application further states that prior to and at the effective date of the Instrument of Conveyance, gas was being produced by Tennessee and delivered into the transmission facilities of Tennessee from all of the above fields except the Timbalier Bay Field. No gas has produced from the properties located in the Timbalier Bay Field at the time of the filing of the application.

The prices to be paid to Tenneco by Tennessee range from 14.41 cents to 17.24 cents per Mef at 14.65 psia for eighteen sales in Texas and between 22.8333 cents and 23.6 cents per Mcf at 15.025 psia for three sales in southern Louisiana. A single sale in northern Louisiana is for 14.794 cents per Mcf at 15.025 psia. All of the Louisiana prices include state tax reimbursement.

Take further notice that Tenneco also filed an application on February 28, 1961. in Docket No. CI61-1273, pursuant to section 7 of the Act, for a certificate of public convenience and necessity authorizing it to assume and continue certain sales of natural gas in interstate commerce now being made or proposed to be made by Tennessee.

The application states that under the terms of an Instrument of Conveyance dated February 28, 1961, and effective at the close of business on February 28, 1961, Tennessee assigned to Tenneco certain gas producing properties from which sales of gas are now being made or proposed to be made in interstate commerce.

The application further states that Tenneco, as an independent producer under the rules of the Federal Power Commission, is precluded from filing rate schedules for certain other sales of natural gas in interstate commerce for which authorization was granted to and rate schedules filed by Tennessee. The application requests that these rate schedules and the authorizations for sales thereunder be cancelled.

Exhibit X-2 of the application presents a complete tabulation of the sales for which Applicant requests either authorization to continue such sales or cancellation of the appropriate rate schedules and cancellation of the authorization for sales thereunder.

Take further notice that Tennessee filed an application in Docket No. CP61-264 for a certificate of public convenience and necessity seeking authority to construct and operate 11.8 miles of 123/4inch field line, beginning in Block 64, East Cameron and extending in a westerly direction to a point in Block 180, West Cameron, all in offshore Louisiana. to enable it to purchase and transport to its main transmission system natural gas to be produced by Tenneco in the Block 180 Field. Estimated cost for this proposed field line is \$1,320,000, which will be financed from funds on hand.

Also take notice that Tenneco, on April 10, 1961, filed an application in Docket No. CI61-1475 pursuant to section 7 of the Act, seeking a certificate of public convenience and necessity authorizing it to make the above sale of natural gas (Docket No. CP61-264) to Tennessee, under the terms of a gas contract dated April 6, 1961. Tenneco's production of gas will be from certain leases located in adjacent Blocks 173 and 180, West Cameron Area. Deliveries will be made at a central point in the producing area. The proposed initial price is 21.4 cents per Mcf (no present

tax reimbursement).
On July 27, 1961, Tenneco filed an application for rehearing of our letter order of July 6, 1961 which denied its request for temporary certificates authorizing the proposals contained in Docket Nos. CI61-1272 and CI61-1273. Also, Tennessee in Docket No. CP61-264 and Tenneco in Docket No. CI61-1475 request temporary certificates. For the following reasons, we shall deny both the application for rehearing filed July 27, 1961 and the requests for temporary certificates in Docket Nos. CP61-264 and CI61-1475.

Although the application for rehearing described Tenneco as a subsidiary of Tennessee, the applications described above do not contain a description of the exact corporate relationship of these two entities. The fact that there exists a corporate relationship clearly indicates to us that there is a need to carefully scrutinize a situation, which is evident from the applications, where an integrated pipeline company is transferring. among other things, natural gas production properties to its subsidiary company.

To this end, Tenneco was requested by letter dated March 30, 1961, to furnish information bearing upon the method used in formulating the proposed prices stated in the contracts executed with its corporate parent Tennessee. Specifically, Tenneco was requested to provide an explanation of all considerations leading up to the establishment of the contract prices, including all computations and financial and volumetric data. On April 21, 1961, in reply to this letter request, it was stated that: "* * * Tenneco and Tennessee agreed to enter into contracts which, in each instance, would provide for a price equal to the prevailing price that Tennessee is paying independent producers under other gas purchase contracts in each applicable pricing area."

The utilization of this method as a basis for the establishment of natural gas contract prices between corporate affiliates, without more, has been held insufficient.1 Before we will be able to determine the requirements of the public interest with reference to the above dockets, and particularly Docket Nos. CI61-1272 and CI61-1475, it will be necessary for the record to reflect whether the unit cost of natural gas to Tennessee and its customers will increase, decrease or remain at present levels as a result of the proposals contained therein. We believe it essential that evidence providing some factual economic justification should be submitted prior to the granting of either the permanent or temporary certificates requested. Therefore, without attempting to delimit the applicants' proof herein, Tennessee and Tenneco are directed to jointly file with the Commission the following statements subscribed and verified by responsible corporate officials on or before November 6, 1961.

(1) A statement of Tennessee's total 1960 natural gas requirements and the percentage of these requirements filled by volumes of natural gas produced from the transferred gas production properties which now support the gas purchase contracts in Docket Nos. CI61-1272 and CI61-1475. State the unit cost per Mcf of such volumes using 1960 as a test year.

(a) A statement relating the same components of information for the years 1962, 1963 and 1964 on the assumption that certificates issue as requested and that the gas prices stated in the interaffiliate gas purchase contracts become effective rates.

(2) A statement pertaining to the effect, if any, of the property transfers to Tenneco by the Instrument of Conveyance and of Tennessee's voting stock ownership in Tenneco, upon Tennessee's right to file a consolidated federal income tax return with Tenneco. If such right is lost, or is conditional, a statement of the resultant impact upon the unit cost of gas per Mcf to Tennessee and its customers.

(3) A statement of the manner by which Tenneco was incorporated, including its capitalization, voting stock ownership, the names of all the officers and directors of both Tenneco and Ten-

nessee.

(4) A statement correlating the Tennessee non-affiliated gas purchase contracts, used by Tennessee and Tenneco to establish the claimed "equal" prices, with the interaffiliate gas purchase contracts in Docket Nos. CI61-1272 and CI61-1475.

(5) A statement of the estimated volume of natural gas reserves dedicated to the fulfillment of each of the intern ri ii

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Mississippi River Fuel Corporation v. F.P.C., 252 F. 2d 619 (CADC), certiorari denied, 355 U.S. 904 and City of Detroit v. F.P.C., 230 F. 2d 810 (CADC), certiorari denied, 352 U.S. 829.

affiliate gas purchase contracts in Docket Nos. CI61-1272 and CI61-1475, the average daily volumes and the maximum volumes delivered or to be delivered under each of these contracts. Also a statement, by field of the total production to date and the remaining recoverable reserves of gas under each of the contracts.

(a) A statement containing the same components of information as related to the Tennessee non-affiliate gas purchase contracts used to establish "equal" prices

for the interaffiliate contracts.

(6) A statement of the dates of acquisition by Tennessee of the various leases involved in the gas purchase contracts in Docket Nos. CI61-1272 and CI61-1475, indicating whether such leases were proven or unproven at the date of acquisition by Tennessee.

- (7) A statement of Tennessee's net investment showing gross investment, related depreciation, depletion and amortization reserves (company net interest) for each of the leases underlying the interaffiliate gas purchase contracts in Docket Nos, CI61-1272 and CI61-1475, on the corporate books of Tennessee as of the date of the execution of the Instrument of Conveyance on February 28. 1961, for:
 - (a) Leaseholds. (b) Well tangibles. (c) Well intangibles. (d) Lease equipment.

(e) Related field facilities.

In Docket No. CI61-1273, Tenneco seeks a certificate of public convenience and necessity to replace Tennessee in the making of field sales of natural gas in interstate commerce and for the sub-stitution of Tenneco for Tennessee in certain applications now pending before the Commission. Tenneco requested temporary authorization therefor, citing the necessity of uninterrupted and continued deliveries of the gas involved. However, Tenneco has not shown where or how such interruptions of service will occur or that there is even a likelihood of interruption. Also, it is not shown that any party would be adversely affected if the temporary authorization sought is not granted. Therefore, there has not been shown the existence of an emergent situation upon which we could predicate the issuance of a temporary certificate pursuant to section 7(c) of the Act.

In view of the far reaching importance of the questions raised by the application above and the need for additional information as outlined hereinabove, we cannot at this time grant the temporary certificates requested. Accordingly, the application for rehearing filed in Docket Nos. CI61-1272 and CI61-1273 must be denied. For the reasons stated, the requests for temporary authorizations in Docket Nos. CI61-1475 and CP61-264 must also be denied. In denying the relief sought, we shall fix these proceedings for an early hearing at the time and place indicated below.

All applications referred to herein are on file with the Commission and are open to public inspection. This order shall constitute notice of the filing of such applications.

The Commission finds:

(1) The application for rehearing filed by Tenneco in Docket Nos. CI61-1272 and CI61-1273 should be denied.

(2) The requests for temporary certificates of public convenience and necessity in Docket Nos. CI61-1475 and CP 61-264 should be denied.

(3) It is necessary to direct the applicants to file jointly, with the Commission, an original and seven copies of the information outlined hereinbefore on or before November 6, 1961.

(4) The above-entitled applications are all related and should be consoli-

dated for hearing. The Commission orders:

(A) The application for rehearing filed by Tenneco in Docket Nos. CI61-1272 and CI61-1273, be and the same is hereby denied.

(B) The requests for temporary certificates of public convenience and necessity in Docket Nos. CI61-1475 and CP61-264 be and the same are hereby denied.

(C) The applicants are directed to file jointly, with the Commission, an original and seven copies of the information outlined hereinbefore on or before November 6, 1961.

(D) The proceedings upon the aboveentitled applications be consolidated for

hearing.

(E) 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 regulations thereunder, and the rules of practice and procedure of the Commission, a hearing will be held commencing December 5, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented in such applications.

(F) Protests, petitions to intervene, and notices of intervention 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 Novem-

ber 6, 1961.

By the Commission.1

JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 61-9797; Filed, Oct. 12, 1961; 8:46 a.m.]

GENERAL SERVICES ADMINIS-TRATION

[Delegation of Authority No. 402]

SECRETARY OF DEFENSE

Delegation of Authority to Represent Interests of the Federal Government Regarding Amendment to Application of California Interstate Telephone Company for Various Types of Relief

1. Pursuant to the provisions of sections 201(a) (4) and 205 (d) and (e) of

¹ Partial dissenting opinion of Commissioner Kuykendall filed as part of the original document.

the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of amendment to application of California Interstate Telephone Company for various types of relief, before the California Public Utilities Commission, Amendment to Application No. 42012, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective September 28, 1961.

Dated: October 9, 1961.

JOHN L. MOORE, Administrator.

[F.R. Doc. 61-9815; Filed, Oct. 12, 1961; 8:47 a.m.]

[Delegation of Authority No. 403]

SECRETARY OF DEFENSE

Delegation of Authority to Represent the Interests of the Federal Government Regarding Application of Pacific Lighting Gas Supply Company for Increase in Gas Rates

- 1. Pursuant to the provisions of sections 201(a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377. as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of application of Pacific Lighting Gas Supply Company for increase in gas rates, Application No. 43670, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.
- 2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.
- 3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration. and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.
- 4. This delegation of authority shall be effective September 28, 1961.

Dated: October 9, 1961.

JOHN L. MOORE, Administrator.

[F.R. Doc. 61-9816; Filed, Oct. 12, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-5804 (22-425) etc.]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Notice of Application and Opportunity for Hearing

OCTOBER 6, 1961.

In the matter of American Telephone and Telegraph Company, File Nos. 2–5804 (22–425), 2–6942 (22–607), 2–11118 (22–1580), 2–15763 (22–2673).

Notice is hereby given that American Telephone and Telegraph Company (Applicant) has filed an application under Clause (ii) of section 310(b) (1) of the Trust Indenture Act of 1939, as amended (the Act), for a finding by the Commission that the trusteeship of Manufacturers Hanover Trust Company (Manufacturers Hanover) under the five indentures hereinafter described is not so likely to involve a material conflict of interest under the Act as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers Hanover from acting as trustee under all five indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined therein) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and is trustee under another indenture of the same obligor. However, an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one or more of such indentures.

Applicant alleges that:

1. It has outstanding, among others, the following five issues of unsecured debentures:

(a) \$175,000,000 principal amount of its Thirty-Five Year 23/4 percent Debentures due August 1, 1980 issued under an Indenture dated August 1, 1945 (the 1945 Indenture) to Central Hanover Bank and Trust Company, subsequently called The Hanover Bank, (Hanover), a corporation organized and formerly existing under the laws of the State of New York, as Trustee. These debentures were registered under the Securities Act of 1933 and the 1945 Indenture was qualified under the Act.

(b) \$200,000,000 principal amount of its Thirty-Five Year 23/4 percent Debentures due April 1, 1982 issued under an

Indenture dated April 1, 1947 (the 1947 Indenture) to Manufacturers Trust Company (Manufacturers), a corporation organized and existing under the laws of the State of New York, as Trustee. These debentures were registered under the Securities Act of 1933 and the 1947 Indenture was qualified under the Act.

(c) \$250,000,000 principal amount of its Thirty Year 31/4 percent Debentures due September 15, 1984 issued under an Indenture dated September 15, 1954 the 1954 Indenture) to Hanover as Trustee. These debentures were registered under the Securities Act of 1933 and the 1954 Indenture was qualified under the Act.

(d) \$9,336,000 principal amount of its Twenty-Seven Year 5% percent Debentures due November 1, 1986 issued under an Indenture dated November 1, 1959 (the 1959 Indenture) to Hanover as Trustee. These debentures were registered under the Securities Act of 1933 and the 1959 Indenture was qualified under the Act. All of the debentures issued under the 1959 Indenture were called for redemption on July 10, 1961 and it is expected that in due course the 1959 Indenture will be satisfied.

(e) \$250,000,000 principal amount of its Thirty-Seven Year 43/4 percent Debentures due June 1, 1998 issued under an Indenture dated June 1, 1961 (the 1961 Indenture) to Hanover as Trustee. These debentures were registered under the Securities Act of 1933 and the 1961 Indenture was qualified under the Act.

2. Hanover was duly merged into Manufacturers under the name Manufacturers Hanover Trust Company (Manufacturers Hanover) pursuant to a Plan of Merger which became effective at the close of business on September 8. 1961. As a result Manufacturers Hanover has succeeded to the trusteeships of Hanover and Manufacturers under the aforementioned five Indentures.

3. The 1945 Indenture, the 1947 Indenture, the 1954 Indenture, the 1959 Indenture and the 1961 Indenture were wholly unsecured. The Applicant is not in default under any of said Indentures.

4. Except for variations in amounts, dates, interest rates and redemption prices, and with respect to the 1961 Indenture the date on or after which debentures may be called for redemption (June 1, 1971), these five Indentures contain substantially the same provisions. Any difference in their provisions is unlikely to cause a conflict of interest in the trusteeship of Manufacturers Hanover under said five Indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after November 1, 1961, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Clause (ii) of section 310(b) (1) of the Act. Any interested person may, not later than October 31, 1961 submit to the Commission, in writing, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 61-9798; Filed, Oct. 12, 1961; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property BRUNO TAUS ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bruno Taus, New York, N.Y.; \$1,325.15 in the Treasury of the United States.

Kurt Josephsohn, Haifa, Israel; \$662.58 in the Treasury of the United States.

Josephsohn Gerson, Tel-Aviv. Hertha Israel; \$662.58 in the Treasury of the United

Rolf P. Krohn, Kibutz Usha, Kfar Hamakabi, Israel; \$331.29 in the Treasury of the United States.

Messoda Bernstein, Casablanca, Morocco; \$82.83 in the Treasury of the United States.

Messoda Bernstein as natural guardian

for Jean-Claude Bernstein, Erwin Bernstein, and Monique Bernstein, Casablanca, Morocco; \$248.46 in the Treasury of the United States.

Herta Bernstein Wronker, Muswell Hill, London N. 10, England; \$220.86 in the Treasury of the United States.

Alfred Bernell, New York, N.Y.; \$220.86 in the Treasury of the United States.

Inge Ruth Bernell, New York, N.Y.; \$110.43 in the Treasury of the United States.

Inge Ruth Bernell as natural guardian for Monica Bernell, New York, N.Y.; \$110.43 in the Treasury of the United States.

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Bernstein, Guayaquil, Ernst \$220.86 in the Treasury of the United States. Germany; Bernstein, Hamburg,

\$220.86 in the Treasury of the United States.

Klara Kaatz, Hamburg-Bramfeld, Germany, \$220.86 in the Treasury of the United

Jette Bernstein Samuel, Santiago, Chile; \$662.58 in the Treasury of the United States. Arthur Spritz, New York, N.Y.; \$883.44 in

the Treasury of the United States.
Paula Spritz, New York, N.Y.; \$883.44 in
the Treasury of the United States.
Claims Nos. 63971 and 66545. Vesting

Order No. 4608.

Executed at Washington, D.C., on October 9, 1961.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 61-9808; Filed, Oct. 12, 1961; 8:47 a.m.]

LIDWINA S. WAGNER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lidwina S. Wagner, Casilla 6, Carreo Mapu, Chile; All right, title, interest, and claim of any kind or character whatsoever of Lidwina S. Wagner in and to and arising out of or under that certain trust agreement dated March 8, 1933, as amended on February 6, 1935, February 28, 1938, May 22, 1939, and May 3, 1940, by and between Mathilde Bauer, donor, and Fidelity Union Trust Company, trustee, presently being administered by Fidelity Union Trust Company, trustee, 755 Broad Street, Newark 1, New Jersey, vested by the Attorney General under Vesting Order No. 12870, executed on March 2, 1949.

Claim No. 67013. Vesting Order No. 12870.

Executed at Washington, D.C., on October 9, 1961.

For the Attorney General.

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PAUL V. MYRON,

Deputy Director,

Office of Alien Property.

[F.R. Doc. 61-9807; Filed, Oct, 12, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37387: Cinders from Rocky Flats, Colo., to Southwestern territory points. Filed by Southwestern Freight Bureau, Agent (No. B-8095), for interested rail carriers. Rates on cinders, clay or shale, crude or crushed, not ground, may be graded to size, but not cleaned nor further processed, in bulk, in carloads, from Rocky Flats, Colo., to points in New Mexico, Oklahoma, and Texas.

No. 198-5

Grounds for relief: Short-line distance authorizing the transportation, over irformula and grouping. authorizing the transportation, over irregular routes, of agricultural machin-

Tariff: Supplement 178 to Southwestern Freight Bureau tariff I.C.C. 4252.

FSA No. 37388: Bituminous fine coal from points in Missouri to Tama, Iowa. Filed by Western Trunk Line Committee, Agent (No. A-2210), for interested rail carriers. Rates on bituminous fine coal, as described in the application, in carloads, from points in Missouri, to Tama, Iowa.

Grounds for relief: Restore origin rate relationship.

Tariff: Supplement 95 to Western Trunk Line Committee tariff I.C.C. A-3969.

FSA No. 37389: Substituted service-L&N and Wab. for Central & Southern Truck Lines, Inc. Filed by Central & Southern Truck Lines, Inc. (No. 2), for interested carriers. Rates on fresh or frozen meats and packinghouse products and other commodities, loaded in highway trailers and transported on railroad flat cars, from Council Bluffs, Iowa, on traffic originating at that point or points beyond, as described in the application, to Birmingham, Mobile, and Montgomery, Ala., Pensacola, Fla., Atlanta, Ga., Louisville, Ky., New Orleans, La., Chattanooga and Nashville, Tenn... on traffic destined to such points or points beyond, as described in the application.

Grounds for relief: Motor-truck com-

Tariff: Supplement to Central & Southern Truck Lines, Inc., MF-I.C.C. 28.

By the Commission.

[SEAT.]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 61–9801; Filed, Oct. 12, 1961; 8:46 a.m.]

[Notice 553]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 10, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64396. By order of October 3, 1961, the Transfer Board approved the transfer to Freddie Ahrenstorff, doing business as Ahrenstorff Transfer, Lake Park, Iowa, of Certificates Nos. MC 20729 and MC 20729 Sub 2, issued May 3, 1957, and January 8, 1960, respectively, to Allen Arnold and Freddie Ahrenstorff, Lake Park, Iowa, a partnership, doing business as Arnold-Ahrenstorff Transfer,

regular routes, of agricultural machinery, feed, and twine, from Sioux Falls. S. Dak., to points in a described portion of Dickinson County, Iowa, and a described portion of Osceola County, Iowa, livestock and agricultural commodities, between points in the described portion of Dickinson County, Iowa, and the described portion of Osceola County, Iowa, on the one hand, and, on the other. Sioux Falls, S. Dak., livestock, between points in Jackson County, Minn., and points in Nobles County, Minn., on and east of Minnesota Highway 60, on the one hand. and, on the other, Sioux City, Spencer, and Estherville, Iowa, and between points in Minnesota, on the one hand, and, on the other, points in Dickinson County. Iowa, and Osceola County, Iowa, on and east of U.S. Highway 59, general commodities, excluding household goods. commodities in bulk, and other specified commodities, and household goods, and emigrant movables, between points in Dickinson County, Iowa, points Osceola County, Iowa, on and east of U.S. Highway 59, points in Jackson County, Minn., and points in Nobles County, Minn., on and east of Minnesota Highway 60, on the one hand, and, on the other, points in Iowa and Minnesota, and feed from Waterloo, Iowa, to points in Nebraska and South Dakota, and points in a described portion of Minnesota, and from Estherville, Iowa, to points in Nebraska and South Dakota, and points in Minnesota (except Minneapolis and St. Paul), on and south of U.S. Highway 12, and from points in a described portion of Nebraska and in South Dakota to Lake Park, Iowa, and fertilizer, from Waterloo and Humboldt, Iowa, to points in a described portion of Minnesota, from Humboldt, Iowa, to points in Nebraska and South Dakota, and from Estherville, Iowa, to points in South Dakota and points in Minnesota on and south of U.S. Highway 12. No. MC-FC 64451. By order of Octo-

No. MC-FC 64451. By order of October 3, 1961, the Transfer Board approved the transfer to Roy M. Glover, doing business as Ten Sleep Service, Box 95, Ten Sleep, Wyo., of Certificate No. MC 109849, issued April 6, 1950, to Merton Bader, Jr., doing business as Ten Sleep Service Co., Box 71, Ten Sleep, Wyo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Worland, Wyo. and Ten Sleep, Wyo.

Wyo., and Ten Sleep, Wyo.

No. MC-FC 64473. By order of October 3, 1961, the Transfer Board approved the transfer to Ligon Specialized Hauler, Inc., Madisonville, Ky., of Certificates Nos. MC 119777 and MC 119777 Sub 2, issued July 26, 1961, and June 23, 1961, respectively, to Arnold Ligon, doing business as Arnold Ligon, Specialized Hauler, Madisonville, Ky., authorizing the transportation, over irregular routes, of pallets, skids, bases, boxes, crating, veneer, baskets, oak treads, oak risers, oak sills, oak molding, and lumber, between points in Kentucky on and west of U.S. Highway 31E, of lumber, from and to specified points in Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Alabama, Arkansas, Georgia, Mississippi, Louisiana, and Minnesota, oak

treads, oak risers, oak sills, and oak moldings from Beaver Dam, Ky., to points in Connecticut, Illinois, Indiana (except Evansville and points within 5 miles thereof), Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, and Wisconsin, pallets, skids, bases, crates, boxes, veneer, and baskets, from and to specified points in Kentucky, Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Ohio, Arkansas, Minnesota, Mississippi, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and New Jersey, varying with the commodities transported, commodities, the transportation of which, because of their size or weight, requires use of special equipment, related machinery parts, and related contractors' materials and supplies, when their transportation is incidental to the transportation of such commodities, except prefabricated buildings, and except oilfield commodities, as described, points in a specified portion of Kentucky, on the one hand, and, on the other, points in Indiana, Ohio (except Columbus), Pennsylvania, West Virginia, and Tennessee, and from Louisville, Ky., to points in New York and a described portion of New Jersey, building and excavating contractors' and mining machinery and equipment, road building equipment and machinery, and such commodities as require special handling because of size and weight, except machinery, materials, supplies, and equipment used in oilfield operations, between points in Illinois, Indiana, and Kentucky, empty shipper-owned vehicles, other than tank vehicles, and empty containers for radioactive materials, between the site of the Atomic Energy Commission's plant, at or near Kevil, Ky., on the one hand, and, on the other. Oak Ridge, Tenn., and Sargents, Ohio, such bulk commodities as are usually transported in dump vehicles, in bulk, in dump vehicles, between points in 26 counties in Kentucky, radioactive semiprocessed feed material, in granular form, in hopper type containers, from Fernald, Ohio, to Oak Ridge, Tenn., and mine roof bolts, assembled or unassembled, from Gadsden, Ala., to points in Kentucky west of U.S. Highway 31W. Robert M. Pearce, 2211/2 St. Clair Street, Frankfort, Ky., attorney for applicants.

No. MC-FC 64489. By order of October 3, 1961, the Transfer Board approved the transfer to A. Greenberg Trucking Corp., New York, N.Y., of Certificate No. MC 64301, issued October 12, 1949, to Nathan Greenberg and Charles Greenberg, New York, N.Y., a partnership, doing business as Greenberg Trucking Co., authorizing the transportation, over irregular routes, of new luggage, enamelware, cooking utensils, shoes, dolls, imitation leather, card tables, and chairs, between New York, N.Y., on the one hand, and, on the other, points in Essex, Hudson, Middlesex, Morris, Passaic. Somerset, Bergen, and Union Counties, N.J. Edward M. Berman, 1450 Broadway, New York 18, N.Y., attorney for applicants.

No. MC-FC 64518. By order of October 3, 1961, the Transfer Board approved the transfer to Carl B. Liebenow. Inc., Cummington, Mass., of Certificate No. MC 116647 Sub 1, issued March 26, 1959, to Carl B. Liebenow, Cummington, Mass... authorizing the transportation of: Agricultural lime and agricultural limestone, in bulk, in spreader equipped vehicles, from Lee and West Stockbridge, Mass., to points in Hillsboro and Cheshire Counties, N.H., and Windham and Ben-Counties, Vt. nington William L. Mobley, 1694 Main Street, Springfield 3, Mass., representative for applicants.

No. MC-FC 64521. By order of October 3, 1961, the Transfer Board approved the transfer to William D. Wilson, doing business as R. D. Wilson, 147 Parker Street, Manchester, Conn., of Certificate No. MC 109369, issued December 9, 1949, to Louise T. Wilson, doing business as R. D. Wilson, Manchester, Conn., authorizing the transportation of: Paper manufacturing machinery, from Pittsfield, Fitchburg, Worcester, and Springfield, Mass., to Manchester, Conn.; household goods, between Manchester, Conn., and points in Connecticut within seven miles of Manchester, on the one hand, and, on the other, points in Massachusetts; paper and paperboard, from Goodyear, Conn., through Rhode Island, to Holyoke, East Walpole, Merrimac. Pittsfield, Springfield, West Groton, and Westfield, Mass.; and from Manchester, Conn., to Pittsfield, Springfield, Holyoke, and Westfield, Mass.; scrap paper and waste pressboard, from the destination points specified above, to Goodyear and Manchester, Conn.

No. MC-FC 64523. By order of October 3, 1961, the Transfer Board approved the transfer to Harold Keith, Burlington, Kans., of Certificate No. MC 37994, issued September 13, 1957, to Howard Applegate, doing business as Applegate Truck Service, Burlington, Kans., authorizing the transportation of livestock, feed, agricultural implements and parts, fencing materials, and building materials, over a regular route, between Kansas City, Mo., and junction U.S. Highway 75, and U.S. Highway 50 (formerly U.S. Highway 50S), serving the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and those within 25 miles of junction of U.S. Highways 75 and 50; livestock, over irregular routes, between points, other than incorporated municipalities, within 25 miles of Waverly, Kans., on the one hand, and, on the other, St. Joseph, Mo.; and feed, over irregular routes, from St. Joseph, Mo., to points, other than incorporated municipalities, within 25 miles of Waverly, Kans.

No. MC-FC 64526. By order of October 3, 1961, the Transfer Board approved the transfer to Loren O. Thomas, New Richmond, Wis., of Certificate No. MC 65465, issued July 19, 1960, to Robert Utgard, Star Prairie, Wis., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes,

between points in the towns of Stanton and Star Prairie, St. Croix County, Wis., and points in the town of Alden, Polk County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, and Minneapolis, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC-FC 64528. By order of October 3, 1961, the Transfer Board approved the transfer to Lomar Transportation Co., Inc., Philadelphia, Pa., of Certificate No. MC 119923, issued March 31, 1961, to Robert F. Cloutier, Philadelphia, Pa., authorizing the transportation of hides, in containers, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., New York, N.Y., Baltimore and Curtis Bay, Md., and Newark, Passaic, Paterson, Linden, and Matawan, N.J. Raymond A. Thistle, Jr., Shertz, Barnes & Shertz, 226 South 16th Street, Philadelphia 2, Pa., attorneys for applicants.

No. MC-FC 64530. By order of October 3, 1961, the Transfer Board approved the transfer to Meyer Satsky, Elberon, N.J., of Permit No. MC 52523, issued November 17, 1941, to M. Satsky Co., Inc., Elberon, N.J., authorizing the transportation over irregular routes of newspapers, from New York, N.Y., to points in Hudson, Bergen, Essex, Union, Middlesex, Monmouth, Sussex, Hunterdon, Morris, Warren, Passaic, and Ocean Counties, N.J.; carbonated beverages, from Newark, N.J., to points in that part of New Jersey, New York, Pennsylvania, Delaware, Maryland, Connecticut, and Massachusetts, within 15 miles of Newark; and empty carbonated beverage containers, from points in the abovespecified destination territory to Newark, N.J. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC-FC 64532. By order of October 3, 1961, the Transfer Board approved the transfer to James Calder, doing business as Calder's Van Company, Chicago, Ill., of Certificate No. MC 42035, issued February 3, 1961, to Nathan H. Payne, Philadelphia, Pa., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Virginia, New Jersey, Maryland, and the District of Columbia. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., attorney for amilicants

for applicants. No. MC-FC 64533. By order of October 3, 1961, the Transfer Board approved the transfer to Sargent Trucking Co., a corporation, Ellsworth, Maine, of Certificate No. MC 116649 issued December 1, 1958, to Fay R. Sargent, Ellsworth, Maine, authorizing the transportation of house trailers designed to be drawn by passenger automobiles, in secondary movements, over irregular routes, between points in Maine on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire,

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New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC-FC 64535. By order of October 3, 1961, the Transfer Board approved the transfer to Arrow Moving, Inc., Li-

issued June 21, 1949, to Kloetzel Storage Co., a corporation, Detroit, Mich., authorizing the transportation of household goods, over irregular routes, between Detroit, Mich., and points within 3 miles of Detroit, on the one hand, and, on the other, points in Pennsylvania, New York, Illinois, Indiana, New Jersey, and Ohio. Arthur D. Leonard, 1856 First National

vonia, Mich., of Certificate No. MC 47247, Building, Detroit 26, Mich., attorney for transferee and Arthur G. Kloetzel, President, Kloetzel Storage Company, a corporation, 2630 Charlevoix, Detroit 7, Mich.

> HAROLD D. McCOY. [SEAT.] Secretary.

[F.R. Doc. 61-9802; Filed, Oct. 12, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE-OCTOBER

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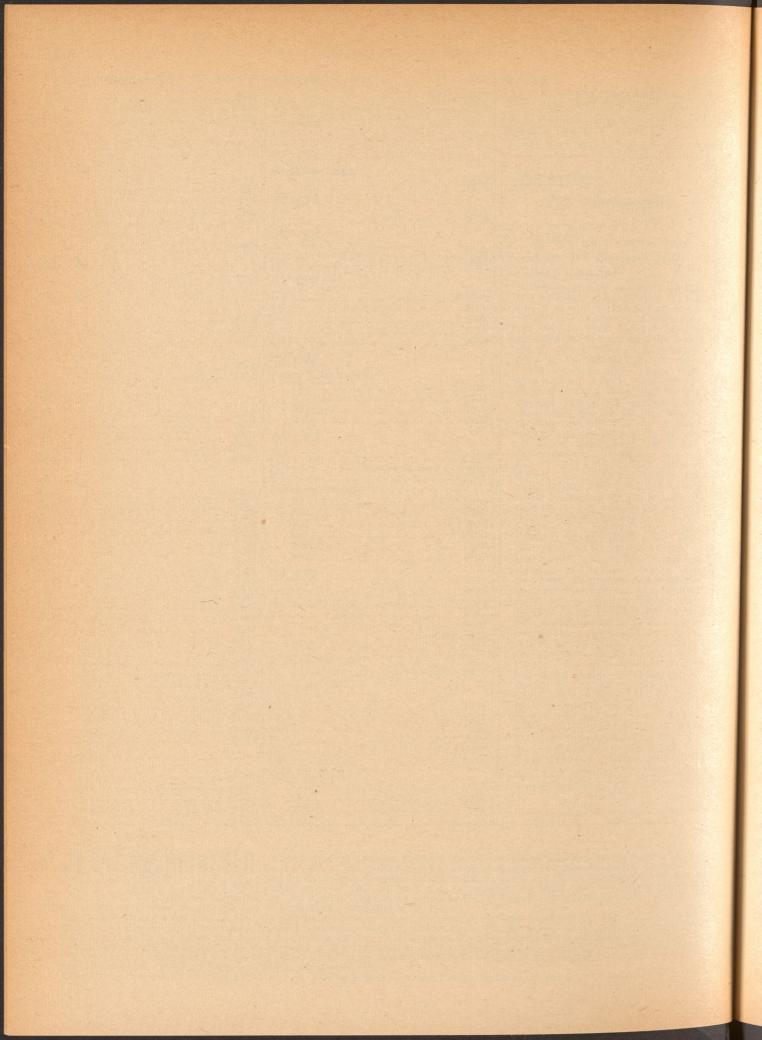
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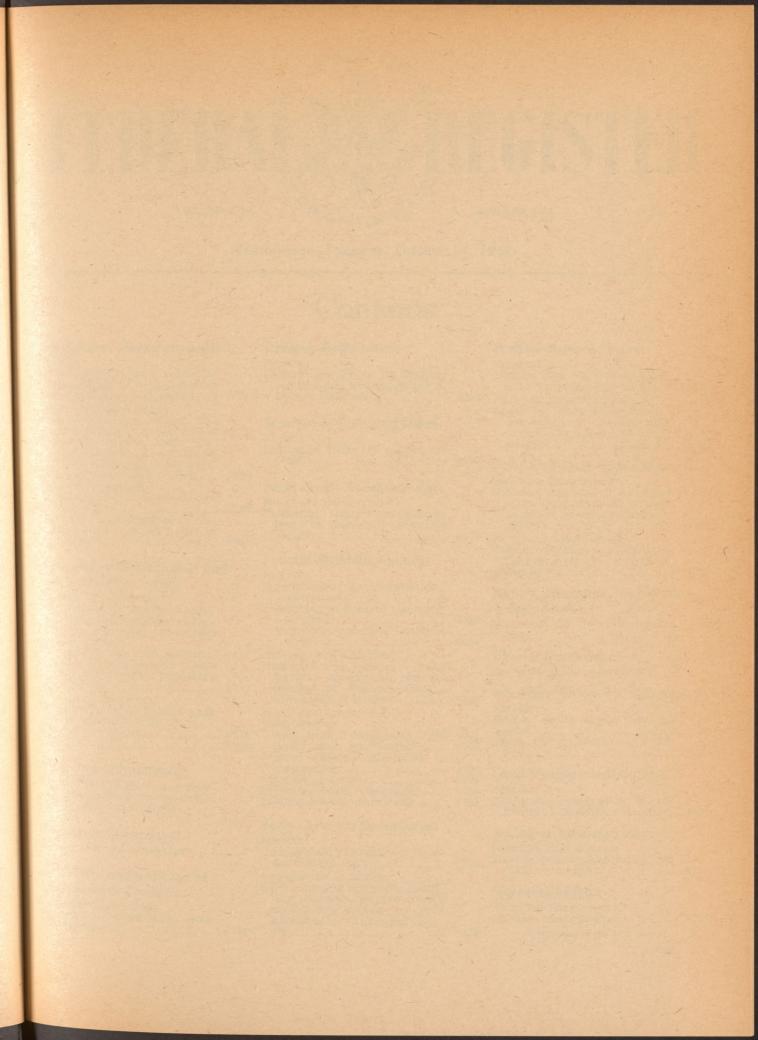
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