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MANUAL**

[Revised as of June 1, 1962]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3510

EFFECTIVE DATE OF SECTION 2 OF PUBLIC LAW 87-550

By the President of the United States of America

A Proclamation

WHEREAS the provisions of Section 2 of the Act of July 25, 1962 (being "An Act to amend the Small Business Act"; Public Law 87-550; 76 Stat. 220) empower the Small Business Administration subject to certain conditions, to make loans to assist any firm to adjust to changed economic conditions resulting from increased competition from imported articles; and

WHEREAS subsection (d) of that Section 2 provides as follows:

"(d) This section shall take effect on such date (on or after the enactment of the Trade Expansion Act of 1962) as the President may specify in a proclamation duly published in the *FEDERAL REGISTER* but in no case later than 60 days after the date of the enactment of such Act."; and

WHEREAS the Trade Expansion Act of 1962 was approved on October 11, 1962 (Public Law 87-794; 76 Stat. 872):

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by the provisions of the above-quoted subsection (d), do specify December 10, 1962, as the effective date of the aforesaid Section 2 of the Act of July 25, 1962, and do direct that this proclamation be published in the *FEDERAL REGISTER*.

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

DONE at the city of Washington this fourth day of December in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-12172; Filed, Dec. 5, 1962; 4:57 p.m.]

Historical Documents

THE JOURNAL OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR THE MONTH OF JANUARY, 1912

IN THE MONTH OF JANUARY, 1912

A PUBLICATION

OF THE AMERICAN HISTORICAL ASSOCIATION
FOR THE MONTH OF JANUARY, 1912
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IN THE MONTH OF JANUARY, 1912
A PUBLICATION

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 52]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEANUT CROP INSURANCE UNITS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. Subsection 7(b) of the peanut endorsement shown in § 401.36 of this chapter is amended effective beginning with the 1963 crop year by changing the period at the end thereof to a colon and by adding the following thereto: "Provided, however, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of peanuts in the county into two or more units, taking into consideration separate and distinct farm operations."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on November 29, 1962.

[SEAL] EARL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 4, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-12123; Filed, Dec. 6, 1962;
8:48 a.m.]

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

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Rate of Assessment for 1962-63 Fiscal Period

Pursuant to the marketing agreement and Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.202 Expenses and rate of assessment for the 1962-63 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning August 1, 1962, and ending July 31, 1963, will amount to \$25,000.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-half cent (\$0.0050) per 1½ bushel box of fruit, or its equivalent when packed in other containers or in bulk, so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: December 4, 1962.

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

[F.R. Doc. 62-12137; Filed, Dec. 6, 1962;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1507; Amdt. 515]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol 107-II Helicopters

Amendment 472, 27 F.R. 7675 (AD 62-17-7), requires replacement of the rotor

shaft assemblies on Vertol Model 107-II helicopters prior to the accumulation of 200 hours' time in service. As a result of additional fatigue testing conducted on the rotor drive shafts, it has been determined that a reduction in the allowable operating time of the rotor shafts is necessary in the interest of safety. Accordingly, Amendment 472 is being amended to specify the new replacement times.

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 in less than 30 days after date of publication in the FEDERAL REGISTER.

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

Amendment 472, 27 F.R. 7675, Vertol Model 107-II helicopters, is amended by:

1. Deleting paragraphs (a) (1), (2) and (3) and adding a new paragraph (a) to read:

(a) Replace, prior to further flight, all forward rotor transmission shafts and carrier assemblies P/N's 107D1259-1, -3 or -5 and the aft rotor drive shafts extensions P/N's 107D3147-1 or -3 which have accumulated 150 or more hours' time in service as of the effective date of this AD. Thereafter, all shafts shall be retired from service prior to the accumulation of 150 hours' time in service. (These components are subunits of the 107D1210 and 107D3011 shaft assemblies respectively.)

2. Revising the parenthetical reference statement to read:

(Vertol Service Bulletins Nos. 107-3 Revision A and 107-2 cover these subjects.)

This amendment shall become effective December 19, 1962.

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

Issued in Washington, D.C., on November 30, 1962.

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

[F.R. Doc. 62-12105; Filed, Dec. 6, 1962;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

REVISION OF CHAPTER

The purpose of this revision is to supplement, clarify, and/or delete certain rules of practice and procedure in order that the United States Tariff Commission may properly discharge its statutory responsibilities, including those provided in the Trade Expansion Act of 1962.

Chapter II of this title is revised to read as follows:

Part

- 201—Rules of General Application.
- 202—Investigations of Costs of Production.
- 203—Investigations of Alleged Unfair Practices in Import Trade.
- 204—Investigations of Effects of Imports on Agricultural Programs.
- 205—Investigations To Determine Probable Economic Effect on Industries of United States Tariff Concessions Which May Be Included in Proposed Trade Agreements.
- 206—Investigations of Import Injury to Industries, Firms, or Workers Due to Trade Agreement Concessions.
- 207—Review of Actions Providing Additional Tariff Protection to Industries To Prevent or Remedy Serious Injury From Imports.
- 208—Investigations of Dumping Injury to Domestic Industry.

PART 201—RULES OF GENERAL APPLICATION

Sec.

- 201.1 Applicability of part.
 - Subpart A—Miscellaneous
 - 201.2 Definitions.
 - 201.3 Commission offices, mailing address, and hours.
 - 201.4 Performance of functions.
 - 201.5 Disclosure of information.
 - 201.6 Confidential business data.
 - Subpart B—Initiation and Conduct of Investigations
 - 201.7 Initiation of investigations.
 - 201.8 Filing of documents.
 - 201.9 Methods employed in obtaining information.
 - 201.10 Public notices.
 - 201.11 Public hearings.
 - 201.12 Conduct of hearings.
 - 201.13 Appearances.
 - 201.14 Additional hearings, postponements, continuances, and extensions of time.
 - 201.15 Attorneys or agents.
 - 201.16 Service of process.

AUTHORITY: §§ 201.1 to 201.16 issued under sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802.

§ 201.1 Applicability of part.

This Part 201 relates generally to functions and activities of the Commission under various statutes and other legal authority. Rules having special application appear separately in Parts 202 to 207, inclusive, of this chapter. In case of inconsistency between a rule of general application and a rule of special application, the latter is controlling.

Subpart A—Miscellaneous

§ 201.2 Definitions.

As used in this chapter:

- (a) "Commission" means the United States Tariff Commission;
- (b) "Tariff Act" means the Tariff Act of 1930, as amended (19 U.S.C. 1001, et seq.);
- (c) "Trade Expansion Act" means the Trade Expansion Act of 1962 (Public Law 87-794, 76 Stat. 872; 19 U.S.C. 1801, et seq.);
- (d) "Antidumping Act" means the Antidumping Act, 1921, as amended (42 Stat. 11, 68 Stat. 1138, 72 Stat. 583; 19 U.S.C. 160, et seq.).

§ 201.3 Commission offices, mailing address, and hours.

(a) *Offices.* The principal office of the Commission is located in the Tariff Commission Building on E Street between 7th and 8th Streets NW., Washington, D.C. A branch office of the Commission is maintained in the Customhouse, New York City.

(b) *Mailing address.* All communications to the Commission should be addressed to the "Secretary, U.S. Tariff Commission, Washington 25, D.C."

(c) *Hours.* The hours of the Commission are from 8:45 a.m. to 5:15 p.m., eastern standard or daylight saving time, whichever is in effect where the offices are located.

§ 201.4 Performance of functions.

(a) *Conduct of business.* A majority of the members of the Commission constitutes a quorum. The Commission may meet and exercise its powers at any place, and may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States or in any foreign country.

(b) *Alteration or waiver of rules.* Rules in this chapter may be amended, waived, suspended, or revoked by the Commission only. A rule may be waived or suspended only when in the judgment of the Commission there is good and sufficient reason therefor, provided the rule is not a matter of procedure required by law.

(c) *Authority to make decisions.* Authority to interpret the Commission's rules and the laws applying to the Commission, and to make findings, determinations, or other decisions not relating to matters of internal management, is retained in the Commission itself and is not delegated.

§ 201.5 Disclosure of information.

(a) *Material available to the public.* The following information and reports (except confidential business data as defined in § 201.6) may be inspected by persons concerned, on request to the Secretary of the Commission, either in the Washington office or in the New York City office of the Commission: (1) Applications, petitions, and other formal documents filed with the Commission, (2) notices to the public concerning Commission matters, (3) transcripts of testimony taken and exhibits submitted at hearings, (4) reports to the President, to either or both Houses of Congress, or to Committees of Congress, release of which has been authorized by the President or the legislative body concerned, (5) reports and other documents issued for general distribution.

(b) *Material not available to the public.* Reports to the President, to either or both Houses of Congress, or to Committees of Congress, the release of which has not been authorized by the President or the legislative body concerned, and confidential business data as defined in § 201.6, are not available to the public.

§ 201.6 Confidential business data.

(a) *Definition.* Confidential business data consist of any information which

concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association, the disclosure of which is not authorized by law or by the party furnishing such information.

(b) *Identification of information submitted in confidence.* Business data which it is desired shall be treated as confidential shall be submitted on separate sheets each clearly marked at the top "Business Confidential". When submitted at public hearings such business data shall be offered as a confidential exhibit with a brief description of the nature of the information.

(c) *Acceptance of information in confidence.* The Commission may refuse to accept in confidence any information which it determines is not entitled to confidential treatment. In the event of such refusal, the person submitting such information will be notified thereof with a statement of the reasons and (if the information was submitted voluntarily) will be permitted to withdraw its tender.

Subpart B—Initiation and Conduct of Investigations

§ 201.7 Initiation of investigations.

Investigations may be initiated by the Commission on the Commission's own motion, upon request of the President, upon resolution of the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon resolution of either branch of Congress, or upon application, petition, complaint, or request of private parties, as required or provided for in the pertinent statute, Presidential proclamation, Executive Order, or in this chapter.

§ 201.8 Filing of documents.

(a) *Where to file; date of filing.* Documents shall be filed at the office of the Secretary of the Commission in Washington, D.C. Such documents, if properly filed, will be deemed to be filed on the date on which they are actually received in the Commission.

(b) *Conformity with rules.* No document aiming at the initiation of any investigation by the Commission shall be considered properly filed unless it conforms with the pertinent rules prescribed in this chapter. Substantial compliance with the pertinent rules may be accepted by the Commission provided good and sufficient reason is stated in the document for inability to comply fully with the pertinent rules.

(c) *Specifications for documents.* All documents filed under this chapter shall be on paper not larger than 8½ by 11 inches in size, except that tables, charts, and similar material may be larger but folded (if practicable) to the size of the document to which attached. The left margin shall be at least 1½ inches wide, and if the document is bound it shall be bound on the left side. Documents may be reproduced by printing or any other process, provided all copies are clear and legible.

(d) *Number of copies.* A signed original and nineteen (19) true copies of each document shall be filed. The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

(e) *Identification of party filing document.* Every document filed with the Commission for the purpose of initiating any investigation shall show on the first page thereof the name and address of the party or parties by whom, or on whose behalf the document is filed and shall be signed by the party filing the document or by a duly authorized officer, attorney, or agent of such party. (Also, any attorney or agent filing the document shall give his address.) The signature of the person signing such a document constitutes a certification that he has read the document, that to the best of his knowledge and belief the statements contained therein are true, and that the person signing the document was duly authorized to sign it.

§ 201.9 Methods employed in obtaining information.

In obtaining information necessary to carry out its functions and duties, the Commission may employ any means authorized by law. In general, the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through field work by members of the Commission's staff, and from testimony and other evidence presented at the hearings.

§ 201.10 Public notices.

Formal notice of the receipt of documents properly filed, of the institution of investigations, of public hearings, and, as required or appropriate, of other formal actions of the Commission, will be given by publication in the FEDERAL REGISTER. In addition to such formal notice, a copy of each notice will be posted at the office of the Secretary of the Commission in Washington, D.C., and at the Commission's office in New York City, and copies will be sent to press associations, to trade and similar organizations of producers and importers, and to others known to the Commission to have an interest in the subject matter. An announcement regarding the notice will be furnished to the Treasury Department for publication in Treasury Decisions and to the Department of Commerce for publication in International Commerce.

§ 201.11 Public hearings.

(a) *When held.* Public hearings are held by the Commission when required by law or, if not required by law, when in the judgment of the Commission there is good and sufficient reason therefor.

(b) *Time and place.* Public hearings will be held at the time and place specified in notices issued under § 201.10. Public hearings are ordinarily held in the Hearing Room of the Tariff Commission Building, in Washington, D.C., but may be held elsewhere in the Commission's discretion.

(c) *Hearing as part of investigation.* A hearing held in connection with an investigation is a part of the investiga-

tion. The Commission's determination or other action is based not only upon testimony and other evidence adduced at the hearing, but also on such information as the Commission obtains through other means indicated in § 201.9.

§ 201.12 Conduct of hearings.

(a) *Participation by Commission.* Unless otherwise ordered by the Commission in connection with a particular investigation, public hearings will be conducted by one or more Commissioners; but in all cases the transcript of the testimony at a hearing will be presented for the consideration of the Commission.

(b) *Order of testimony.* Unless otherwise ordered by the Commission, witnesses will give testimony in the order designated by the Secretary of the Commission. Each witness, after being duly sworn, will be permitted to proceed with his testimony without interruption, except by members of the Commission. After completing his testimony, a witness may be questioned by any member of the Commission or by an agent designated by the Commission. Any person who has entered an appearance in accordance with § 201.13 may, with the permission of the Commission, direct questions to the witness, but only for the purpose of assisting the Commission in obtaining relevant and material facts with respect to the subject matter of the investigation.

(c) *Certification of testimony.* Evidence, oral or written, submitted at hearings, will upon order of the Commission be subject to verification from books, papers, and records of the parties submitting the evidence and from any other available sources.

(d) *Oral argument.* When, in the opinion of the Commission, time permits and the nature of the proceedings and the complexity or importance of the questions of fact or law involve warrant, the Commission may allow oral argument after conclusion of the testimony in a hearing. The Commission will determine in each instance the time to be allowed for argument and the allocation thereof.

(e) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, twenty (20) clear copies shall be filed with the Secretary of the Commission. Time to be allowed for submission of briefs will be set after conclusion of testimony and oral argument, if any.

(f) *Hearing transcripts.* All hearings are stenographically reported. The Commission does not distribute transcripts of the records of such hearings. Parties interested may inspect them at the Commission's office in Washington, D.C., or purchase them from the official reporter.

§ 201.13 Appearances.

(a) *Who may enter an appearance.* Any person showing to the satisfaction of the Commission a proper interest in the subject matter of an investigation may enter an appearance in such investi-

gation, either in person or by representative, for the purpose of appearing at a public hearing. Witnesses in behalf of persons entering an appearance need not enter appearances separately.

(b) *Requests to appear.* Requests to enter appearances shall be filed in writing with the Secretary of the Commission at its office in Washington, D.C., or at any other place where a hearing is held. Unless otherwise ordered, requests shall be filed at least three (3) days in advance of the date set for hearing. Attorneys or agents desiring to appear for any interested person or persons shall file written notice to that effect.

§ 201.14 Additional hearings, postponements, continuances, and extensions of time.

Prior to its final determination in any investigation, the Commission may in its discretion for good cause shown grant additional hearings, postponements or continuances of hearings, or extend the time for performing any act required by or pursuant to the rules contained in this chapter. Motions or requests for postponements or extensions of time must be filed at least ten (10) days in advance of the time otherwise prescribed. The Commission may on its own motion order such additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.15 Attorneys or agents.

(a) *In general.* No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or barred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

(b) *Former officers or employees.* No former officer or employee of the Commission who personally and substantially participated in a matter which was pending in any manner or form in the Commission during his employment shall be eligible to appear before the Commission as attorney or agent in connection with such matter. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission in connection with any matter which was pending in any manner or form in the Commission during his employment, unless he first obtains written consent from the Commission.

§ 201.16 Service of process.

(a) *Certified or registered mail.* Except when service by another method shall be specifically ordered by the Commission, the service of a process of the Commission shall be effected by delivery of a copy of the document by certified or registered mail, return receipt requested, to the person to be served, to a member of the partnership to be served, or to the

president, secretary, or other executive officer or a director of the corporation to be served. Complaints, briefs, and findings referred to in Part 203 of this chapter will be served similarly.

(b) *Personal delivery.* When service cannot be accomplished by certified or registered mail, or whenever the Commission shall so direct, a process of the Commission may be served by anyone duly authorized by the Commission (1) by delivering a copy of the document to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office of such person, partnership, or corporation.

(c) *Proof of service.* The return post office receipt for such process, certified or registered and mailed as aforesaid, or the verified return by the person serving such process, setting forth the manner of said service, shall be proof of service of the document.

PART 202—INVESTIGATIONS OF COSTS OF PRODUCTION

- Sec.
202.1 Applicability of part.
202.2 Applications.
202.3 Preliminary inquiry.
202.4 Public hearing.
202.5 Type of information to be developed at hearing.
202.6 Reports.

AUTHORITY: §§ 202.1 to 202.6 issued under sec. 335, 72 Stat. 680; 19 U.S.C. 1335.

§ 202.1 Applicability of part.

This Part 202 applies specifically to investigations under section 336 of the Tariff Act (19 U.S.C. 1336).¹ For other applicable rules see Part 201 of this chapter.

§ 202.2 Applications.

(a) *Who may file.* Applications for an investigation to which this Part 202 relates may be filed by any firm, association of firms, or corporation engaged in the production of a domestic article, or by any duly authorized representative of the foregoing.

(b) *Requirements for applications.* In addition to conforming with the requirements of § 201.8 of this chapter, applications under this Part 202 shall include the following: (1) A clear statement that they are requests for investigations for the purposes of section 336; (2) the name or description of the article

concerning which an investigation is sought; (3) a reference to the tariff provision or provisions applicable to such article; and (4) a statement indicating whether an increase or a decrease in the rate of duty is sought.

(c) *Supporting information.* The applicant must file with his application such supporting information as may be in his possession. As far as practicable, information of the following character should be furnished:

(1) Comparability of the domestic and foreign articles and the degree of competition between them.

(2) Trend in recent years of (i) domestic production, (ii) domestic sales, (iii) imports, (iv) costs of production, and (v) prices.

(3) Evidence of difference between domestic and foreign costs of production of the articles involved.

(4) Areas of greatest competition between the imported and domestic products and the principal market or markets in the United States.

(5) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

§ 202.3 Preliminary inquiry.

Upon the receipt of an application properly filed, the Commission will make a preliminary inquiry for the purpose of determining whether there is good and sufficient reason for a full investigation. If such determination is in the affirmative, a full investigation will be instituted.

§ 202.4 Public hearing.

A public hearing will be held in connection with each full investigation to which this Part 202 relates.

§ 202.5 Type of information to be developed at hearing.

Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(a) The degree of competition between the foreign and domestic articles in the markets of the United States.

(b) The degree of likeness or similarity between grades, classes, and price groups of the American product and the imported article.

(c) Costs of production and importation. Statements of average cost of production, domestic and, so far as known, foreign, may be submitted subject to verification and review in the Commission's investigation. Such statements should include not only the direct costs for materials and labor, commonly termed prime cost, but also indirect costs such as indirect labor, overhead factory expenses, fixed charges, the portion of general and administrative expense chargeable to manufacture, imputed interest on investment equity, and transportation to markets. For the foreign product the expenses (other than duties) incident to importation are also impor-

tant. Any information which may be available bearing on the general levels of domestic and foreign costs of production, the differentials between particular elements of domestic and foreign costs, and the extent to which invoice or wholesale prices are reliable evidence of foreign costs, will be pertinent.

(d) Other significant advantages or disadvantages in competition.

§ 202.6 Reports.

After the completion of its investigation, the Commission will incorporate its findings in a report, and the report will be transmitted to the President.

PART 203—INVESTIGATIONS OF ALLEGED UNFAIR PRACTICES IN IMPORT TRADE

- Sec.
203.1 Applicability of part.
203.2 Preparation and submittal of complaints.
203.3 Preliminary inquiry.
203.4 Action upon conclusion of preliminary inquiry.
203.5 Public hearing.
203.6 Service of complaints; answers to complaints.
203.7 Service of briefs.
203.8 Record.
203.9 Findings.
203.10 Rehearings; appeals.
203.11 Transmittal to President.

AUTHORITY: §§ 203.1 to 203.11 issued under sec. 335, 72 Stat. 680; 19 U.S.C. 1335.

§ 203.1 Applicability of part.

This Part 203 applies specifically to investigations under section 337 of the Tariff Act (19 U.S.C. 1337).² For other applicable rules see Part 201 of this chapter.

§ 203.2 Preparation and submittal of complaints.

(a) *Who may file.* Complaint alleging violation of section 337 of the Tariff Act may be made by any interested person, partnership, association, or corporation.

(b) *Requirements for complaints.* In addition to conforming with the requirements of § 201.8 of this chapter, complaints shall—(1) be under oath; (2) state the nature of business of complainant; (3) state the name, address, and nature of business of the person or persons alleged to violate section 337; (4) include a description of the domestic industry affected; (5) include a statement of the facts constituting the alleged unfair methods of competition or unfair

¹ Section 336(a) of the Tariff Act provides in part that "(1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party, [the commission] shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article". (19 U.S.C. 1336.) The provisions of section 336 of the Tariff Act may not be applied to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded under the Trade Agreements Act of 1934, as amended, or the Trade Expansion Act. (19 U.S.C. 1352(a)).

² Section 337(a) of the Tariff Act provides for Commission investigations, upon complaint under oath or upon its own initiative, of alleged violations of that section. That section declares unlawful: "Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States". (19 U.S.C. 1337(a)).

acts; (6) state specific instances of alleged unlawful importations or sales; and (7) include economic data concerning domestic production and distribution, imports and their distribution, and other pertinent facts upon which complainant bases his claim (i) that the domestic industry concerned is efficiently and economically operated and that it is being or is likely to be destroyed or substantially injured by the importations or sales in question; (ii) that the alleged unlawful acts are preventing the establishment of an efficiently and economically operated domestic industry; or (iii) that the alleged unlawful acts are having the effect or tendency of restraining or monopolizing trade and commerce in the United States.

(c) *Amendment of complaints.* Complaints may be amended, for good cause shown, at any time prior to the institution of a formal investigation.

(d) *Copies of complaints.* In addition to the number of copies prescribed in § 201.8 of this chapter, a clear copy of any complaint or amendment thereto shall be submitted for each person alleged in the complaint or amendment to have violated the provisions of section 337 of the Tariff Act.

§ 203.3 Preliminary inquiry.

Upon the receipt of a complaint, properly filed, the Commission will make a preliminary inquiry for the purpose of determining whether there is good and sufficient reason for a full investigation and, if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry (if requested by complainant) under section 337(f) of the Tariff Act.³

§ 203.4 Action upon conclusion of preliminary inquiry.

Upon the conclusion of a preliminary inquiry the Commission will determine whether a full investigation is warranted. If this determination is in the affirmative, the investigation will be ordered. If a temporary exclusion order was requested, the Commission will also determine whether the issuance of such an order by the President should be recommended. If the Commission determines that a full investigation is not warranted, the complaint will be dismissed.

§ 203.5 Public hearing.

A public hearing will be held in connection with each full investigation to which this Part 203 relates.

³ Section 337(f) of the Tariff Act provides: "Whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him[self] thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed; except that such articles shall be entitled to entry under bond prescribed by the Secretary of the Treasury". (19 U.S.C. 1337(f)).

§ 203.6 Service of complaints; answers to complaints.

After a full investigation shall have been ordered, but not before, a copy of the complaint will be served by the Commission upon any owner, importer, or consignee, or the agent of any of them, alleged to violate the provisions of section 337 of the Tariff Act, and such owner, importer, consignee, or agent shall have 30 days, unless otherwise ordered, in which to make written answer under oath. Copies of all answers will be served by the Commission upon complainants or upon their attorneys.

§ 203.7 Service of briefs.

Copies of all briefs will be served by the Commission upon all interested parties who have entered appearances or upon their representatives of record.

§ 203.8 Record.

A transcript of the testimony in an investigation, together with the findings and recommendations of the Commission, shall be the official record of the proceedings and findings in the investigation. Business material accepted by the Commission as confidential and so marked will not be considered a part of the record and therefore will not be sent to the court in the event of an appeal.

§ 203.9 Findings.

Upon the conclusion of an investigation, the Commission will formulate findings based thereon. When the findings show a violation of the statute, a copy of the findings certified by the Secretary under the seal of the Commission will be served upon the owner, importer, or consignee, or the agent, of any of them, found to be violating the statute.

§ 203.10 Rehearings; appeals.

Section 337(c) of the Tariff Act authorizes rehearings by the Commission on questions of either fact or law and appeals by the importer or consignee within 60 days to the United States Court of Customs and Patent Appeals upon a question or questions of law only. If no appeal is filed within the time prescribed and no rehearing granted, or if appeal is filed or rehearing granted and the Commission's findings are ultimately affirmed, the findings are then considered final.

§ 203.11 Transmittal to President.

The final findings of the Commission will be transmitted with the record to the President for his consideration.⁴

⁴ Section 337(e) of the Tariff Act provides: "Whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall direct that the articles concerned in such unfair methods or acts, imported by any person violating the provisions of this Act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, refuse such entry. The decision of the President shall be conclusive". (19 U.S.C. 1337(e)).

PART 204—INVESTIGATIONS OF EFFECTS OF IMPORTS ON AGRICULTURAL PROGRAMS

Sec.

- 204.1 Applicability of part.
- 204.2 Investigations.
- 204.3 Public hearings.
- 204.4 Supplemental investigations.
- 204.5 Reports.

AUTHORITY: §§ 204.1 to 204.5 issued under sec. 335, 72 Stat. 680; 19 U.S.C. 1335.

§ 204.1 Applicability of part.

This Part 204 applies specifically to investigations under section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624).⁵ For other applicable rules see Part 201 of this chapter.

§ 204.2 Investigations.

The Commission will make an investigation for the purposes of section 22(a) of the Agricultural Adjustment Act, as amended, only upon request of the President.⁶

§ 204.3 Public hearings.

A public hearing will be held in connection with each investigation to which this Part 204 relates. The Foreign Agricultural Service of the U.S. Department

⁵ Section 22 provides in part as follows:

"(a) Whenever the Secretary of Agriculture has reason to believe that any article or articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with * * * any loan, purchase, or other program or operation undertaken by the Department of Agriculture, or any agency operating under its direction, with respect to any agricultural commodity or product thereof, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken he shall so advise the President, and, if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to determine such facts. Such investigation shall be made after due notice and opportunity for hearing to interested parties, and shall be conducted subject to such regulations as the President shall specify.

"(d) After investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of this section, any proclamation or provision of such proclamation may be suspended or terminated by the President whenever he finds and proclaims that the circumstances requiring the proclamation or provision thereof no longer exist or may be modified by the President whenever he finds and proclaims that changed circumstances require such modification to carry out the purposes of this section." (7 U.S.C. 624.)

Regulations of the President are set forth in Executive Order 7233 of November 23, 1935.

⁶ Applications for investigations for the purposes of section 22 of the Agricultural Adjustment Act, as amended, must be filed with the Secretary of Agriculture (Executive Order 7233).

ment of Agriculture may have a representative or representatives at each hearing who shall have the privilege of examining witnesses.

§ 204.4 Supplemental investigations.

An investigation for the purposes of section 22(d) of the Agricultural Adjustment Act, as amended, will be made upon request of the President, or upon the Commission's own motion when in its judgment there is good and sufficient reason therefor. A public hearing will be held in connection with each such supplemental investigation.

§ 204.5 Reports.

After completion of its investigation the Tariff Commission will transmit to the President a report of the results thereof including its findings and recommendations based thereon and a statement of the steps taken in the investigation, together with a transcript of the evidence submitted at the hearing. A copy of such report will be transmitted to the Secretary of Agriculture.

PART 205—INVESTIGATIONS TO DETERMINE PROBABLE ECONOMIC EFFECT ON INDUSTRIES OF UNITED STATES TARIFF CONCESSIONS WHICH MAY BE INCLUDED IN PROPOSED TRADE AGREEMENTS

Sec.

205.1 Applicability of part.

Subpart A—Investigations Relating to Presidential Lists of Articles

- 205.2 Description of subpart.
- 205.3 Institution and notice of investigation.
- 205.4 Public hearings.
- 205.5 Presentation of written information and views.
- 205.6 Reports to President confidential.

Subpart B—Reservation of Certain Articles From Negotiation

- 205.7 Description of subpart.
- 205.8 Filing of requests for reservation.
- 205.9 Investigations.
- 205.10 Advice to the President.

AUTHORITY: §§ 205.1 to 205.10 issued under sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802.

§ 205.1 Applicability of part.

This Part 205 applies specifically to investigations to obtain information necessary to the preparation of advice to the President under sections 221 and 225(b) of the Trade Expansion Act (19 U.S.C. 1841, 1845). For other applicable rules see Part 201 of this chapter.

Subpart A—Investigations Relating to Presidential Lists of Articles

§ 205.2 Description of subpart.

This Subpart A relates to investigations to obtain information pertinent to the preparation of advice to the President under section 221(b) of the Trade Expansion Act with respect to articles included in a list furnished the Commis-

sion by the President pursuant to section 221(a) of that Act.⁷

§ 205.3 Institution and notice of investigation.

An investigation to which this Subpart A relates will be instituted promptly after the receipt from the President of any list referred to in § 205.2.⁸

§ 205.4 Public hearings.

(a) *Hearings required.* Public hearings will be held in connection with every investigation to which this Subpart A relates.

(b) *Requests to appear; witnesses.* Requests to enter an appearance at a hearing under this Subpart A shall be filed as soon as practicable after publication of the notice of hearing, but not later than the date specified in the notice of hearing. Such requests shall contain the following information: (1) The name, address, and telephone number of the person filing the request and, if the request is filed by an attorney or agent, the name and address of the firm or organization he represents; (2) the identity of the witness or witnesses who will testify; and (3) an indication of the item or items in the list respecting which it is intended to present testimony.

(c) *Allotment of time.* The Commission may limit the time for presentation of oral testimony when it determines such limitation to be in the public interest.

(d) *Examination of witnesses.* The Commission reserves the right to limit questioning of witnesses to members of the Commission.

§ 205.5 Presentation of written information and views.

Interested persons may present information and views in writing, either in

⁷ Section 221 (a) and (b) of the Trade Expansion Act provides:

"(a) In connection with any proposed trade agreement under this title, the President shall from time to time publish and furnish the Tariff Commission with lists of articles which may be considered for modification or continuance of United States duties or other import restrictions, or continuance of United States duty-free or excise treatment. In the case of any article with respect to which consideration may be given to reducing the rate of duty below the 50 percent limitation contained in section 201(b)(1), the list shall specify the section or sections of this title pursuant to which such consideration may be given.

"(b) Within 6 months after receipt of such a list, the Tariff Commission shall advise the President with respect to each article of its judgment as to the probable economic effect of modifications of duties or other import restrictions on industries producing like or directly competitive articles, so as to assist the President in making an informed judgment as to the impact that might be caused by such modifications on United States industry, agriculture, and labor." (19 U.S.C. 1841.)

⁸ Section 221(a) of the Trade Expansion Act (19 U.S.C. 1841) provides that lists of articles furnished the Commission shall be published by the President. Such publication will be in the FEDERAL REGISTER, usually in the same issue as that in which the Commission's notice of investigation appears.

addition to oral testimony at the hearing or in lieu of appearance at the hearing. Statement of views in writing shall conform with the requirements for documents set forth in § 201.8 of this chapter.

§ 205.6 Reports to President confidential.

Reports of the Commission to the President of advice based upon investigations to which this Subpart A relates are not released to the public.

Subpart B—Reservation of Certain Articles From Negotiation

§ 205.7 Description of subpart.

This Subpart B relates to requests under section 225(b) of the Trade Expansion Act for the reservation of certain articles from negotiation for the reduction of any applicable duty or other import restriction or the elimination of any applicable duty.⁹

§ 205.8 Filing of requests for reservation.

(a) *When appropriate.* A request for reservation from negotiations may be filed only with respect to an article which was the subject of a finding referred to in paragraph (b) of this section and which is included for the first time in a list referred to in § 205.2.

(b) *Who may file request.* A request under this Subpart B may be filed by or on behalf of any firm or firms currently accounting for the major portion (by quantity) of the production of the domestic article concerned in an investigation pursuant to section 7 of the Trade Agreements Extension Act of 1951 (or pursuant to any comparable executive order) in which the Commission found (by a majority of the Commissioners voting) that an article was being imported in such increased quantities as to cause or threaten serious injury to an industry. The article with respect to which such a finding was made must be

⁹ Section 225(b) of the Trade Expansion Act provides:

"(b) During the 5-year period which begins on the date of the enactment of this Act, the President shall reserve an article (other than an article which, on the date of the enactment of this Act, was described in subsection (a)(3)) from negotiation under this title for the reduction of any duty or other import restriction or the elimination of any duty where—

(1) pursuant to section 7 of the Trade Agreements Extension Act of 1951 (or pursuant to a comparable Executive Order), the Tariff Commission found by a majority of the Commissioners voting that such article was being imported in such increased quantities as to cause or threaten serious injury to an industry,

(2) such article is included in a list furnished to the Tariff Commission pursuant to section 221 (and has not been included in a prior list so furnished), and

(3) upon request on behalf of the industry, made not later than 60 days after the date of the publication of such list, the Tariff Commission finds and advises the President that economic conditions in such industry have not substantially improved since the date of the report of the finding referred to in paragraph (1)." (19 U.S.C. 1845.)

one which on December 11, 1962 was not the subject of a proclamation of the President issued pursuant to such section 7 increasing the duty or imposing other import restrictions as a result of such investigation.¹⁰

(c) *Time for filing.* Requests under this Subpart B with respect to any article must be filed not later than 60 days after the date of the publication of a list referred to in § 205.2 which includes such article for the first time.

(d) *Requirements for requests.* Requests under this Subpart B shall conform with the requirements for documents set forth in § 201.8 of this chapter and shall include the following: (1) The names and addresses of the firms known by the parties filing the request to be producing the domestic article concerned, and the location of the separate establishments, if any, of such firms in which such article is produced; (2) data on imports by quantity, for each of the most recent five full years, of the article with respect to which the finding referred to in § 205.8(b) was made; (3) data on production by quantity of the domestic article concerned for each of the most recent five full years; and (4) a statement of the facts forming the basis of the claim that economic conditions in the industry producing the domestic article concerned have not improved substantially since the date of the report of the Commission which contained the finding referred to in § 205.8(b).

§ 205.9 Investigations.

(a) *Institution.* After receipt of a request under this Subpart B, properly filed, an investigation will be instituted to determine whether economic conditions in the industry concerned have improved substantially since the date of the report of the Commission which contained the finding referred to in § 205.8(b).

(b) *Consolidation.* An investigation instituted pursuant to this Subpart B will be consolidated with the then current investigation being conducted pursuant to Subpart A of this part.

¹⁰ The imported articles to which this Subpart B relates are identified in the following reports of the Commission:

Report number	Date of report	Article
178 2d series...	Nov. 9, 1951	Hatters' fur.
177 2d series...	June 6, 1952	Garlio.
7-10.....	Dec. 22, 1952	Tobacco pipes and bowls of wood.
7-19.....	Apr. 13, 1953	Screen printed silk scarves.
7-24.....	Mar. 12, 1954	Scissors and shears.
7-37.....	Mar. 14, 1955	Bicycles.
7-41.....	Dec. 21, 1955	Ferrocium (lighter flints) and other cerium alloys.
7-47.....	Oct. 12, 1956	Groundfish filets.
7-49.....	Oct. 24, 1956	Velveteen fabrics of cotton.
7-52.....	Jan. 30, 1957	Straight pins.
7-55.....	Jan. 29, 1957	Violins and violas.
1-10401-2.....	May 8, 1957	Alsike clover seed.
7-57.....	Sept. 10, 1957	Spring clothespins.
7-62.....	Jan. 14, 1958	Umbrella frames.
7-70.....	Jan. 14, 1959	Tartaric acid.
7-77.....	do	Cream of tartar.
7-97.....	May 1, 1961	Baseball and softball gloves, including mitts.
7-100.....	May 10, 1961	Ceramic mosaic tiles.

§ 205.10 Advice to the President.

The Commission's advice to the President of the results of an investigation pursuant to this Subpart B will be included in the Commission's report to the President referred to in § 205.6.

PART 206—INVESTIGATIONS OF IMPORT INJURY TO INDUSTRIES, FIRMS, OR WORKERS DUE TO TRADE AGREEMENT CONCESSIONS

Sec. 206.1 Applicability of part.

Subpart A—General

- 206.2 Definitions.
- 206.3 Identification of type of petition.
- 206.4 Identification of articles (products).
- 206.5 Institution of investigations; copies of petitions to Departments.
- 206.6 Public hearings.
- 206.7 Reports to the President.

Subpart B—Investigations Upon Petition for Tariff Adjustment (Industry)

- 206.8 Applicability of subpart.
- 206.9 Who may file petition.
- 206.10 Contents of petition.
- 206.11 Release of reports.

Subpart C—Investigations Upon Petition for Determination of Eligibility of Firms to Apply for Adjustment Assistance

- 206.12 Applicability of subpart.
- 206.13 Who may file petition.
- 206.14 Contents of petition.
- 206.15 Release of reports.

Subpart D—Investigations Upon Petition for Determination of Eligibility of Workers to Apply for Adjustment Assistance

- 206.16 Applicability of subpart.
- 206.17 Who may file petition.
- 206.18 Contents of petition.
- 206.19 Release of reports.

AUTHORITY: §§ 206.1 to 206.19 issued under sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802.

§ 206.1 Applicability of part.

This Part 206 applies specifically to investigations under section 301 of the Trade Expansion Act. For other applicable rules see Part 201 of this chapter. Subpart A of this part sets forth rules generally applicable to petitions filed under this Part 206 and investigations based upon such petitions. Each of Subparts B, C, and D of this part sets forth rules specially applicable to petitions and investigations to which such subparts relate.

Subpart A—General

§ 206.2 Definitions.

As used in this Part 206:

(a) The term "firm" means an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustees in bankruptcy, or receivers under decree of any court, owning or controlling one or more establishments for the conduct of manufacturing, processing, farming, fishing, or mining operations, and includes all such establishments.

(b) The term "establishment" means a factory, plant, farm, mine, or fishery employed in the production of the domes-

tic article named or described in a petition in accordance with § 206.4, and includes auxiliary facilities operated in conjunction with (whether or not physically separate from) production facilities.

(c) The term "appropriate subdivision", when applied to a firm having more than one establishment in which is produced the domestic article named or described in a petition in accordance with § 206.4. Where such domestic article is produced in a distinct part or section of an establishment, such part or section may be considered an "appropriate subdivision" of the firm.

§ 206.3 Identification of type of petition.

Each petition under this Part 206 shall state clearly on the first page thereof "This is a petition under section 301(a) of the Trade Expansion Act of 1962 and Subpart [B, C, or D as the case may be] of Part 206 of the Rules of Practice and Procedure of the United States Tariff Commission".

§ 206.4 Identification of articles (products).

Each petition under this Part 206 shall name or describe precisely the imported article concerned; specify the United States tariff provision under which such article is classified and the current tariff treatment thereof; and name or describe the like or directly competitive domestic article concerned.

§ 206.5 Institution of investigations; copies of petitions to Departments.

Promptly after the receipt of a petition under this Part 206, properly filed, an appropriate investigation will be instituted, and a copy of the petition will be transmitted to the Secretary of Commerce. In the case of a petition under Subpart D of this part, a copy thereof will also be transmitted to the Secretary of Labor.

§ 206.6 Public hearings.

A public hearing will be held in connection with each investigation instituted on the basis of a petition filed under Subpart B of this part. A public hearing will be held in connection with an investigation instituted on the basis of a petition under Subpart C or D of this part only (1) if request for a hearing is included in the petition or (2) if, within ten (10) days after notice of the receipt of a petition under Subpart C or D of this part, a hearing is requested by any other party showing a proper interest in the subject matter of the investigation.

§ 206.7 Reports to the President.

The Commission will send to the President a report on the results of each investigation it conducts under this Part 206 (including in the report any dissenting or separate views), together with a transcript of the hearing (if any) and any briefs which may have been submitted in connection with the investigation.

Subpart B—Investigations Upon Petition for Tariff Adjustment (Industry)

§ 206.8 Applicability of subpart.

This Subpart B applies specifically to investigations under section 301(b) of the Trade Expansion Act.¹¹ For other applicable rules see Subpart A of this part and Part 201 of this chapter.

§ 206.9 Who may file petition.

A petition under this Subpart B may be filed by a trade association, firm, certified or recognized union, or other representative of an industry producing an article like or directly competitive with a foreign article which it is claimed is, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such industry. The names and locations of the firms represented in the petition and of their establishments in which the named or described domestic article is produced, as well as the names and locations of all other producers of such article known to the petitioner, shall be listed in the petition.

§ 206.10 Contents of petition.

A petition under this Subpart B shall include concrete information in support of petitioner's claim that as a result in major part of concessions granted under trade agreements the named or described foreign article is being imported in such increased quantities as to cause or threaten to cause serious injury to the domestic industry producing the named or described domestic article. Such supporting information shall be of the following character: (a) Import data (including data on imports for each of the most recent five full years) forming the basis of the claim that the named or described foreign article is being imported in increased quantities; (b) a

¹¹ Section 301(b) of the Trade Expansion Act provides in pertinent part as follows:

"(1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a) (1), the Tariff Commission shall promptly make an investigation to determine whether, as a result in major part of concessions granted under trade agreements, an article is being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing an article which is like or directly competitive with the imported article.

"(2) In making its determination under paragraph (1), the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(3) For purposes of paragraph (1), increased imports shall be considered to cause, or threaten to cause, serious injury to the domestic industry concerned when the Tariff Commission finds that such increased imports have been the major factor in causing, or threatening to cause, such injury." (19 U.S.C. 1901).

statement of the basis of the claim that the increased imports have resulted in major part from trade agreement concessions; (c) data on total U.S. production by quantity of the named or described domestic article for each of the most recent five full years; (d) quantitative data indicating the nature and extent of the injury or threat thereof to the domestic industry concerned, with particular reference to the extent of idling of productive facilities, impairment of profitability of operations, and unemployment or underemployment; (e) enumeration and description of the factors believed to be causing or threatening to cause the injury described under (d); and (f) a statement regarding the extent to which increased imports of the named or described foreign article are believed to be such a factor.

§ 206.11 Release of reports.

Upon making a report to the President of the results of an investigation to which this Subpart B relates, the Commission will make such report public (except confidential business data) and cause a summary of the report to be published in the FEDERAL REGISTER.

Subpart C—Investigations Upon Petition for Determination of Eligibility of Firms To Apply for Adjustment Assistance

§ 206.12 Applicability of subpart.

This Subpart C sets forth the special rules applicable to investigations under section 301(c) (1) of the Trade Expansion Act¹² upon petition for determination of eligibility to apply for adjustment assistance under chapter 2 of title III of such Act. For other applicable rules see Subpart A of this part and Part 201 of this chapter.

§ 206.13 Who may file petition.

A petition under this Subpart C may be filed by an individual firm, or a representative of such a firm, producing an article like or directly competitive with a foreign article which it is claimed is, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

¹² Section 301(c) (1) of the Trade Expansion Act provides as follows: "In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the Tariff Commission shall promptly make an investigation to determine whether, as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by the firm is being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm. In making its determination under this paragraph, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities of the firm, inability of the firm to operate at a level of reasonable profit, and unemployment or underemployment in the firm." (19 U.S.C. 1901).

§ 206.14 Contents of petition.

As a part of each petition under this Subpart C, there shall be attached a completed Tariff Commission Form 301-F. (Copies of these forms may be obtained by prospective petitioners from the Secretary of the Commission.) In addition, each petition under this Subpart C shall include the following: (a) A statement of the basis of the claim that the increased imports of the named or described foreign article have resulted in major part from trade agreement concessions; (b) enumeration and description of the factors believed to be causing or threatening to cause the injury described under (a); and (c) a statement regarding the extent to which increased imports of the named or described foreign article are believed to be such a factor.

§ 206.15 Release of reports.

Commission reports to the President concerning investigations to which this Subpart C relates will not be released to the public, but the Commission will make public its conclusion in each investigation.

Subpart D—Investigations Upon Petition for Determination of Eligibility of Workers to Apply for Adjustment Assistance

§ 206.16 Applicability of subpart.

This Subpart D sets forth the special rules applicable to investigations under section 301(c) (2) of the Trade Expansion Act¹³ upon petition for determination of eligibility to apply for adjustment assistance under chapter 3 of title III of such Act. For other applicable rules see Subpart A of this part and Part 201 of this chapter.

§ 206.17 Who may file petition.

A petition under this Subpart D may be filed by a group (three or more) of workers in an individual firm or by their certified or recognized union or other duly authorized representative. The workers by whom or on whose behalf the petition is filed must be persons who are, or who have been within one year prior to the date of the petition, employed regularly in the production of the named or described domestic article by the firm whose workers are claimed to be unemployed, underemployed, or threatened with unemployment or underemployment, by reason of the increase in imports of the named or described foreign

¹³ Section 301(c) (2) of the Trade Expansion Act provides as follows: "In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the Tariff Commission shall promptly make an investigation to determine whether, as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision." (19 U.S.C. 1901.)

article, which increase resulted in major part from concessions granted under trade agreements.

§ 206.18 Contents of petition.

A petition under this Subpart D shall include concrete information in support of petitioning workers' claim that, as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by the petitioning workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision. In particular, supporting information of the following character shall be included: (a) The name and location of the workers' firm; (b) the total number of establishments (all articles) operated by the workers' firm and their locations, identifying the separate establishment(s), if any, in which the named or described domestic article is produced; (c) import data forming the basis of the claim that the named or described foreign article is being imported in increased quantities; (d) a statement of the basis of the claim that the increased imports resulted from trade agreement concessions; (e) data on production and sales by the workers' firm as a whole of the named or described domestic article, by quantity and value, during each of the five most recent full years; (f) data for each of the five most recent full years showing (1) the value of total sales of all articles produced (i) by the firm as a whole, and (ii) by each separate establishment, if any, in which the named or described domestic article is produced; (2) the average number of production workers employed (i) by the firm as a whole, (ii) by each of the separate establishments, if any, in which the named or described domestic article is produced, and (iii) in the production of the named or described domestic article only; and (3) the total number of man-hours employed in the production of (i) all articles produced by the firm as a whole, (ii) all articles produced in each of the separate establishments, if any, in which the named or described domestic article is produced, and (iii) the named or described domestic article only; (g) enumeration and description of the factors believed to be causing or threatening unemployment or underemployment in the workers' firm or subdivision thereof, and (h) a statement regarding the extent to which increased imports of the named or described foreign article are believed to be such a factor.

§ 206.19 Release of reports.

Commission reports to the President concerning investigations to which this Subpart D relates will not be released to the public, but the Commission will make public its conclusion in each investigation.

PART 207—REVIEW OF ACTIONS PROVIDING ADDITIONAL TARIFF PROTECTION TO INDUSTRIES TO PREVENT OR REMEDY SERIOUS INJURY FROM IMPORTS

- | | |
|-------|---|
| Sec. | |
| 207.1 | Applicability of part. |
| 207.2 | Continuing review maintained. |
| 207.3 | Investigations to determine probable effect of reduction or elimination of increased or additional import restrictions. |
| 207.4 | Investigations to determine probable effect of automatic termination of increased or additional import restrictions. |
| 207.5 | Public hearings. |
| 207.6 | Reports. |

AUTHORITY: §§ 207.1 to 207.6 issued under sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802.

§ 207.1 Applicability of part.

This Part 207 applies specifically to the functions and duties of the Commission under the provisions of section 351(d) of the Trade Expansion Act that deal with Commission review of increased or additional import restrictions imposed by the President to prevent or remedy serious injury to domestic industries.¹⁴ For other applicable rules see Part 201 of this chapter.

¹⁴ The pertinent provisions of section 351 (d) of the Trade Expansion Act are as follows:

"(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Tariff Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951.

"(3) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.

"(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Advice by the Tariff Commission under this subsection shall be given on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard." (19 U.S.C. 1881).

§ 207.2 Continuing review maintained.

As long as any increase in, or imposition of, any duty or other import restriction made by the President pursuant to section 7 of the Trade Agreements Extension Act of 1951 or section 351 of the Trade Expansion Act remains in effect, the Commission will keep under review developments with respect to the industry concerned, and report annually to the President concerning such developments. Unless otherwise ordered, no hearings or other formal proceedings will be had in connection with such continuing review.

§ 207.3 Investigations to determine probable effect of reduction or elimination of increased or additional import restrictions.¹⁵

(a) *Initiation of investigations.* Investigations for the purposes of section 351(d) (2) of the Trade Expansion Act will be instituted only upon request of the President or upon the Commission's own motion.

(b) *Investigations upon Commission's own motion.* An investigation upon the Commission's own motion will be instituted whenever, in the course of its continuing review of developments in the industry concerned (§ 207.2) it appears to the Commission that the increase in, or imposition of, the duty or other import restriction proclaimed by the President pursuant to section 7 of the Trade Agreements Extension Act of 1951 or section 351 of the Trade Expansion Act may no longer be necessary to prevent or remedy serious injury to such industry.

§ 207.4 Investigations to determine probable effect of automatic termination of increased or additional import restrictions.¹⁶

(a) *Initiation of investigations.* Investigations for the purposes of section 351(d) (3) of the Trade Expansion Act

¹⁵ Investigations to which § 207.3 relates are conducted for the purpose of advising the President in connection with any action he might take pursuant to section 351(c) (1) (A) of the Trade Expansion Act, which reads as follows: "Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951 * * * may be reduced or terminated by the President when he determines, after taking into account the advice received from the Tariff Commission under subsection (d) (2) and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest." (19 U.S.C. 1881).

¹⁶ Section 351(c) (1) (B) of the Trade Expansion Act provides as follows: "Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951 * * * unless extended under paragraph (2), shall terminate not later than the close of the date which is 4 years (or, in the case of any such increase or imposition proclaimed pursuant to such section 7, 5 years) after the effective date of the initial proclamation or the date of the enactment of this Act, whichever date is the later." The reference in section 351(c) (1) (B) to "paragraph (2)" is to paragraph 2 of section 351(c), which reads as follows: "Any increase in, or imposition of, any duty or other import restriction pro-

will be instituted upon petition filed on behalf of the industry concerned.

(b) *Who may file petition.* A petition under this § 207.4 may be filed by or on behalf of any firm or firms which, during the last full year preceding the filing of the petition, accounted for the major portion (by quantity) of the domestic article concerned in the investigation of the Commission which resulted in the increase in, or imposition of, the duty or other import restriction.

(c) *Time for filing.* A petition under this § 207.4 may not be filed earlier than the date which is 9 months, or later than the date which is 6 months, before the date the original increase in, or imposition of, the duty or other import restriction to which the petition relates, or any extension thereof, is to terminate unless further extended pursuant to law.

(d) *Requirements for petitions.* In addition to conforming with the requirements of § 201.8 of this chapter, petitions filed under this § 207.4 shall include the following: (1) The names and addresses of the firms producing the domestic article concerned, and the location of the separate establishments, if any, of such firms in which such article is produced; (2) imports by quantity, for each of the most recent five full years, of the foreign article concerned; (3) production by quantity, for each of the most recent two full years, of the domestic article concerned; and (4) a statement of the reasons why petitioner believes that an extension of the increase in, or imposition of, the duty or other import restriction is warranted.

§ 207.5 Public hearings.

A public hearing will be held in connection with each investigation to which this Part 207 relates.

§ 207.6 Reports.

After completion of an investigation to which this Part 207 relates, the Commission will report to the President its judgment, based upon such investigation, as to the probable economic effect on the industry concerned of the reduction or termination of the increase in, or imposition of, the duty or other import restriction in question.

PART 208—INVESTIGATIONS OF DUMPING INJURY TO DOMESTIC INDUSTRY¹⁷

Sec.

- 208.1 Applicability of part.
- 208.2 Purpose of investigation.
- 208.3 Institution of investigation.
- 208.4 Public hearings.

claimed pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 may be extended in whole or in part by the President for such periods (not in excess of 4 years at any one time) as he may designate if he determines, after taking into account the advice received from the Tariff Commission under subsection (d) (3) and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such extension is in the national interest". (19 U.S.C. 1981).

¹⁷ This part relates to the functions of the United States Tariff Commission under the provisions of the Antidumping Act. Responsibility for the administration of that Act, except with respect to the functions to which

Sec.

- 208.5 Written statements.
- 208.6 Notification of Commission's determination.

AUTHORITY: §§ 208.1 to 208.6 issued under sec. 335, 72 Stat. 680; 19 U.S.C. 1335.

§ 208.1 Applicability of part.

This Part 208 applies specifically to investigations for the purposes of section 201(a) of the Antidumping Act. For other applicable rules see Part 201 of this chapter.

§ 208.2 Purpose of investigation.

The purpose of an investigation by the Commission under section 201(a) of the Antidumping Act is to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold in the United States or elsewhere at less than its fair value.

§ 208.3 Institution of investigation.

After the receipt of advice from the Secretary of the Treasury that he has determined that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, the Commission will institute an investigation for the purposes indicated in § 208.2.

§ 208.4 Public hearings.

If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford interested parties opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested party who believes that a public hearing should be held may, within fifteen days after the date of publication in the FEDERAL REGISTER of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing be held, stating the reasons for such request.

§ 208.5 Written statements.

At any time after a notice of investigation under § 208.3 is published in the FEDERAL REGISTER, any interested party may submit to the Commission a written statement of information pertinent to the subject matter of such investigation. If a public hearing is held in the investigation such statement may be presented in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in § 201.8 of this chapter.

§ 208.6 Notification of Commission's determination.

On or before the expiration of three months after the date of the receipt by

this Part 208 relates, is vested by law in the Secretary of the Treasury. Investigations under the Antidumping Act to determine whether a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value are initiated by the Bureau of Customs.

the Commission of the advice from the Secretary of the Treasury referred to in § 208.3 the Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor, will be published in the FEDERAL REGISTER.

This revision shall become effective on December 11, 1962.

By direction of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 62-12126; Filed, Dec. 6, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Bisulfate

Correction

In F.R. Doc. 62-11929, appearing at page 11944 of the issue for Tuesday, December 4, 1962, in § 146c.264(d) (1), sixth line, the word "bath" should read "batch".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Equal Opportunity in Housing

In § 200.310 paragraph (a) is amended, paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added to read as follows:

§ 200.310 Definition of "discriminatory practice".

(a) Such property is or will be constructed, rehabilitated, purchased or financed with the proceeds of a loan or investment insured under the provisions of the National Housing Act pursuant to an application for mortgage insurance received by the Commissioner after November 20, 1962; or

(c) Such property is improved with a loan reported for insurance under Title I of the National Housing Act, the proceeds of which are disbursed after November 20, 1962; or

In § 200.315 paragraph (b) is amended to read as follows:

§ 200.315 Prohibition against discriminatory practice.

(b) Except as to lending practices, paragraph (a) of this section shall not apply to transactions involving any one- or two-family dwelling which has been occupied by the owner.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., November 29, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-12129; Filed, Dec. 6, 1962;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

Part 1014 is revised as follows:

PART 1014—INSPECTION AND ACCEPTANCE

- | | |
|-------------|--|
| Sec. | |
| 1014.000 | Scope of part. |
| | Subpart A—Inspection |
| 1014.102 | Activities responsible for inspection. |
| 1014.105 | Places of inspection. |
| 1014.105-1 | General. |
| | Subpart B—Acceptance |
| 1014.204 | Responsibility for acceptance. |
| 1014.204-50 | Central procurements. |
| 1014.204-51 | Base procurement. |

AUTHORITY: §§ 1014.000 to 1014.204-51 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1014.000 Scope of part.

This part sets forth general policy and basic requirements for the inspection and acceptance of supplies and services.

Subpart A—Inspection

§ 1014.102 Activities responsible for inspection.

(a) AFSC is responsible for assuring the accomplishment within the Air Force of the procurement quality control objectives of the Department of Defense. The objectives are: (1) Achieve adequate, uniform, and economical procurement inspection, testing, and acceptance; (2) eliminate duplicate, overlapping, and multiple quality control assignments; (3) have all military quality control at a plant conducted by a single military quality control activity; and (4) develop and implement uniform quality control procedures, methods, and practices.

(b) AFSC will normally accomplish inspection and acceptance functions at contractors' facilities. Where contractors are to perform work or services at AF installations, the technical and inspection capabilities of such installations will be used to the fullest extent practicable for accomplishing these functions.

§ 1014.105 Places of inspection.

§ 1014.105-1 General.

See § 14.105-1 of this title.

(a) To aid in determining the point of inspection, the procuring and quality control (inspection) activities will collaborate in establishing categories of supplies appropriate for source or destination inspection and acceptance. Unless there are compelling reasons, there will be only one inspection of material. Where preservation, packaging, packing, and shipping are accomplished at a point other than where the supplies are to be manufactured, the material must be inspected at the point of manufacture. If it is desired that the packaging be inspected at the point where the packaging is accomplished this should be so stated in the contract. Normally the point of inspection and acceptance will be specified in the contract by using one of the following "inspection options":

(1) Inspection and acceptance at-----

(Insert contractor's plant or other source location(s))

This determination is made in compliance with §§ 14.105-2 and 14.203 of this title, and § 1001.1302 of this chapter.

(2) Inspection and acceptance at-----

(Insert the destination point)

This determination is made in compliance with §§ 14.105-3 and 14.203 of this title, and § 1001.1302 of this chapter.

(3) Inspection at-----

(Insert the source location(s))

with acceptance at-----

(Insert the destination point)

This determination is made in compliance with §§ 14.105-2 and 14.203 of this title, and § 1001.1302 of this chapter, wherein the contract provides for delivery f.o.b. destination.

(4) Preliminary inspection at-----

(Insert the source location(s))

with final inspection and acceptance at-----

(Insert the destination point)

This determination is made in compliance with §§ 14.105-2 and 14.203 of this title, and § 1001.1302 of this chapter. This option is used, for example, where the contractor furnishes supplies requiring source inspection and also performs work, such as installation, at destination which requires further inspection prior to acceptance. The inspection at source will be complete as to the performance of work required of the contractor at that location and will not be duplicated at destination.

(5) Inspection and acceptance of material will be at-----

(Insert contractor's plant or other source location(s))

Inspection and acceptance of the preservation, packaging, packing and shipping of the above material will be at-----

(Insert packaging subcontractor plant or location)

Upon completion of inspection and acceptance of material and the packaging as specified above, final inspection and acceptance will be considered as having been accomplished at the packaging subcontractor's plant or location.

Subpart B—Acceptance

§ 1014.204 Responsibility for acceptance.

§ 1014.204-50 Central procurements.

In consonance with § 14.202 of this title, the clause in § 1007.4014 of this chapter, "Certificate of Conformance." The determination as to use of Contractor's Certificate of Conformance will be made by the quality control representative of the administering activity on the basis of experience, knowledge, and optimum utilization of quality control effort.

§ 1014.204-51 Base procurement.

In consonance with § 14.202 of this title, the clause in § 1007.4014 of this chapter, "Certificate of Conformance" may be included in base procurement contracts when the contracting officer has determined that inspection prior to acceptance is unnecessary, the f.o.b. point and point of acceptance are specified as source, and one of the following conditions exist:

(a) Delivery will be made directly from the contractor to an accountable supply officer at a destination other than the procuring base.

(b) Delivery will be made to a POE, APOE, or APO for shipment to an overseas activity.

(c) Supplies or services are being procured by an overseas activity and the shipment must cross an international border.

PART 1016—PROCUREMENT FORMS

A new § 1016.051 is added as follows:

§ 1016.051 Preprinted contract provisions (AFPI 71—Series).

(a) *Scope of section.* This section prescribes the policy for use of preprinted contract provisions designated as AFPI 71 series.

(b) *Applicability of section.* This section applies to all AF procurement activities.

(c) *General.* Preprinted contract provisions consist of single contract clauses, groups of clauses, or common attachments normally required to prepare a specific type of contract. An Air Force Regulation Index will list preprinted contract provisions.

(d) *Policy.* (1) In the interest of standardization, it is AF policy that AF procurement activities will use existing preprinted contract provisions in the 71-series to the greatest extent possible. Contract provisions in the 71-series will not be prepared where comparable DD

Forms are available and will not be reproduced locally except as hereinafter provided.

Subpart A—Forms for Advertised Supply Contracts

§ 1016.101-1 [Deletion]

1. Delete § 1016.101-1.

2. Revise § 1016.102-2 as follows:

§ 1016.102-2 Conditions for use.

(a) The Invitation for Bids and Schedule portion of Standard Form 33 will be prepared according to § 2.201 of this title and § 1002.201 of this subchapter.

(b) Use of DD Form 1260. See § 1016.101-2(d).

3. Add §§ 1016.150 and 1016.150-3 as follows:

§ 1016.150 Auxiliary forms.

§ 1016.150-3 Optional forms.

Optional form 17, "Sealed bid label": See § 1002.203-1 of this chapter and § 1016.451-5.

Subpart C—Purchase and Delivery Order Forms

§§ 1016.300; 1016.303-1 [Deletion]

Delete §§ 1016.300 and 1016.303-1.

Subpart D—Construction Contract Forms

§§ 1016.400; 1016.401-1; 1016.401-3 [Deletion]

1. Delete §§ 1016.400, 1016.401-1 and 1016.401-3.

§ 1016.401-2 [Amendment]

2. In § 1016.401-2 delete the words "in Subpart EE, Part 1007 of this chapter."

3. Revise § 1016.401-4 to read as follows:

§ 1016.401-4 Terms, conditions and provisions.

See § 16.401-4 of this title. Whenever Standard Form 19 is used, the following will be added:

* * * * *

4. Add new §§ 1016.451 and 1016.451-5 as follows:

§ 1016.451 Auxiliary forms.

§ 1016.451-5 Forms for use with advertised construction contracts.

See § 1016.150.

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart A, "General" is deleted and reserved.

Subpart E, "Act and Executive Order" is deleted and reserved.

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

§ 1030.2 Appendix B—Manual for control of Government property in possession of contractors.

1. Delete B-130.1 through B-103.17 and B-103.19.

2. Delete paragraphs B-200, B-201, B-204 and B-205.2 through B-205.5.

3. Add paragraph B-207.5 as follows:

B-207.5 *Discrepancies*. The contractor will submit to the property administrator (a) A listing which properly identifies all discrepancies, including overages, shortages, and damages, which have been disclosed by the physical inventory accomplished under paragraphs B-207.1 or B-207.2 § 30.2, Appendix B of this title; and (b) a certification, in writing, that physical inventory of or certain classes of Government property was completed on a given date and that the official contract records are in agreement with the physical inventory aside from the reported discrepancies. Discrepancies will be examined to determine, as far as possible, actual losses of Government property. Differences caused by record errors or offsetting overages and shortages of similar items are not considered actual losses. The offset adjustment of dissimilar items which may appear comparable in quantity or dollar value will not be approved. Adjustments necessitated by posting errors will include appropriate cross-references to the error in the official contract records.

4. In § 1030.2, B-403.3(a), amend the reference to read "§ 1054.2303."

§ 1030.3 Appendix C—Manual for control of Government property in possession of non-profit research and development contractors.

1. Delete paragraphs C-209, C-210, C-212, C-305, C-307 and C-307.1.

2. In C-213.1(b) (13) (ii) (d), amend the reference "§§ 805.1 to 805.8 of this chapter" to read "AFR 205-1 (Safeguarding Military Information)."

Part XX, "Adjustment of Discrepancies Incident to the Shipment of Government Property" is deleted.

§ 1030.4 Appendix D—Rules for notice and hearing under gratuities clause in § 7.104-16 of this title.

Section 1030.4 is deleted and reserved. Section 1030.5 is revised to read as follows:

§ 1030.5 Appendix E—Contract Financing.

Part I [Reserved]

Part II—Basic Policies

E-212 *Coordination before contract award*.

E-212.50 *Facility capability report*. The FCR system (see Subpart I, Part 1 of this title and Subpart I, Part 1001 of this subchapter) provides the services of personnel qualified and competent to evaluate credit and financial problems prior to or contemporaneously with contract awards.

E-212.51 *Financial control list*. (a) Part one of this list contains the names of contractors requiring interservice concurrence for use by Defense Department agencies.

(b) Part two of this list which is furnished to AFSC (ASXKMF) WPAFB, Ohio by the Contract Financing Branch (AFAAF-6C), Hq USAF, contains the names of contractors who meet the criteria of § 163.86(d), Subchapter E of this title.

(c) The Financial Control List will be prepared and distributed monthly to all procuring activities, the list will be classified "For Official Use Only."

(d) ASXKMF will establish dollar limitations above which awards may not be made without prior clearance with ASXKMF.

E-212.52 *Procedure*. (a) If it becomes apparent to procurement personnel during placement of a contract, a supplement to an existing contract, or a substantial spare parts order under an existing contract and any one

of the following conditions is present; the procedure in (b) of this paragraph will be followed.

(1) The proposed contractor cannot reasonably be expected to perform without:

(i) Guarantee of a bank loan by the Air Force. (See § 163.34, Subchapter E of this title.)

(ii) Unusual progress payments. (See § 163.69, Subchapter E of this title.)

(iii) Advance payments. (See § 163.50, Subchapter E of this title.)

(2) Award of the proposed contract would overload the proposed contractor's production capacity.

(3) The proposed contractor does not have sufficient working capital, credit, or sources of borrowing to perform the proposed contract.

(4) The amount of government financial assistance required is out of reasonable proportion to the proposed contractor's investment.

(5) The proposed contractor's name is on the Financial Control List referred to in E-212.51.

(6) The contractor's name is on the hold-up list referred to in 163.87-2, Subchapter E of this title.

(b) If any of the conditions set forth in (a) of this paragraph exist, procurement personnel will submit the matter through normal procurement channels to AFSC (ASXKMF) WPAFB, Ohio, or to OAR, Hq USAF as appropriate. ASXKMF or OAR, as appropriate, will determine whether approval may be granted directly, or is required either by a general officer at Hq AFSC or by Hq USAF according to Part 163, Subchapter E of this title, particularly §§ 163.86, 163.74, 163.56 or 163.34. If coordination with Army or Navy is required, ASXKMF or OAR, will obtain it. If prior approval by higher authority at Hq USAF is required and is recommended, ASXKMF or OAR will submit the matter with a proposed memorandum of approval on Secretary of the Air Force letterhead outlining the pertinent facts therein and approving the action requested, to Hq USAF (AFSPM-PO). In the case of a small business concern, see § 163.48, Subchapter E and § 1.705-6 of this title.

(c) Contracting officers and personnel performing an FCR should realize that government guarantee of a bank loan is a normal method of assisting defense contractor and subcontractors in acquiring working capital. A request by a bank for government guarantee of a portion of a loan it proposes to make to a contractor does not, in most cases, reflect upon the basic credit, ability, or character of a contractor. Therefore, if the possibility of a request by a bank for government guarantee of a loan is the only question concerning a contractor's ability to finance a proposed contract, the Financial Branch (ASXKMF), Hq AFSC, will grant or deny financial clearance. ASXKMF will advise the Contract Financing Branch, Directorate of Accounting and Finance, Office of the Comptroller, Hq USAF, by letter of actions taken with an information copy to Hq USAF (AFSPM-PO). If other factors present convince ASXKMF that prior clearance with Hq USAF would be warranted, the matter will be forwarded as set forth in (b) of this paragraph.

(d) Guaranteed loans: In submitting the matter to AFSC (ASXKMF), use AFPI Form 63C, "FCR Financial Action Summary." Attach the following data:

(1) Letter from the bank setting forth its intentions regarding request for government guarantee or increase or extension of an existing loan.

(2) A statement from contracting officer as to whether he would recommend issuance of Certificate of Eligibility.

(3) The information in § 163.28, Subchapter E of this title necessary for ASXKMF to arrive at the decision required.

(4) Breakdown of contractor backlog between Government (by agency) and commercial.

(5) Any other pertinent data necessary to a proper conclusion in the matter.

(e) Advance payments: See §§ 163.61 and 163.62, Subchapter E of this title.

E-213 *Financial information and analysis.*

E-213.50 *Responsibilities.* (a) The chief, contract division in each AFCMD will obtain financial information from contractors doing business with the Air Force and on a company for which an FCR is being completed when adequate data is not available from published sources. OAR will obtain financial information from contractors for contracts which are being administered solely by OAR. When contractors, under AFSC administration, also have contracts administered by OAR, financial surveillance will be done by AFSC. Forward an original or a signed copy of each item of financial data to AFSC (ASXKMF), as soon as received from companies or from internal AF sources. (See paragraph E-214.53.)

(b) Buyers, price analysts, or others will not request financial data from contractors or prospective contractors other than cost data for use in pricing contracts. If an FCR is not required, anticipate the need for such data and request the information from the Financial Branch (ASXKMF) or the cognizant AFCMD, whichever is nearer. The AFCMD will provide or will direct the appropriate AFCMD to provide the needed information. A division or subsidiary of a company may be asked to obtain financial data from its home office if needed for completion of an FCR.

E-213.51 *Obtaining financial data.* (a) When possible make arrangements for automatic forwarding of information without necessity for periodic requests. Normally, regularly published quarterly financial statements will suffice. In exceedingly weak cases, monthly financial statements may be required. With unusually strong companies, semiannual or annual statements may be sufficient.

(b) Special cases: If a contractor or a prospective contractor has limited working capital or shows evidence of serious financial weakness, request the following data when completing an FCR.

(1) A cash flow sheet. See § 163.28-1, Subchapter E of this title.

(2) Statement of how the proposed contract will be financed.

(3) If the contract will be financed by new capital, appropriate evidence that the additional capital will be furnished.

(4) If the contract will be financed by borrowing from a bank, an agreement or letter from the bank stating that it will loan a specific amount or that it will furnish working capital sufficient for the performance of proposed contract. (This letter is not to require a commitment fee.)

(5) If the contract will be financed by guarantee of an individual or of a company, a letter from the individual or company (signed by an officer of the company, stamped with the corporate seal, and notarized), together with current balance sheet of company making the guarantee. If a guarantee is made by a corporation, a certified resolution of the board of directors authorizing the guarantee and disclosing the authority of the officer signing on behalf of the corporation to so obligate the corporation. (See paragraph E-214.51.)

(6) If the company is newly organized, a copy of the incorporation papers and a balance sheet reflecting amount of paid-in capital, unless such data has previously been furnished to the Air Force.

(7) Name of parent company and affiliates, and list of subsidiaries, if any.

(8) The APD may, prior to granting financial clearance, require the proposed contractor to agree in writing that it will fur-

nish financial statements acceptable to the Air Force during the life of the contract. The required frequency of interim statements will be determined according to (a) of this paragraph and will be made known to the proposed contractor. Fiscal year-end statements in such cases will be required within 90 days after the close of the fiscal year and interim statements within 30 days after the close of the interim period. The action authorized by this subparagraph (8) normally will be taken by the AFCMD upon determination that close surveillance will be required while contracts are outstanding and the proposed contractor does not publish financial statements adequate for such surveillance.

(c) Any financial statements required of a contractor will be specified in a letter, whether or not oral requests were made for the specific items needed.

E-214 *Appropriate information; purposes.* See §§ 163.28 and 163.27, Subchapter E of this title.

E-214.50 *Access to records.* If a company has an active contract providing for progress payments or advance payments, the company has a contractual obligation to furnish financial statements and other collateral information. See paragraph (g) of Progress Payments clause and paragraph (13) of the Advance Payments clause.

E-214.51 *Financial guaranties.* Agreements to provide financial assistance, performance guaranties, and subordination agreements will be reviewed for financial adequacy and legal sufficiency before granting financial clearance.

E-214.52 *Records and forms.* (a) Use AFPI Form 67, "Subordination Agreement (Applicable to One Government Contract)," AFPI Form 67A, "Subordination Agreement (Applicable to More than One Government Contract)," AFPI Form 68, "Guaranty Agreement for Corporate Guarantor (Applicable to One Government Contract)," and AFPI Form 68A, "Guaranty Agreement for Corporate Guarantor (Applicable to More than One Government Contract)," as required. Deviations must be approved by the CMR staff judge advocate. The CMR staff judge advocate's written approval will be affixed, preferably on a separate sheet. Each guaranty agreement will be supported by a current financial statement of the guarantor.

(b) Use AFPI Form 32, "Financial Data Record," and AFPI Form 33, "Memorandum for Credit Files," for recording financial data.

E-214.53 *Financial files.* ASXKMF will maintain complete financial files on AF contractors. The only other complete financial file on any contractor will be maintained at the AFCMD.

E-214.54 *Bureau of Budget clearance.* Bureau of Budget Clearance No. 21-R033.5 which expires December 31, 1964, has been assigned to requests for financial data within the scope of this part.

E-216 *Report of adverse development; prompt decisions.* (a) Production, quality control, financial, auditor and cognizant personnel will report pertinent facts to the ACO who will take whatever protective or remedial course of action is open to him. The ACO will report the situation in full to the procuring contracting officer with recommendations for additional action through normal channels by the most expeditious means. The PCO will take whatever action is proper, prudent, and in the best interests of the Government.

(b) All echelons will take whatever action they can within their scope of authority and will recommend any necessary additional action by higher authority to protect the interest of the Government. The interest of the Government may be better fostered by providing additional financial assistance and the advisability of recommending additional assistance should be given due weight in the light of the existing situation. All action

will be governed by the need for continued production. The cost of procurement, the loss of production time, and the essentiality of the procurement should be evaluated against any risks of monetary loss that may be involved in recommending additional financial assistance or continuing existing assistance.

(c) Report known adverse developments through established channels to ASXKMF, Hq AFSC. Describe the adverse development, its expected impact upon continued satisfactory production by a contractor or subcontractor, remedial or protective measures taken, and recommend a course of action.

(d) ASXKMF, Hq AFSC, will explore the matter fully and take appropriate action within the limits of its authority. If the adverse development involves a contractor or subcontractor having a bank loan guaranteed by the Air Force, a progress payment or an advance payment, ASXKMF will describe the adverse development fully, its expected impact upon continued satisfactory production, remedial actions taken by ASXKMF and lower echelons, and recommended additional action by higher authority in an electrically transmitted message or airmail letter to Hq USAF (AFSPM-PO).

(e) All echelons will take timely appropriate protective or remedial action when an adverse development occurs. Requests for information received by AFSC activities directly from the Secretarial level of the Air Force will be handled as expeditiously as possible. Complete coordinated responses will be forwarded, through channels, over the signature of the Chief or Deputy Chief, Industrial Resources Division (ASXKM), Hq AFSC. In the interest of accuracy and completeness, telephonic response will not be made unless requested. If telephonic response is made, the substance of the inquiry and the reply will be reduced to writing and forwarded by the Chief or Deputy Chief (ASXKM), Hq AFSC to Hq USAF (AFSPM-PO) for information.

E-219 *Interpretations.* Send written requests for interpretations, through channels to Hq USAF (AFSPM-PO).

Part III—Guaranteed Loans

E-303 *Procedure on applications of a private financing institution.* (a) Authority to issue loan guarantees on behalf of the Air Force rests with the Deputy for Contract Financing to the Assistant Secretary (Financial Management).

(b) The financial aspects of an application for guarantee are evaluated by the Contract Financing Branch (AFAAF-6C), Hq USAF.

(c) A contracting officer receiving schedules of defense contracts from a Federal Reserve Bank will notify AFSC (ASXKMF), WPAFB, Ohio, to avoid duplication of effort.

E-310 *Assignments of claims under contracts.* See § 1007.103-8 of this subchapter and Part IX of this Appendix E.

E-314 *Eligibility certifications.*

E-314.1 *Certificate of eligibility.* The Deputy Chief of Staff, Systems and Logistics, Hq USAF, has delegated his authority to issue Certificates of Eligibility, to the Commander, Air Force Systems Command, with power of redelegation not below the level of the Chief or Deputy Chief, Industrial Resources (ASXKM), Hq AFSC. Redelegation has been made.

E-315 *Procedure for certificate of eligibility.* (a) Certificates may be requested by the Deputy for Contract Financing (SAAFM) to the Assistant Secretary (Financial Management); the Contract Financing Branch, (AFAAF-6C) Hq USAF; the Department of Army or Navy. Requests for certificates or related information will be directed to AFSC (ASXKMF), WPAFB, Ohio, who will immediately collect and evaluate the necessary supporting data.

(b) All procurement activities will furnish ASXKMF supporting data upon request on a

priority basis (normally within 5 working days). Personnel designated to process requests for certificates should be primarily interested in the procurement, production, or research and development aspects of the matter. Requests by ASXKMF for supporting data will identify the principal contracts or subcontracts involved, the items or services being procured if known, and the undelivered dollar amount of the contracts or subcontracts if known.

(c) Data necessary to support a Certificate of Eligibility is set forth in § 163.49(f), Subchapter E of this title.

(d) After authorization of a loan guarantee by the Deputy for Contract Financing (SAAFM) on behalf of the Air Force, ASXKMF will advise the cognizant procurement activity having contract administration responsibility of that fact. The procurement activity so advised will determine whether the contractor or subcontractor should receive special production surveillance with emphasis on quality control and delivery problems. See paragraph E-216 regarding report of adverse developments. The reporting requirements of this part are exempt under paragraph 7(c)(1), AFR 174-1 (AF Reports Management System).

Part IV—Advance Payments

E-401 *Types of contracts that may have advance payments.* Advance payments in foreign countries for rent for periods necessary to conform with local custom and for tuition may be approved by the Commander or Deputy Commander, APRE and APRFE, with power of redelegation to not lower than a staff officer responsible for procurement.

Parts V through VIII [Reserved]

Part IX—Assignment of Claims Arising Under Government Contracts

E-900 *Scope of part.* This part states procedures and responsibilities relating to the assignment of claims for moneys due or to become due under contracts providing for payments aggregating \$1,000 or more.

E-901 *Applicability of part.* This part applies to all AF procurement activities.

E-902 *General.* Pursuant to the Assignment of Claims Act of 1940 (Public Law 811, 76th Cong.), as amended, assignment of moneys due or to become due under government contracts may be made and the requirements under which such assignment can be made are outlined in § 7.103-8 of this title.

E-903 *Filing notices of assignment and instruments of assignment.* See instructions in § 7.103-8 of this title. The assignee should file four signed copies of notice of assignment and one copy of the instrument of assignment with each of the parties specified in § 7.103-8 of this title.

E-904 *Copies of notices for contracting officer and acknowledgment thereof.* (a) The four copies of notices of assignment and instruments of assignment directed to the contracting officer will be sent by receiving personnel as follows:

(1) If the assignment relates to a contract written or administered by an AFSC/AFLC procurement activity, to the contracting officer appointed for the purpose of acknowledging assignments at the AFSC/AFLC procurement activity.

(2) If the assignment relates to a contract written by an OAR procurement activity, contracting officers mentioned in (i) and (ii) of this subparagraph will follow the procedure in (b) of this paragraph.

(i) If received prior to distribution of the contract, to the cognizant procuring contracting officer.

(ii) If received after distribution of the contract, to the cognizant administrative contracting officer.

(3) If the assignment relates to a contract written or administered by an AF procure-

ment activity other than AFSC/AFLC or OAR, to the appropriate contracting officer at that procurement activity.

(b) The contracting officer specified in paragraph (a) of this section to whom the notices of assignment and instruments will be sent, will:

(1) Examine notices of assignment and instruments of assignment and the contract involved.

(2) If satisfied that the assignment is in proper form, was properly executed, and that the contractor is empowered under the contract to assign the claim or claims involved, acknowledge receipt of the notice of assignment in the space provided.

(3) Return three copies of the notice thus acknowledged to the assignee.

(4) When the AFSC/AFLC contracting officer acknowledges the notice of assignment and instrument of assignment, the fourth copy of the notice of assignment and the copy of the instrument of assignment will be filed with the contract.

(5) When the OAR procuring contracting officer acknowledges the notice of assignment and instrument of assignment prior to distribution of the contract, and when the contract is to be administered by an AFSC field procurement activity, the fourth copy of the notice thus acknowledged and the copy of the instrument of assignment will be transmitted with the copy (or copies) of the contract when forwarded to the AFSC field procurement activity for administration purposes.

(c) Accounting and finance officers will not make payments to assignees unless the first invoice or voucher covering the amounts to be paid the assignee is accompanied by two copies of the notice of assignment duly acknowledged by the contracting officer.

E-905 *Procedure when acknowledgment is refused or delayed.* If, for any reason, the assignment involved is one which the contract does not authorize the contractor to make, or is not in proper form, or is not properly executed, the contracting officer will return the copies of the notice of assignment and the copy of the instrument of assignment to the assignee with an explanation of the objections to the proposed assignment and the acknowledgment form on the notices of assignment will not be executed by the contracting officer. In addition if, upon receipt of notices of assignment and the copy of the instrument of assignment, it appears that a considerable delay may occur before the notices of assignment are acknowledged or returned unacknowledged as the case may be, the contracting officer will advise the assignee that such a delay is likely to occur and will normally furnish the assignee a statement of the reasons for the delay.

E-906 *Further assignments and reassignments.* Contracts permitting the assignment of claims for moneys due or to become due hereunder also permit such claims to be further assigned and reassigned by the assignee to a bank, trust company, or other financing institution, including any Federal lending agencies. Copies of written notices of further assignment and reassignment and copies of instruments of such further assignment and reassignment will be processed in the same manner as copies of initial assignment and instruments of initial assignment. The three acknowledged copies of the notice of further assignment or reassignment will be sent to the assignee under the assignment thus acknowledged.

E-907 *Examination of assignment.* In ascertaining that an assignment is in proper form, is properly executed, and is one that the contractor is entitled to make under the contract, contracting officers will satisfy themselves that:

(a) The contract has been duly executed and approved where necessary. Contractors frequently make assignments of claims for

moneys due or to become due under a contract, upon notice of award of the contract, even though the contract has neither been executed nor approved. Copies of notices of such assignment will be immediately returned to the assignee unacknowledged.

(b) The contract is one under which claims may be assigned under the provisions of the Assignment of Claims Act of 1940. In rare cases, Secret or Confidential contracts will contain provisions prohibiting assignments of claims thereunder. It should be noted that assignment of claims under Secret or Confidential contracts, permitting the assignment thereof, will not be acknowledged by contracting officers until adequate steps have been taken to protect the interests of the Government.

(c) The assignment covers all amounts payable under the contract, and not already paid, and is not made to more than one person, and the assignee is a bank, trust company, or other financing institution, including any Federal lending agency. In this connection the following will be noted:

(1) Most contracts provide that any assignment of claims thereunder will cover all amounts payable under the contract, and not already paid, and will not be made to more than one person except that assignments may be made to one person as agent or trustee for two or more persons participating in the financing of a contractor. Under the Assignment of Claims Act, however, contracts may provide for assignments of part of the contractor's claims for money due or to become due or for such assignments to more than one person. In the absence of contract provisions authorizing such assignments, the assignments are unlawful. Because of the administrative burden on accounting and finance officers, partial assignments or assignments to more than one person, if permitted under a contract, should be limited to cases where the contractor is financially obligated to government agencies and the assignment is made for the protection of such government agencies.

(2) Where the contract provides for advance payments, whether or not advance payments have actually been made to the contractor, notice of assignment will not be acknowledged unless:

(i) The assignment expressly recites that the rights of the assignee are subordinate to the rights of the Government:

(a) To withhold from the contractor amounts required to liquidate advance payments.

(b) To have deposited in the contractor's special advance payment bank account all moneys payable to the contractor which the contract requires the contractor to deposit in that account.

(ii) The contracting officer obtains from the assignee an agreement that the assignee will pay to the contractor all amounts which may be received by the assignee and which the contractor is obligated by the contract to deposit in its special advance payment bank account. (See § 163.64, Subchapter E of this title.) In special cases, additional documents signed by the contractor or the assignee or both, thought necessary by the contracting officer to protect the interests of the Government against the assignee, may be required by the contracting officer.

Assignments such as those referred to in this paragraph (c) are subordinate to the rights of the Government against the contractor under the contract involved; for that reason they are not assignments of less than all amounts payable under the contract nor assignments to more than one person.

(d) The assignment will cover only claims for money due or to become due under the contract involved. It must not cover any of the obligations or duties of the contractor under the contract. The contracting officer

will be sure that the copy of the instrument of assignment which is submitted to him is a duplicate of the original instrument, or has been certified as a true copy, acknowledged as such before a notary public or other officer authorized by law to administer oaths. Care will also be taken to ascertain that the assignment has been properly executed.

(1) Assignments by corporations should be executed by an authorized representative, attested by the secretary or assistant secretary of the corporation, with the seal of the corporation impressed upon the assignments or in lieu of such seal, accompanied by a certified copy of a resolution of the corporation board of directors authorizing the representative involved to execute the assignment.

(2) If the contractor is a partnership, the instrument of assignment may be signed by one partner, provided it is accompanied by a duly acknowledged certificate to the effect that the signer is a general partner of the partnership.

(3) If the contractor is an individual, the assignment must be signed by such individual and duly acknowledged by him before a notary public or other person authorized to administer oaths.

(e) If there have been previous assignments of claims under the contract, unless assignments to more than one person thereunder are permitted by the contract provisions, the previous assignments have been fully released. Attention is again invited to paragraph E-905 which points out that contracts specifically authorize further assignments and reassignments of claims thereunder.

E-908 *Assignment of claims clause*, "No Setoff" provision. See § 1007.103-8 of this subchapter.

E-909 *Releases of assignments*. Releases of assignments require the same execution and acknowledgment by the assignee as required of an assignor in the case of an assignment. Releases are required only in cases of reassignment or where further payments are anticipated under the contract.

E-910 *Transfers of business and corporate mergers*. Transfers of an entire business, corporate mergers, and assignments by operation of law, each of which may effect the assignment of claims under a contract, are not prohibited by the Federal statutes and hence do not depend upon the Assignment of Claims Act of 1940 for their validity. (See § 16.505 of this title and § 1016.505 of this subchapter.) However, in the case of transfers of a business or corporate mergers, notices of assignment of claims under the contract made by the transferee or successor corporation will not be acknowledged until a supplemental agreement has been executed, substituting the transferee or successor corporation as the contractor with the Government. Similarly, before acknowledging assignments made by transferees by operation of law, the contracting officer will require the submission of a certified copy of the document evidencing the transfer by operation of law.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lieutenant Colonel, U.S. Air
Force, Chief, Special Activities
Group, Office of The Judge
Advocate General.

[F.R. Doc. 62-12104; Filed, Dec. 6, 1962; 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

BLINDNESS OR BILATERAL KIDNEY INVOLVEMENT

In Part 3, § 3.383 is added to read as follows:

§ 3.383 Blindness or bilateral kidney involvement.

For periods on or after August 28, 1962, blindness in both eyes or bilateral kidney involvement will be considered service connected as provided in this section. Service connection for the bilateral disability will be assigned on the type of service (i.e., wartime or peacetime) on which service connection is established for the unilateral qualifying condition.

(a) *Blindness*. Where the veteran has suffered blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of his own willful misconduct.

(b) *Bilateral kidney involvement*. Where the veteran has suffered the loss or loss of use of one kidney as a result of service-connected disability and has suffered severe involvement of the other kidney such as to cause total disability as a result of non-service-connected disability not the result of his own willful misconduct. (38 U.S.C. 360; Public Law 87-610)

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

This regulation is effective December 7, 1962.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-12155; Filed, Dec. 6, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2827]

[Anchorage 025583]

ALASKA

Partly Revoking Public Land Order No. 1489 of September 9, 1957

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

1. Public Land Order No. 1489 of September 9, 1957, which withdrew lands for recreational purposes, is hereby revoked so far as it affects the following described lands:

SEWARD MERIDIAN

NANCY LAKE AREA

T. 19 N., R. 4 W.,
Sec. 28, lot 9.

Containing 30.98 acres.

2. Until 10:00 a.m. on March 5, 1963, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by an order of an authorized officer of the Bureau of Land Management.

DECEMBER 3, 1962.

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

[F.R. Doc. 62-12117; Filed, Dec. 6, 1962; 8:47 a.m.]

[Public Land Order 2828]

[Washington 04293]

WASHINGTON

Withdrawing Public Lands for Protection of the Roza Dam, and for Preservation of Public Recreational Values

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior for protection of the Roza Diversion Dam of the Yakima Project, and for the preservation of public recreational values and public access to the waters of the Roza Dam:

WILLAMETTE MERIDIAN

T. 15 N., R. 19 E.,
Sec. 28, E½NE¼NW¼, NE¼SW¼, and
S½SW¼;
Sec. 32, E½E½NE¼NE¼.

Containing approximately 150 acres.

2. Management of the mineral and vegetative resources, including the recreational resources, shall remain with the Bureau of Land Management.

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

DECEMBER 3, 1962.

[F.R. Doc. 62-12118; Filed, Dec. 6, 1962; 8:47 a.m.]

[Public Land Order 2829]

[Oregon 010313]

OREGON**Reclamation Withdrawal, Crooked River Project**

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, under jurisdiction of the Bureau of Reclamation for reclamation purposes in connection with construction, operation and maintenance of the Prineville Reservoir, Crooked River Project:

WILLAMETTE MERIDIAN

T. 16 S., R. 17 E.,
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 17 S., R. 17 E.,
Sec. 9, SW $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 16 S., R. 18 E.,
Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing approximately 140 acres.

2. This order closes the lands to private appropriation under other than the reclamation laws, but does not otherwise alter the applicability of the public land mineral leasing laws, the Taylor Grazing Act, and laws governing the disposal of mineral and vegetative materials.

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

DECEMBER 3, 1962.

[F.R. Doc. 62-12119; Filed, Dec. 6, 1962;
8:47 a.m.]

[Public Land Order 2830]

[New Mexico 094303]

NEW MEXICO**Withdrawal for Forest Service Administrative Sites and Recreational Areas**

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

1. Subject to valid existing rights, the minerals in the following-described lands, in the Cibola, Gila and Santa Fe National Forests, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, in utilization of the surface as administrative sites, and recreation areas, as indicated:

NEW MEXICO PRINCIPAL MERIDIAN**CIBOLA NATIONAL FOREST****Cienega Recreation Area**

T. 11 N., R. 5 E.,
Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Las Huertas Recreation Area

T. 12 N., R. 5 E.,
Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Quaking Aspen Recreation Area

T. 14 N., R. 16 W.,
Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

McGaffey Recreation Area

T. 13 N., R. 16 W.,
Sec. 10, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

Wingate Recreation Area

T. 14 N., R. 16 W.,
Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

McGaffey Administrative Site

T. 13 N., R. 16 W.,
Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

GILA NATIONAL FOREST**Reed's Peak Administrative Site**

T. 13 S., R. 10 W.,
Sec. 23, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Lookout Mountain Administrative Site

T. 11 S., R. 9 W.,
Sec. 18, N $\frac{1}{2}$ of Lot 10.

Black Mountain Administrative Site

T. 11 S., R. 13 W.,
Sec. 6, S $\frac{1}{2}$ of Lot 16.

Granite Peak Administrative Site

T. 13 S., R. 15 W.,
Sec. 10 (Unsurveyed), NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Hillsboro Peak Administrative Site

T. 16 S., R. 9 W.,
Sec. 4 (Unsurveyed), Lot 3.

McKnight Administrative Site

T. 14 S., R. 10 W.,
Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Beaverhead Administrative Site

T. 10 S., R. 12 W.,
Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Beaverhead Administrative Airstrip

T. 10 S., R. 13 W.,
Sec. 25, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Mogollon-Baldy Administrative Site

T. 12 S., R. 17 W.,
Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Holt Administrative Site

T. 12 S., R. 19 W.,
Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Grouse Mountain Administrative Site

T. 11 S., R. 18 W.,
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Apache Administrative Site

T. 11 S., R. 18 W.,
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Reserve Administrative Airstrip

T. 7 S., R. 19 W.,
Sec. 18, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 7 S., R. 20 W.,

Sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.

Antelope Administrative Site

T. 17 S., R. 13 W.,
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$. (That portion within the Fort Bayard Military Reservation.)

SANTA FE NATIONAL FOREST**Windy Bridge Picnic Area**

T. 17 N., R. 12 E.,
Sec. 17, Lot 11.

Upper Bull Creek Recreation Area

T. 17 N., R. 18 E.,
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Fishing Hole Recreation Area (Addition)

T. 17 N., R. 14 E.,
Sec. 15, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Holy Ghost Recreation Area

T. 18 N., R. 12 E.,
Sec. 6, Lot 9.
Sec. 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Sec. 20, W $\frac{1}{2}$ of Lot 1, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Trail Creek Recreation Area

T. 19 N., R. 1 E.,
Sec. 2, W $\frac{1}{2}$ of Lot 2, Lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

San Antonio Creek Recreation Area

T. 19 N., R. 3 E.,
Sec. 6, W $\frac{1}{2}$ of Lot 1, E $\frac{1}{2}$ of Lot 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 7, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 20 N., R. 3 E.,
Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Winsor Creek Recreation Area

T. 19 N., R. 12 E.,
Sec. 32, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 33, S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$.

Cienega Gregorio Recreation Area

T. 21 N., R. 1 E.,
Sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$.

Nacimiento Recreation Area

T. 21 N., R. 1 E.,
Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Winsor Creek Summer Home Area

T. 18 N., R. 12 E.,
Sec. 3, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Lot 5, NE $\frac{1}{4}$ of Lot 5, NW $\frac{1}{4}$ of Lot 6, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Lot 6, and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Lot 6.
T. 19 N., R. 12 E.,
Sec. 33, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Holy Ghost Summer Home Area

T. 18 N., R. 12 E.,
Sec. 29, E $\frac{1}{2}$ of Lot 7;
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Sec. 33, Lot 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Sulphur Flats Summer Home Area

- T. 19 N., R. 3 E.,
 Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$:
 Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$:
 Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Resumidero Forest Camp

- T. 21 N., R. 2 E.,
 Sec. 5, Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$).
 T. 22 N., R. 2 E.,
 Sec. 32, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Ladera Forest Camp

- T. 18 N., R. 12 E.,
 Sec. 10, Lots 1, 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
 and E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$:
 Sec. 11, Lot 6.

Beaver Cabin Administrative Site

- T. 18 N., R. 14 E.,
 Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described total in the aggregate 3,511.18 acres.

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

DECEMBER 3, 1962.

[F.R. Doc. 62-12120; Filed, Dec. 6, 1962;
 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 62-48]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Dangerous Cargoes

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Change Order Nos. 55 and 56 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities.

The amendments to 46 CFR Part 146 are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or relaxations of previous requirements, or editorial in nature, and it is hereby found that compliance with the Administrative

Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), and CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

1a. Section 146.04-5 is amended by adding certain items as follows:

§ 146.04-5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required ¹
* * *	* * *	* * *
Methyl chloride-methylene mixture.	Inf. G.	Red gas.
* * *	* * *	* * *
Starter cartridges, jet engine, Class C explosives (see: "explosive cable cutters").	Expl. C.	* * *
* * *	* * *	* * *

¹ Unless otherwise exempt by the provisions of the detailed regulations.

1b. Section 146.04-5 is further amended by changing certain items, as follows:

Article	Classed as—	Label required ¹
* * *	* * *	* * *
Nitrogen peroxide, liquid.	Pois. A.	Poison gas.
* * *	* * *	* * *

¹ Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Shipper's Requirements re: Packing, Marking, Labeling and Shipping Papers

2. Section 146.05-10 is amended by changing paragraph (h) to read as follows:

§ 146.05-10 Reuse of containers.

(h) Single trip I.C.C. specification containers from which the contents have once been removed following use for shipment of any article, must not again be used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids or poisons, Class B, C, or D, as defined in this part except under approval of the I.C.C. for each reuse and for specific commodities or classes of commodities. Where specific permission is given in these detailed regulations in the table for Combustible Liquids or

Hazardous Articles such single-trip containers are permitted for reuse when in compliance with paragraphs (a), (b) and (c) of this section.

Subpart—Vessel's Requirements, re: Acceptance, Handling, Stowage, etc.

3. Section 146.06-20 is amended by changing paragraph (a) to read as follows:

§ 146.06-20 Manifest; storage vessels.

(a) Magazine vessels used for the storage of explosives and other vessels used only for the storage of other dangerous articles or substances shall be subject to the provisions of §§ 146.06-12 and 146.06-17 applying to "Dangerous Cargo Manifest" or "Dangerous Cargo List."

Subpart—Detailed Regulations Governing Explosives

4. Section 146.20-3 is amended by changing paragraph (h) to read as follows:

§ 146.20-3 Prohibited or not permitted explosives.

(h) Firecrackers, flash crackers, salutes, or similar commercial devices which produce or are intended to produce an audible effect, the explosive content of which exceeds 12 grains each in weight, and pest control bombs, the explosive content of which exceeds 18 grains each in weight; and any such devices, without respect to explosive content, which on functioning are liable to project or disperse metal, glass or brittle plastic fragments.

5. Section 146.20-11 is amended by changing the introductory material in paragraph (q) (but not subparagraphs (1) to (11), inclusive) to read as follows:

§ 146.20-11 Class C explosives.

(q) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight, nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the ICC before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will

not be present in packages in transportation. Fireworks, other than common fireworks as defined in this paragraph and those forbidden for transportation by § 146.20-3, are classed as a special fireworks (see Class B explosives). The devices are:

6. Section 146.20-11 is amended by adding a new paragraph (dd) to read as follows:

§ 146.20-11 Class C explosives.

(dd) Starter cartridges, jet engine, Class C, consist of a metal plastic and/or rubber case each containing a pressed cylindrical block of flammable solid material and having in the top of the case a small compartment that encloses an electric squib, small amount of black powder and/or smokeless powder which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines and must be of a type approved by the ICC except as provided for in § 146.20-3(a) and § 146.20-13 (a).

7. Section 146.20-35 is amended by changing paragraph (e) (2) to read as follows:

§ 146.20-35 Handling explosives.

(2) In a space in which packaged small arms ammunition without explosive bullets is stowed when it can be shown power-operated industrial trucks with a recognized testing laboratory designation of "EX," "EE," "LPS," "GS" and "DS" (see § 146.09-15) may be used with safety for handling cargo including the handling of such packaged small arms ammunition.

§ 146.20-100 [Amendment]

8. Section 146.20-100 Table A—*Classification: Class A; dangerous explosives* is amended as follows:

A. Amend "Ammunition for cannon with explosive projectiles, etc." as follows:

(1) In column 4, delete all after "Outside containers" and insert:

Strong wooden or metal containers
Polyethylene containers as specified by ICC

B. Amend "Rocket ammunition with explosive projectiles, etc." as follows:

(1) In column 4, delete all after "Outside containers" and insert:

Strong wooden or metal containers
Pre-formed fiber glass resin impregnated containers approved by ICC

C. Amend "Initiating explosives (diazodinitrophenol, wet with not less than 40% by weight of water)" as follows:

(1) In column 4, after "Wooden barrels or kegs, etc." insert:

Fiber drums (ICC-21C) WIL, not over 30 gal. cap.

D. Amend "Initiating explosives (lead mononitroresorcinate, wet with not less than 40% by weight of water)" as follows:

(1) In column 4, after "Wooden barrels or kegs, etc." insert:

Fiber drums (ICC-21C) WIC polyethylene, not over 100 lb. net dry wt.

E. Amend "Initiating explosives (nitromannite wet with not less than 40% by weight of water)" as follows:

(1) In column 4, after "Wooden barrels or kegs, etc." insert:

Fiber drums (ICC-21C) WIC polyethylene, not over 100 lb. net dry wt.

§ 146.20-200 [Amendment]

9. Section 146.20-200 Table B—*Classification: Class B; less dangerous explosives* is amended as follows:

A. Amend "Propellant explosives (liquid), Class B" as follows:

(1) In column 4, amend "Metal barrels or drums, etc." to read as follows:

Metal barrels or drums (ICC-5B, 6A, 6B, 6C), (ICC-17C, 17H) STC, WIC ICC-2S polyethylene in metal drum or glass-lined aluminum carboy, not over 12 gal. cap.

§ 146.20-300 [Amendment]

10. Section 146.20-300 Table C—*Classification: Class C; relatively safe explosives* is amended as follows:

A. Amend "Explosive cable cutters, etc." as follows:

(1) In column 1, after "Explosive release devices" insert:

Starter cartridges, jet engine, Class C

(2) In column 2, after "Explosive release devices consist of, etc." insert the following:

Starter cartridges, jet engine, Class C, consist of a metal, plastic and/or rubber case each containing a pressed cylindrical block of flammable solid material and having in the top of the case a small compartment that encloses an electric squib, small amount of black powder and/or smokeless powder which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(3) In column 2, amend "Each outside container, etc." to read as follows:

Each outside container must be plainly marked "Explosive Cable Cutters," "Explosive Power Devices, Class C," "Explosive Release Devices," or "Starter Cartridges, Jet Engine, Class C," and "Handle Carefully—Keep Fire Away."

(4) In column 3, add:

No label required.

(5) In columns 4, 5, 6 and 7, under "Outside containers" add the following:

NOTE 1: Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

B. Amend "Small arms ammunition, etc." as follows:

(1) In columns 4, 5, 6 and 7, under "Outside containers" add the following:

NOTE 1: Blank Industrial Power Load Cartridges, similar to the .22 long rim-fire cartridge, may be packed in bulk in securely closed fiberboard boxes.

Subpart—Detailed Regulations Governing Inflammable Liquids

§ 146.21-100 [Amendment]

11. Section 146.21-100 Table D—*Classification: Inflammable liquids* is amended as follows:

A. Amend "Alcohol, n.o.s., etc." as follows:

(1) In columns 4, 5, 6 and 7, under "Fiberboard boxes, etc." amend "(ICC-12B) WIC ICC-2U, etc." to read:

(ICC-12B) WIC ICC-2U, polyethylene, not over 65 lb. gr. wt.

B. Amend "Aluminum triethyl, etc." as follows:

(1) In column 4, under "Outside containers" add:

Methyl magnesium bromide in ethyl ether in concentrations not over 40% may be shipped as follows:

Metal drums (ICC-17C) STC not over 55 gal. cap.

Fiberboard boxes (ICC-12B) WIC not over 1 qt. cap. ea., not over 65 lb. gr. wt.

C. Amend "Amyl nitrite" as follows:

(1) In column 4, delete "Methyl magnesium bromide, etc."

D. Amend "Lacquer base or lacquer chips, etc." as follows:

(1) In column 2, delete "Lacquer chips are composed, etc." and insert the following:

Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and pigments. They are the film-forming part of lacquer which remains after the solvents or thinners have evaporated.

E. Amend "Mercaptans, etc." as follows:

(1) In column 2, delete "Do not breathe vapors, etc." and insert the following:

Do not breathe vapors from these substances or allow in contact with eyes.

F. Amend "Methyl methacrylate, monomer" as follows:

(1) In column 4, delete "Authorized only for export shipment, etc." and insert in lieu thereof:

Authorized only for export shipment:
Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap.

Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

G. Amend "Propylene oxide" as follows:

(1) In column 4, change "Wooden barrels or kegs (ICC-11A, 11B), etc." as follows:

Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap.

H. Amend "Peroxides, organic, liquids or solutions, N.O.S., etc." as follows:

(1) In column 4, delete "Steel barrels or drums, etc." and insert in lieu thereof:

Steel barrels or drums:
(ICC-5, 5A, 5B, 5C, 5G) not over 16 gal. cap.
(ICC-17C, 17E) STC, not over 16 gal. cap.
(ICC-17A, 37A) WIC of glass, not over 9 pts. cap. each

Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

12. Section 146.22-30 is amended by changing paragraph (c) (2) to read as follows:

§ 146.22-30 Authorization to load or discharge ammonium nitrate and ammonium nitrate fertilizers.

(c) * * *

(2) Ammonium nitrate and ammonium nitrate products (prills, crystals, grains or flakes) containing 90 percent

or more ammonium nitrate by weight with no organic coating, including fertilizer grade, dynamite grade, nitrous oxide grade and technical grade and ammonium nitrate phosphate (60 percent or more ammonium nitrate by weight) with no organic coating, packaged in ICC or nonspecification metal barrels or drums may be loaded or discharged at any waterfront facility which conforms to port security and local regulations. No permit is required for this transaction. The ICC or nonspecification metal barrels or drums may contain the ammonium nitrate products packaged in ICC approved plastic bags or the metal barrels or drums may contain an ICC approved plastic liner.

§ 146.22-100 [Amendment]

13. Section 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

A. Amend "Caprylyl peroxide solution" as follows:

(1) In column 4, amend "Fiberboard box (ICC-12B) WIC (ICC-2U), etc." to read:

Fiberboard box (ICC-12P) WIC (ICC-2U) or polyethylene bottles, not over 5 gal. cap. ea.

B. Amend "Chromic acid, etc." as follows:

(1) In columns 4, 5, 6 and 7, amend "Fiberboard box, etc." to read as follows:

Fiberboard boxes:

(ICC-12A) WIC, not over 20 lb. net wt.

(ICC-12B) WIMC, not over 65 lb. gr. wt.

C. Amend "Peroxides, organic, liquid, n.o.s., etc." as follows:

(1) In column 4, amend "Fiberboard box (ICC-12B) WIC (ICC-2U), etc." to read:

Fiberboard box (ICC-12P) WIC (ICC-2U) or polyethylene bottles, not over 5 gal. cap. ea.

D. Amend "Sodium, metallic" as follows:

(1) In column 4, after "Tank cars complying with ICC regulations" insert the following:

ICC approved aluminum carrier tubes, WIC not over 50 gm. net wt.

E. Amend "Wet nitrocellulose—20% water, etc." as follows:

(1) In columns 4, 5, 6 and 7 after "Outside containers," delete the present wording and insert:

Steel barrels or drums:

(ICC-6A, 6B, 6C, 6J) not over 490 lb. gr. wt.

(ICC-17E, 17H) STC, not over 490 lb. gr. wt.

(ICC-37A, 37B) STC, not over 5 gal. cap.

Wooden barrels or kegs: (ICC-10A, 10B) not over 490 lb. gr. wt.

Wooden boxes: (ICC-15A, 15B) WIL, not over 250 lb. gr. wt.

Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, collodized, granular or flake, wet:

Aluminum barrels or drums (ICC-42F) not over 490 lb. gr. wt.

Subpart—Detailed Regulations Governing Corrosive Liquids

§ 146.23-100 [Amendment]

14. Section 146.23-100 *Table F—Classification: Corrosive liquids* is amended as follows:

A. Amend the following items as indicated:

1. Acids, liquids, n.o.s.

2. Alkaline battery fluid, etc.

3. Antimony pentachloride solution.

4. Boiler compound, liquid.

5. Caustic potash, liquid, etc.

6. Chromic acid solution.

7. Compounds, cleaning, liquid, etc.

8. Corrosive liquid, n.o.s.

9. Cupriethylene-diamine solution.

10. Drugs, chemicals, medicines or cosmetics, n.o.s., etc.

11. Formic acid, etc.

12. Hexamethylene diamine solution.

13. Hydriodic acid.

14. Sodium aluminate, liquid.

15. Water treatment compound, liquid.

(1) In columns 4, 5, 6 and 7, if permitted, under "Fiberboard boxes" amend "(ICC-12B) WIC polyethylene 2U, etc." to read:

(ICC-12P) WIC (ICC-2U polyethylene) not over 5 gal. cap. ea.

B. Amend "Difluorophosphoric acid, anhydrous, etc." as follows:

(1) In column 4, change "Fiber drums: (ICC-21A, 21B) WIC, etc." to read:

Fiber drums (ICC-21C) WIC, not over 150 lb. gr. wt.

C. Amend the following items as indicated:

1. Hydrochloric (muriatic) acid, etc.

2. Sodium chlorite solution, etc.

(1) In columns 4, 5, 6 and 7, under "Fiberboard boxes" amend "(ICC-12B) WIC polyethylene, etc." to read:

(ICC-12P) WIC (ICC-2U polyethylene) not over 5 gal. cap. ea.

D. Amend "Hypochlorite solutions, etc." as follows:

(1) In column 4, under "Fiberboard boxes" amend "(ICC-12B) WIC polyethylene" to read:

(ICC-12P) WIC (ICC-2U polyethylene), not over 5 gal. cap. ea.

E. Amend the following items as indicated:

1. Phosphorus oxychloride, etc.

2. Phosphorus trichloride.

3. Thiophosphoryl chloride.

(1) In column 4, after "Nickel barrels or drums, etc." insert the following:

Monel drums (ICC-5M) not over 10 gal. cap.

F. Amend "Sulfuric acid, etc." as follows:

(1) In columns 4, 6 and 7, under "For sulfuric acid of concentration not to exceed 95%, etc." amend "Fiberboard boxes (ICC-12B) WIC, etc." to read as follows:

Fiberboard boxes (ICC-12P) WIC (ICC-2U polyethylene), not over 5 gal. cap.

Subpart—Detailed Regulations Governing Compressed Gases

§ 146.24-100 [Amendment]

15. Section 146.24-100 *Table G—Classification: Compressed gases* is amended as follows:

A. After "Methyl chloride" insert the following:

(1) In column 1 insert:

Methyl chloride-methylene chloride mixture

(2) In column 2, insert:

Flammable gas mixture

(3) In column 3, insert:

Red gas

(4) In column 4, insert:

Stowage:

"On deck protected"

"On deck under cover"

Containers:

Cylinders:

(With protection cap)

(With dished heads)

(Boxed)

Tank cars complying with ICC regulations.

(5) In column 5, insert:

Stowage:

"On deck protected"

"On deck under cover"

Containers:

Cylinders:

(With valve protection cap)

(With dished heads)

(Boxed)

(6) In column 6, insert:

Ferry stowage (AA)

Containers:

Cylinders:

(With valve protection cap)

(With dished heads)

(Boxed)

(7) In column 7, insert:

Ferry stowage (BB)

Containers:

Cylinders

Tank cars complying with ICC regulations

B. Amend "Refrigerating machines" as follows:

(1) In column 2, delete "Refrigerating machines of the self-contained type, etc." and insert in lieu thereof:

Refrigerating machines or components thereof which are factory-made, factory-tested and intended to be shipped only once to the point of installation, containing not over 1,000 pounds of Group 1 refrigerant as classified in American Standard Safety Code for Mechanical Refrigeration (ASA-B9.1-1958) (or 50 pounds of refrigerant other than Group 1) in each pressure vessel and containing an aggregate of not more than 2,000 pounds of Group 1 refrigerant (or 100 pounds of refrigerant other than Group 1) when containing more than two charged vessels.

Subpart—Detailed Regulations Governing Poisonous Articles

§ 146.25-100 [Amendment]

16. Section 146.25-100 *Table H—Classification: Class A; extremely dangerous poisons* is amended as follows:

A. Amend "Nitrogen dioxide, liquid, etc." as follows:

(1) In column 1, delete the present wording and insert in lieu thereof:

Nitrogen dioxide, liquid

Nitrogen peroxide, liquid

Nitrogen tetroxide, liquid

Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2% weight of nitric oxide

(2) In column 4, under "Outside containers" add the following:

Authorized for nitrogen tetroxide and nitrogen tetroxide-nitric oxide mixtures containing up to 33.2% weight of nitric oxide. Tank cars complying with ICC regulations.

§ 146.25-200 [Amendment]

17. Section 146.25-200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

RULES AND REGULATIONS

A. Amend the following items as indicated:

1. Acetone cyanhydrin.
2. Alcohol allyl, etc.
3. Aldrin mixtures, liquid, with more than 60 percent aldrin, etc.
4. Arsenic acid, liquid.
5. Arsenic chloride (arsenous), liquid, etc.
6. Arsenical compounds or mixtures, n.o.s., liquid, etc.
7. Carboic acid (phenol) liquid, etc.
8. Compounds, tree or weed killing, liquid.
9. Dinitrobenzol, liquid, etc.
10. Dinitrophenol solutions.
11. Drugs, chemicals, medicines or cosmetics, n.o.s. (liquid), etc.
12. Insecticide, liquid.
13. Mercuric iodide solution.
14. Nicotine hydrochloride, etc.
15. Nitrobenzol, liquid (oil of mirbane), etc.
16. Nitroxylol.
17. Poisonous liquids, n.o.s., etc.
18. Sodium arsenite (solution), liquid.
- (1) In columns 4, 5, 6 and 7, if permitted, under "Fiberboard boxes" delete "(CC-12B) WIC polyethylene 2U, etc." and insert in lieu thereof:
(ICC-12P) WIC (ICC-2U polyethylene), not over 5 gal. cap. ea., not over 65 lb. gr. wt.

B. Amend "Methyl bromide, liquid, etc." as follows:

- (1) In columns 4, 5, 6 and 7, change "Metal barrels or drums, etc." to read:

Metal barrels or drums:

(ICC-17C) STC, not over 5¼ gal. cap.

C. Amend "Motor-fuel antiknock compound" as follows:

- (1) In column 2, amend "A mixture of one or more, etc." to read as follows:

A mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, hydrocarbon solvents or other equally efficient stabilizers.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

Dated: December 4, 1962.

[SEAL]

E. J. ROLAND,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 62-12130; Filed, Dec. 6, 1962;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Losses on Small Business Stock

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to make certain clarifying and liberalizing changes in the Income Tax Regulations (26 CFR Part 1) under section 1102 of the Internal Revenue Code of 1954 (relating to special rules with respect to distributions pursuant to the Bank Holding Company Act of 1956 (70 Stat. 139)) and under section 1244 (relating to losses on small business stock), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1102-2 is amended to read as follows:

§ 1.1102-2 Filing of notification under section 1102(b) by qualified bank holding corporations.

Every distributing corporation which is certified as being a qualified bank holding corporation under section 1103 (b) shall, as soon as practical, by written statement notify the Commissioner of Internal Revenue, Washington 25, D.C., Attention: T:R:R, that the period (including extensions thereof granted by the Board of Governors of the Federal

Reserve System) prescribed in section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)), or section 1101(e) (2) (B) of the Code, whichever is applicable, has expired. In order for such statement to satisfy the requirements for notification under section 1102 (b), there shall be included a statement certifying that the district director for the district in which the distributing corporation filed its return for the taxable year of distribution has been advised of all facts pertinent to the divestment of assets under part VIII (section 1101 and following), subchapter O, chapter I of the Code, including the following:

(a) Name and address of the distributing corporation.

(b) A copy of the plan of divestment forming the basis of the issuance by the Board of any certification under section 1101(a) (1) (B), section 1101(b) (1) (B), section 1101(c) (2) (C), or section 1101(c) (3) (C), as the case may be.

(c) A copy of any such certifications issued to the distributing corporation by the Board.

(d) A certified copy of the corporate resolution authorizing every distribution under section 1101.

(e) Identification and date of acquisition by the distributing corporation of all property distributed under section 1101.

(f) Identification and date of acquisition by the distributing corporation of all property which was transferred to a new corporation under section 1101(c) (2) or (3).

(g) If the date of acquisition in paragraph (e) or (f) of this section was after May 15, 1955, a complete statement of details surrounding the acquisition. If any of such property was acquired in a distribution under section 1101, a copy of the certification covering such distribution.

(h) A statement as to whether any of the distributions under section 1101 contained installment obligations, LIFO inventory, or property either subject to a liability in excess of its basis or in connection with the receipt of which any shareholder assumed a liability in excess of its basis. If so, the statement shall include complete details, including dates of distribution.

(i) [Reserved.]

(j) Fair market value of the distributing corporation's outstanding securities and stock per share immediately after a distribution.

(k) The amount of the undistributed earnings and profits of the distributing corporation accumulated after February 28, 1913, to date of transfer to a new corporation in an exchange to which section 1101(c) (2) or (3) applies.

(l) If property was transferred to a new corporation under the provisions of section 1101 (c) (2) or (3), a statement giving the value of the assets transferred

together with the value of assets retained. If cash was transferred, a complete substantiation thereof.

(m) If stock in a controlled corporation within the meaning of section 1102 (c) (3) is distributed under section 1101 (a) (1) or (b) (1), a statement giving the accumulated earnings and profits of the controlled corporation (or deficit in earnings as the case may be) immediately prior to the distribution.

(n) A copy of the final certification if issued to the distributing corporation by the Board pursuant to section 1101(e).

(o) The date of expiration of the period (including extensions thereof) prescribed in section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)), or section 1101(e) (2) (B), whichever is applicable.

(p) A statement showing, for the 5-year period preceding any exchange or distribution described in section 1101, the amount of income and expenditures attributable to each of the respective activities and holdings of the bank holding company and further showing the holdings and activities, after the distributions and exchanges described in section 1101, of the bank holding company and the corporations the stock of which is distributed under section 1101.

The periods of limitation (section 6501) with respect to any deficiency, including interest and additions to the tax, resulting solely from the receipt of property by shareholders in a distribution certified by the Board under subsection (a), (b), or (c) of section 1101 shall not expire until 5 years following the date of the notification required under section 1102(b) and this section.

§ 1.1244(c)-1 Section 1244 stock defined.

(e) *Prior offering.* Stock will not qualify as section 1244 stock if at the time of the adoption of the plan under which it is issued there remains unissued any portion of a prior offering of stock. Thus, if any portion of an outstanding offering of common or preferred stock is unissued at the time of the adoption of the plan, stock issued under the plan will not qualify as section 1244 stock. An offer is outstanding unless and until it is withdrawn by affirmative action prior to the time the plan is adopted. Stock rights, stock warrants, stock options, or securities convertible into stock, which are outstanding at the time the plan is adopted, are deemed to be prior offerings. The authorization in the corporate charter to issue stock different from stock offered under the plan or in excess of stock offered under the plan is not of itself a prior offering.

[F.R. Doc. 62-12128; Filed, Dec. 6, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 11]

EAGLES

Protection of Bald Eagles and Golden Eagles

Notice is hereby given that pursuant to the authority contained in section 2 of the Bald Eagle Act of June 8, 1940 (54 Stat. 251, as amended; 16 U.S.C. 668a), it is proposed to revise Part 11, Title 50, Code of Federal Regulations.

The purpose of this proposed revision is to prescribe regulations in accordance with the provisions of the Act as amended by Public Law 87-884 approved on October 24, 1962, which extended the protection previously accorded only to the bald eagle to the golden eagle as well, and to prescribe regulations under which such eagles may be taken for scientific and exhibition purposes, for depredation control purposes, and for religious purposes by Indians, when it is determined that such taking is compatible with the preservation of the species.

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

Part 11, Title 50, Code of Federal Regulations is revised to read as follows:

Sec.

- 11.1 Eagles protected.
- 11.2 Permits to take for scientific or exhibition purposes.
- 11.3 Relief from depredating eagles.
- 11.4 Means for taking; persons authorized to take.
- 11.5 Possession and use for religious purposes.
- 11.6 Applications for permits.
- 11.7 Applications to take from aircraft.
- 11.8 Permit and authorization requirements.
- 11.9 Possession, transportation, and disposition.
- 11.10 Jurisdiction and address of regional offices.

AUTHORITY: §§ 11.1 to 11.10 issued under sec. 2, 54 Stat. 251, as amended; 16 U.S.C. 668a.

§ 11.1 Eagles protected.

The taking, possession, or transportation of the bald eagle (*Haliaeetus leucocephalus*), commonly known as the American eagle, or the golden eagle (*Aquila chrysaetos*), or their parts, nests, or eggs is prohibited, except as permitted in this part. No bald eagle or golden eagle, or their parts, nests, or eggs may be purchased, sold, traded, or bartered, or offered for sale, trade, or barter in the United States or in any place subject to its jurisdiction.

§ 11.2 Permits to take for scientific or exhibition purposes.

Whenever the Secretary determines that it is compatible with the preservation of the bald eagle or the golden eagle to take, possess, or transport such birds or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, scientific societies, or zoological parks, a permit may be issued for such purposes.

§ 11.3 Relief from depredating eagles.

(a) The Secretary may issue permits to take bald eagles or golden eagles when he determines they have become seriously injurious to wildlife or to agricultural or other interests in any particular area in the United States or in any place subject to its jurisdiction, and the injury complained of is substantial and can be abated only by taking some or all of the offending birds.

(b) Whenever the Governor of any State requests permission to take golden eagles to seasonally protect livestock, the Secretary will authorize such taking without a permit in whatever part or parts of the State and for such periods as he determines necessary to protect those interests.

(c) No bald eagle may be taken for any purpose unless, prior to such taking, a permit to do so has been issued by the Secretary.

§ 11.4 Means for taking; persons authorized to take.

(a) Bald eagles may be taken under permit by firearms, traps, or other suitable means except by poison or from aircraft.

(b) Golden eagles may be taken under permit by firearms, traps, or from aircraft when authorized to do so pursuant to § 11.7 of this part, or by other suitable means except poison.

(c) Whenever the taking of golden eagles without a permit is authorized for the seasonal protection of livestock, such birds may be taken by any suitable means except poison: *Provided*, Such birds may not be taken from aircraft until the pilot has been authorized to do so pursuant to § 11.7 of this part.

(d) The taking of eagles under permit may be done only by the permittee or his agents named in the permit. Whenever the taking of golden eagles without a permit is authorized to seasonally protect livestock, such birds may be taken only by the owner of such livestock or by his agents.

(e) Any person exercising any of the privileges granted by this part must permit at all reasonable times, including during actual operations, any Federal or State game agent or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

§ 11.5 Possession and use for religious purposes.

Whenever the Secretary determines that the taking and possession of bald eagles or golden eagles for the religious purposes of Indian tribes is compatible with the preservation of such birds, he may issue permits for such taking and possession to those individual Indians authorized by the tribal government to participate in such religious ceremonies. Any birds taken or possessed under permits issued pursuant to this section are not transferable, except such birds or their parts may be handed down from generation to generation in accordance with tribal customs.

§ 11.6 Applications for permits.

(a) Applications for permits must be addressed to the Regional Director at the Regional Office of the Bureau of Sport Fisheries and Wildlife having administrative supervision over Bureau functions in the State in which permit activities are proposed. (See § 11.10 of this part for addresses.)

(b) Applications for permits (except as provided under (c), (d), and (e) of this section must state the name and address of the applicant, his age, the species of eagles and the number of such birds, nests, or eggs proposed to be taken, and the State and locality in which such taking is to be done. In the case of permits for taking such birds for scientific or exhibition purposes, the application must include the name and address of the public museum, scientific society, or zoological park for which they are intended. The applicant will furnish such other information as may be requested by the Regional Director.

(c) Requests from the Governor of a State to take golden eagles to seasonally protect livestock must be submitted in writing to the Secretary listing the periods of time during which the taking of such birds is recommended, and including a map of the State indicating the boundaries of the proposed area of taking. The Governor will be advised in writing concerning the request and a notice will be published in the FEDERAL REGISTER.

(d) Applications for permits to take and possess bald eagles or golden eagles for the religious purposes of Indian tribes must be submitted by individual Indians. Such applications must state the name and address of the applicant, his age, the name of his tribe, the species and number of eagles proposed to be taken, and the State and area where taking is to be done. Further, the applicant must name the religious ceremony for which such eagles or their parts will be used and must enclose a statement from the tribal governing body verifying that the applicant is a member of the tribe and is authorized to participate in such ceremonies.

§ 11.7 Applications to take from aircraft.

Applications for authorization to take golden eagles from aircraft must be submitted by the pilot and must include his name, address, and age, the number of golden eagles proposed to be taken, the

State and area where taking is to be done, the name and address of the live-stock owner or owners for whom such eagles are to be taken, the pilot's Federal Aviation Agency flight certificate number, and the type, color, and registration number of the plane to be used in such operation.

§ 11.8 Permit and authorization requirements.

(a) Any permit or authorization issued pursuant to this part will specify the date of issue and expiration, the number of bald eagles or golden eagles or their nests or eggs that may be taken, the person or persons who may take such eagles or their nests or eggs, the places where, the time when, the means or methods by which they may be taken, and the disposition or utilization to be made of such birds, nests, or eggs.

(b) Permits or authorizations issued under this part are not transferrable. In addition to other penalties prescribed for violation of regulations in this part, permits or authorizations may be revoked at any time by the Regional Director for violation of any requirements of the permit or authorization, or the provisions of this part. If revoked, they must be surrendered on demand. Within thirty (30) days after the expiration date, the holder must complete and mail to the Regional Director a report of his activities on a form provided for this purpose.

(c) Nothing in this part or in any permit or authorization issued thereunder authorizes the taking, possession, or transportation of bald eagles or golden eagles, or their parts, nests, or eggs in any State contrary to the laws and regulations of that State: *Provided*, Such laws and regulations are for the purpose of giving further protection to such eagles and are not inconsistent with the provisions of any Federal law for the protection of such birds. Further, no permit or authorization issued under this part authorizes the taking, possession, or transportation of bald eagles or golden eagles or their parts, nests, or eggs unless the holder also possesses whatever permit may be required for such activities by the State concerned.

§ 11.9 Possession, transportation, and disposition.

(a) Any bald eagles or golden eagles or their parts, nests, or eggs, seized for any violation under this part or otherwise acquired, may be disposed of by Regional Directors by loan to public museums, scientific societies, or zoological parks, or by gift to Indians authorized under permit to possess such birds or their parts.

(b) Bald eagles, alive or dead, or their parts, nests, or eggs lawfully acquired prior to June 8, 1940, and golden eagles, alive or dead, or their parts, nests, or eggs lawfully acquired prior to October 24, 1962, may be possessed, or transported without a Federal permit, but may not be purchased, sold, traded, bartered, or offered for sale, trade, or barter in the United States or in any place subject to its jurisdiction. All shipments contain-

ing such birds, parts, nests, or eggs must be marked as provided in paragraph (c) of this section.

(c) Every package or container in which bald eagles or golden eagles or their parts, nests, or eggs are shipped or transported by any means whatever, must be plainly and clearly marked, labeled, or tagged on the outside thereof showing the names and addresses of the consignor and consignee, the contents of the package or container, and the number of the permit, where required, under authority of which it is possessed and transported, and the purpose of the shipment.

§ 11.10 Jurisdiction and address of regional offices.

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) P.O. Box 3737, Portland 8, Oregon.

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming) P.O. Box 1306, Albuquerque, New Mexico.

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) 1006 West Lake Street, Minneapolis 8, Minnesota.

(d) Southeast Region (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and

Virginia) Peachtree-Seventh Building, Atlanta 23, Georgia.

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) 59 Temple Place, Boston 11, Massachusetts.

(f) Alaska Region (Region 6—comprising the State of Alaska) P. O. Box 2021, Juneau, Alaska.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 3, 1962.

[F.R. Doc. 62-12112; Filed, Dec. 6, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[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 868) has been filed by E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Georges Road, New Brunswick, New Jersey, proposing the issuance of an amendment to § 121.220 *Nystatin* to provide for the safe use of specified antibiotics in nystatin-medicated chicken and turkey feeds, as follows:

NYSTATIN IN FINISHED CHICKEN AND TURKEY FEED¹

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Nystatin.....	50			For growing chickens.....	Prevention of crop mycosis and mycotic diarrhea.
a. Nystatin...	50	Penicillin.....	2.4-25	As procaine penicillin.....	Growth promotion and feed efficiency.
b. Nystatin...	50	Bacitracin.....	4-50	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
c. Nystatin...	50	Chlortetracycline...	10-50	As chlortetracycline hydrochloride.	Do.
d. Nystatin...	50	Streptomycin.....	30-50	As streptomycin sulfate.....	Do.
e. Nystatin...	50	Penicillin plus bacitracin.	3.6-50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
f. Nystatin...	50	Penicillin plus streptomycin.	14.4-50	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Do.
g. Nystatin...	50	Chlortetracycline...	50-100	As chlortetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection).
h. Nystatin...	50	do.....	50-100	As chlortetracycline hydrochloride, for chicks.	Prevention of early mortality due to susceptible organisms.
i. Nystatin...	50	Penicillin plus bacitracin.	50-100	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
j. Nystatin...	50	Penicillin plus streptomycin.	90	15 gm. of penicillin plus 75 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).

¹ Where nystatin is combined with other permitted additives, appropriate limitations and indications for use for each additive shall apply.

NYSTATIN IN FINISHED CHICKEN AND TURKEY FEED¹—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
4. Nystatin.....	100	-----	-----	For growing chickens; to be fed for 7 to 10 days.	Treatment of crop mycosis and mycotic diarrhea.
a. Nystatin.....	100	Penicillin.....	2.4-25	As procaine penicillin.....	Growth promotion and feed efficiency.
b. Nystatin.....	100	Bacitracin.....	4-50	As bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
c. Nystatin.....	100	Chlortetracycline.....	10-50	As chlortetracycline hydrochloride.	Do.
d. Nystatin.....	100	Streptomycin.....	30-50	As streptomycin sulfate.	Do.
e. Nystatin.....	100	Penicillin plus bacitracin.	3.6-50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
f. Nystatin.....	100	Penicillin plus streptomycin.	14.4-50	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Do.
g. Nystatin.....	100	Chlortetracycline.....	50-100	As chlortetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
h. Nystatin.....	100	do.....	50-100	As chlortetracycline hydrochloride, for chicks.	Prevention of early mortality due to susceptible organisms.
i. Nystatin.....	100	Penicillin plus bacitracin.	50-100	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
j. Nystatin.....	100	Penicillin plus streptomycin.	90	15 gm. of penicillin plus 75 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
5. Nystatin.....	100	-----	-----	For laying chickens; to be fed for 7 to 10 days.	Treatment of crop mycosis and mycotic diarrhea.
a. Nystatin.....	100	Bacitracin.....	10-50	50 gm. first 4 to 6 weeks of egg production; 10-50 gm. for remainder of laying period; as bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Maintaining or increasing egg production.
b. Nystatin.....	100	Chlortetracycline.....	50-100	As chlortetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection), maintaining or increasing egg production or hatchability of eggs.
c. Nystatin.....	100	Penicillin plus bacitracin.	50-100	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis), maintaining or increasing egg production.
d. Nystatin.....	100	do.....	100	Not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis), maintaining or increasing hatchability of eggs.

NYSTATIN IN FINISHED CHICKEN AND TURKEY FEED¹—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. Nystatin.....	50	-----	-----	For laying chickens.	Prevention of crop mycosis and mycotic diarrhea.
a. Nystatin.....	50	Bacitracin.....	10-50	50 gm. first 4 to 6 weeks of egg production; 10-50 gm. for remainder of laying period; as bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Maintaining or increasing egg production.
b. Nystatin.....	50	Chlortetracycline.....	50-100	As chlortetracycline hydrochloride.	Prevention of chronic respiratory disease (air-sac infection), maintaining or increasing egg production or hatchability of eggs.
c. Nystatin.....	50	Penicillin plus bacitracin.	50-100	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
d. Nystatin.....	50	do.....	100	Not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis), maintaining or increasing hatchability of eggs.
3. Nystatin.....	50	-----	-----	For turkeys.	Prevention of crop mycosis and mycotic diarrhea.
a. Nystatin.....	50	Penicillin.....	2.4-25	As procaine penicillin.	Growth promotion and feed efficiency.
b. Nystatin.....	50	Bacitracin.....	4-50	As bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
c. Nystatin.....	50	Chlortetracycline.....	10-50	As chlortetracycline hydrochloride.	Do.
d. Nystatin.....	50	Streptomycin.....	30-50	As streptomycin sulfate.	Do.
e. Nystatin.....	50	Penicillin plus Bacitracin.	3.6-50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Do.
f. Nystatin.....	50	Penicillin plus streptomycin.	14.4-50	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Do.
g. Nystatin.....	50	Chlortetracycline.....	50-100	As chlortetracycline hydrochloride.	Prevention of infectious sinusitis, hexamitiasis.
h. Nystatin.....	50	Penicillin plus bacitracin.	50-100	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), hexamitiasis.
i. Nystatin.....	50	Penicillin plus streptomycin.	90	15 gm. of penicillin plus 75 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Treatment of infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), hexamitiasis.

¹ Where nystatin is combined with other permitted additives, appropriate limitations and indications for use for each additive shall apply.

NYSTATIN IN FINISHED CHICKEN AND TURKEY FEED¹—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
c. Nystatin	100			For turkeys; to be fed for 7 to 10 days.	Treatment of crop mycosis and mycotic diarrhea.
a. Nystatin	100	Penicillin	2, 4-25	As procaine penicillin	Growth promotion and feed efficiency.
b. Nystatin	100	Bacitracin	4-50	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
c. Nystatin	100	Chlortetracycline	10-50	As chlortetracycline hydrochloride.	Do.
d. Nystatin	100	Streptomycin	30-50	As streptomycin sulfate.	Do.
e. Nystatin	100	Penicillin plus bacitracin.	3, 6-50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
f. Nystatin	100	Penicillin plus streptomycin.	14, 4-50	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Do.
g. Nystatin	100	Chlortetracycline	50-100	As chlortetracycline hydrochloride.	Prevention of infectious sinusitis, hexamitiasis.
h. Nystatin	100	Penicillin plus bacitracin.	50-100	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), hexamitiasis.
i. Nystatin	100	Penicillin plus streptomycin.	90	15 gm. of penicillin plus 75 gm. of streptomycin; as procaine penicillin plus streptomycin sulfate.	Treatment of infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), hexamitiasis.

¹ Where nystatin is combined with other permitted additives, appropriate limitations and indications for use for each additive shall apply.

Dated: November 30, 1962.

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

[F.R. Doc. 62-12017; Filed, Dec. 6, 1962;
8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1504; Draft Release No.
62-49]

SPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES AND TURNBUCKLE SAFETYING SERVICES

Proposed Technical Standard Order

Pursuant to the authority delegated to me by the Administrator (§ 11.45 27 F.R. 9585) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise § 514.31 of Part 514 of the regulations of the Administrator (14 CFR 514) by adding a new technical standard order. This Technical Standard Order establishes minimum performance standards for new models of special aircraft turnbuckle assemblies and turnbuckle safetying devices for use on civil aircraft of the United States.

This proposal revises the strength values for turnbuckles contained in the current TSO to make them more nearly equivalent to the cable strengths, and provides for the current design practice of using aluminum as well as brass in turnbuckle components. Under this proposal, the requirements would be now

incorporated into an FAA standard, instead of referring to military specifications as was done in the previous TSO.

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 A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 23, 1963, 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 the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.31:

§ 514.31 Special aircraft turnbuckle assemblies and turnbuckle safetying devices—TSO-C21b.

(a) *Applicability.* Minimum performance standards are hereby established for special aircraft turnbuckle assemblies and turnbuckle safetying devices for use on civil aircraft of the United States. New models of special turnbuckle assemblies and safetying devices manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standard "Special Aircraft Turnbuckle

Assemblies and Turnbuckle Devices", dated October 15, 1962.¹

(b) *Marking.* Articles shall be marked in accordance with the requirements of § 514.3(d) except that parts too small to contain all the required information shall be marked with the TSO number and the manufacturer's name or identifying mark. For such parts, the other marking data required by § 514.3(d) shall be placed on the shipping container of the part.

(c) *Data requirements.* In accordance with the provisions of § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of descriptive information on the device;

(2) Six copies of applicable installation instructions; and

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

Issued in Washington, D.C., on November 29, 1962.

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

[F.R. Doc. 62-12106; Filed, Dec. 6, 1962;
8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1506; Draft Release No.
62-50]

FLEXIBLE FUEL AND OIL CELL MATERIAL

Proposed Technical Standard Order

Pursuant to the authority delegated to me by the Administrator (§ 11.45 27 F.R. 9585) notice is hereby given that the Federal Aviation Agency had under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order establishes minimum performance standards for flexible fuel and oil cell material for use in civil aircraft of the United States. The Civil Air Regulations, Parts 3, 4b, and 7, require that flexible fuel and oil tank liners be of an approved or acceptable type. This standard establishes the criteria and minimum performance standards for material which is to be used for flexible fuel and oil tank liners.

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 A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 23, 1963, 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 com-

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

PROPOSED RULE MAKING

ments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.86:

§ 514.86 Flexible fuel and oil cell material—TSO—C80.

(a) *Applicability.* Minimum performance standards are hereby established for flexible fuel and oil cell material to be used in flexible fuel and oil tank liners of civil aircraft of the United States. New types of flexible fuel and oil cell material manufactured after the effective date of this section which are intended for use on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Flexible Fuel and Oil Cell Material", dated October 15, 1962.¹

(b) *Marking.* In lieu of the marking requirements of § 514.3(d), flexible fuel and oil cell material shall be legibly and permanently marked with the following information:

- (1) Name and address of the manufacturer;
- (2) Type of fluid for which approved, i.e., fuel, or MIL-L-6082 oil, or MIL-L-7808 oil;
- (3) For oil cell material, the minimum and maximum temperature limit;
- (4) For oil cell material, the oil-dilution suitability;
- (5) Weight per square foot of cell material;

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

(6) Month and year manufactured; and

(7) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* In accordance with the provisions of § 514.2 the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's end product typical assembly instructions and limitations;

(2) Six copies of the recommended installation procedures, limitations, restrictions, or other conditions pertinent to a satisfactory installation;

(3) Six copies of the instructions for the inspection, repair and storage of material and/or cells including age limits on material, i.e. shelf life and service time;

(4) Six copies of the material and construction data including the following:

(i) Construction number and description (ply by ply) of the construction buildup complete with weight and gage of each ply.

(ii) Support means (type of fastener and locations),

(iii) Total weight per square foot of cell constructions, and

(iv) Total thickness of cell construction; and

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

Issued in Washington, D.C., on November 30, 1962.

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

[F.R. Doc. 62-12107; Filed, Dec. 6, 1962;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 14]

ATLAS ASSURANCE CO., LTD.

Acceptable Reinsuring Companies on Federal Bonds

DECEMBER 3, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on bonds under Treasury Department Circular No. 297 dated July 5, 1922, as amended, 31 CFR Part 223. An underwriting limitation of \$764,000.00 has been established for the company.

Atlas Assurance Company Limited, London, England
(U.S. Office, New York, New York)

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-12127; Filed, Dec. 6, 1962;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order No. 566, Amdt. 8]

AUTHORITY TO CONTRACT AND DESIGNATION OF CONTRACTING OFFICERS AND RELATED MATTERS

DECEMBER 4, 1962.

Order 566 (19 F.R. 3971), as amended (20 F.R. 2092, 5703; 21 F.R. 2290, 7460, 8219; 23 F.R. 5611; 24 F.R. 8952), is completely revised to read as follows:

SECTION 1. Delegation and redelegation of contracting authority—(a) Delegation. The Secretary has delegated to the Commissioner of Indian Affairs in 205 DM 11.1 (26 F.R. 11748, 26 F.R. 12306) his authority to enter into contracts and in 205 DM 11.4 (27 F.R. 9359) his authority to negotiate contracts with certain limitations. The kind of contracts that can be entered into and those that can be negotiated are set out in section 23, below.

(b) Redelegation. The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior covered in (a) above, and more specifically set out in section 3, below, is redelegated to the contracting officers and contracting officers' authorized representatives designated in section 2, below, subject to the limitations stated in section 4, below.

SEC. 2. Designation of Contracting Officers and Contracting Officers' authorized representatives—(a) Contracting Officers. The officials occupying the positions listed in (1) and (2) below, or their duly appointed successors, or

anyone authorized to act for them during their absence from office, are designated as contracting officers and as such are authorized to enter into contracts of the types listed in section 3, below, and perform all necessary functions and take all required actions in the administration of those contracts, subject to the conditions set forth in section 1, above, and section 4, below.

(1) Headquarters Office Officials. (a) Deputy Commissioner.

(b) Assistant Commissioner, Administration.

(c) Chief, Branch of Plant Design and Construction (located in Albuquerque, New Mexico).

(d) Chief, Branch of Property and Supply.

(2) Area Office Officials. (a) Area Director.

(b) Assistant Area Director, Administration.

(c) Assistant Area Director or Administrative Officer (for those areas where the position of Assistant Area Director, Administration, does not exist).

(d) Area Property and Supply Officer.

(e) Administrative Officer and Special Representative, Seattle.

(b) Contracting Officers' authorized representatives. The officials occupying the positions listed in (1) and (2) below, or their duly appointed successors or anyone authorized to act for them during their absences from office, are designated as contracting officers' authorized representatives and as such are authorized to and may perform all necessary functions and take all required actions in connection with any contract executed by a contracting officer that the contracting officer could perform or take in the administration of the contract, except final actions relating to the termination of a contract and to disputes concerning questions of fact which are not disposed of by agreement.

(1) Headquarters Office Officials.
(a) Assistant Chief, Branch of Plant Design and Construction.

(b) Chief, Design Contract Unit.

(c) Chief, Architectural Section.

(d) Chief, Operations Section.

(e) Chief, Engineering Section.

(f) Chief, Contract Construction Management Unit.

(g) Chief, Civil Engineering Unit.

(h) Chief, Electrical Engineering Unit.

(i) Chief, Mechanical Engineering Unit.

(j) Chief, Sanitary Engineering Unit.

(2) Area Office Officials. (a) Contract Engineer Adviser (Portland Area).

(c) Exercise of Authority. The Contracting Officers and contracting officers' authorized representatives designated in (a) and (b) above, are authorized, subject to the limitations stated in sections 1, above, and 4, below, to exercise

¹ All positions listed are in the Branch of Plant Design and Construction located in Albuquerque, New Mexico.

the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (27 F.R. 9359) to negotiate the contracts enumerated in section 3(b), when circumstances permitting negotiation, as prescribed in the Federal Procurement Regulations, are met.

SEC. 3. Contracts and Methods of Contracting—(a) Contracts. Contracts may be entered into for the following:

(1) Construction.

(2) Supplies and equipment.

(3) Services.

(b) Methods. Contracts may be entered into, using any method, including negotiation. Contracts that may be negotiated include the following in the Federal Property and Administrative Services Act of 1949, as amended under section 302(c):

(1) National emergency.

(2) Public Exigency.

(3) Purchases not in excess of \$2,500.

(4) Personal or Professional Services.

(5) Services of educational institutions.

(6) Purchases outside the United States.

(7) Medicines or medical supplies.

(8) Property Purchased for authorized re-sale.

(9) Subsistence supplies.

(10) Impracticable to secure competition.

(11) Experimental, developmental or research work.

(12) Purchases not to be publicly disclosed.

(13) Technical equipment requiring standardization or interchangeability of parts.

14. Negotiation after advertising.

SEC. 4. Negotiated Contracts Under Section 302(c)(1), "National Emergency" of the Federal Property and Administrative Services Act of 1949, as amended—(a) Labor Surplus Areas. Contracts negotiated under the National Emergency category shall be set aside for negotiation exclusively with firms which will perform or cause to be performed a substantial portion of the production under contract within labor surplus areas, in accordance with the policies for assistance to labor surplus areas stated in OCDM Defense Manpower Policy 4, Revised June 6, 1960 (25 F.R. 5283).

(b) Approval by Secretary of the Interior. Any contract negotiated under the National Emergency category in excess of \$100,000 shall be submitted to the Secretary for approval before execution by a contracting officer.

(c) Contracts in excess of \$25,000. Any contract negotiated under the National Emergency category in excess of \$25,000 must be executed by the Commissioner.

(d) Supplies and materials for use on construction projects. Contracts negotiated under the National Emergency

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category for supplies and materials for use on construction projects shall be divided under partial set-aside procedures and at least 50 percent of the severed portion shall be obtained from contractors who will perform or cause to be performed a substantial portion of the production within labor surplus areas.

(e) *Single successful bidder.* Where a single successful bidder can be determined in accordance with preferences prescribed in Federal Procurement Regulations with respect to labor surplus areas and small business without the drawing by lot the authority to negotiate contracts under the National Emergency category shall not be exercised. However, no contracts shall be made based upon such preferences in those instances where similar or identical bids indicate collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, refusal by bidder to classify the Government as other than a retail buyer regardless of the quantity purchased, or similar practices.

Sec. 5. *Determinations, findings and statements*—(a) *Secretary of the Interior.* The Secretary of the Interior has made the determination required under section 302(c)(1)—National Emergency—of the Federal Property and Administrative Services Act of 1949, as amended (26 F.R. 5585).

(b) *General.* The determinations, findings and statements required under the various circumstances permitting negotiations of contracts in the Federal Procurement Regulations shall be made by the contracting officers designated in section 2, above, except for the following:

(1) *Secretarial Officer's determinations and decisions prior to negotiation.* The determinations or decisions required to support negotiation of contracts under 302(c)(12) and (13) must be made by a Secretarial Officer of the Interior Department prior to negotiation of the contracts.

(2) *Determinations and decisions in support of contracts negotiated pursuant to section 302(c)(11).* The determinations and decisions required in support of contracts negotiated pursuant to section 302(c)(11) must be made by the Commissioner.

Sec. 6. *Appeals.* An appeal from a findings of fact or decision of a contracting officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D.C., and shall be mailed to or filed with the contracting officer within the time allowed by the contract, if any, or if none, within sixty days after receipt of the findings of fact or decision. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decisions are deemed erroneous. Immediately upon receipt of the notice of appeal, the contracting officer shall inform the Board, by Airmail, that the ap-

peal has been received. Regulations governing appeals to the Board of Contract Appeals appear in 43 CFR Part 4.

PHILLEO NASH,
Commissioner.

DECEMBER 4, 1962.

[F.R. Doc. 62-12132; Filed, Dec. 6, 1962;
8:49 a.m.]

[Order No. 551, Amdt.]

CERTAIN SUPERSEDED AUTHORITY Revocation

DECEMBER 4, 1962.

Order 551, as amended, is further amended as hereinafter indicated:

1. The following sections of Bureau Order 551, superseded by Amendment 8 to Bureau Order 566 where the provisions are now set forth, are revoked:

Section 100 *Agricultural Assistance Contracts* (16 F.R. 5456).

Section 180 *Education Contracts* (16 F.R. 5456).

Section 321 *Negotiated Contracts* (19 F.R. 4544).

Section 323 *Negotiated Contracts for Personal and Professional Services* (20 F.R. 5442).

Section 324 *Negotiated contracts for on-the-job training of Adult Indians* (25 F.R. 5600).

2. Section 400 *Repeals*, is amended by the addition of the following:

Section 100.

Section 180.

Section 321.

Section 323.

Section 324.

PHILLEO NASH,
Commissioner.

DECEMBER 4, 1962.

[F.R. Doc. 62-12131; Filed, Dec. 6, 1962;
8:49 a.m.]

Bureau of Land Management CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 29, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050253 for the withdrawal of the lands described hereinafter, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for use by the Forest Service as Experimental Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST, YUBA COUNTY,
CALIFORNIA

Challenge Experimental Forest

T. 19 N., R. 7 E.,
Sec. 17, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, SE $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 32, E $\frac{1}{2}$;
Sec. 33, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

LASSEN NATIONAL FOREST

Lassen County, California

Black's Mountain Experimental Forest

T. 33 N., R. 7 E.,
Sec. 1, NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$
SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 3;
Secs. 10 to 15, inclusive;
Sec. 22, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 23;
Sec. 24;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 33 N., R. 8 E.,
Sec. 6;
Sec. 7;
Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 17, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18;
Sec. 19.

Swain Mountain Experimental Forest

T. 30 N., R. 8 E.,
Sec. 17, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 18, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19;
Sec. 20;
Sec. 21;
Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28;
Sec. 29;
Sec. 30;
Sec. 31, NE $\frac{1}{4}$;
Sec. 32;
Sec. 33;
Sec. 34, W $\frac{1}{2}$.

STANISLAUS NATIONAL FOREST

Tuolumne County, California

Stanislaus-Tuolumne Experimental Forest

T. 4 N., R. 18 E.,
Sec. 20, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The afore-described areas aggregate approximately 20,000 acres of Federal land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-12114; Filed, Dec. 6, 1962;
8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands Amendment Thereof and Partial Termination Thereof

NOVEMBER 30, 1962.

The United States Department of Agriculture has filed an amended application, Serial Number Sacramento 050088, for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the mining laws only, subject to existing valid claims.

The applicant desires the land for withdrawal of land to protect recreational areas in the Shasta National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 4201 U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN

In the Shasta National Forest

Roadside Zone Along State Highway No. 89

A strip of land 200 feet wide on each side of the centerline of the Mt. Lassen Highway through the following legal subdivisions:

- T. 39 N., R. 1 E.,
Sec. 1, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 40 N., R. 1 E.,
Sec. 32, SW $\frac{1}{4}$.
T. 39 N., R. 2 E.,
Sec. 18, Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 36 N., R. 3 E.,
Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 37 N., R. 3 E.,
Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, Lot 3.
T. 39 N., R. 1 W.,
Sec. 3, Lots 1, 2, 3, and 4;
Sec. 4, Lots 1, 2, 3, and 4;
Sec. 5, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 6, Lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 40 N., R. 1 W.,
Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 36, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

No. 237—5

- T. 39 N., R. 2 W.,
Sec. 1, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 2, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.
T. 40 N., R. 3 W.,
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 33, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 40 N., R. 4 W.,
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Roadside Zone

A strip of land 200 feet on each side of the centerline of the U.S. Highway No. 97 through the following legal subdivisions:

- T. 43 N., R. 3 W.,
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, Lot 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 44 N., R. 2 W.,
Sec. 1, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 45 N., R. 2 W.,
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Roadside Zone

A strip of land 200 feet in width along each side parallel to and adjacent to the exterior boundary of R/W; Long Bell Lumber Company easement to State of California, exception in Long Bell Lumber Company deed to the United States of America, of U.S. Highway 97.

- T. 44 N., R. 3 W.,
Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 44 N., R. 2 W.,
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, Lot 3.
T. 45 N., R. 2 W.,
Sec. 15, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Roadside Zone

A strip of land 400 feet on each side of the centerline of U.S. Highway No. 97 through the following legal subdivisions:

- T. 42 N., R. 4 W.,
Sec. 3, Lots 1, 2 and 3;
Sec. 4, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 43 N., R. 4 W.,
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

Roadside Zone

A strip of land 200 feet in width along the east side parallel to and adjacent to the exterior boundary of R/W of U.S. Highway No. 97 through the following legal subdivisions:

- T. 43 N., R. 3 W.,
Sec. 16, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Roadside Zone

A strip of land 200 feet on each side of the centerline of the Everitt Memorial Highway (Forest Highway No. 98) through the following legal subdivisions:

- T. 40 N., R. 3 W.,
Sec. 6, Lots 3, 4, 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 7, Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 40 N., R. 4 W.,
Sec. 1, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 2, Lots 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 4, Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 41 N., R. 3 W.,
Sec. 31, S $\frac{1}{2}$;
Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 41 N., R. 4 W.,
Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, SW $\frac{1}{4}$;
Sec. 36, SE $\frac{1}{4}$.

Roadside Zone—Freeway

Fee Rights-of-Way, State of California

A strip of land 200 feet in width along each side, parallel to and adjacent to the exterior boundary of the Fee right-of-way of the U.S. Highway No. 99 through the following legal subdivisions:

- T. 34 N., R. 4 W.,
Sec. 4, Lots 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 35 N., R. 4 W.,
Sec. 19, Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 35 N., R. 5 W.,
Sec. 2, Lot 4, W $\frac{1}{2}$ Lot 7;
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Roadside Zone—Freeway Right-of-Way

A strip of land 600 feet on each side of the centerline of the U.S. Highway No. 99 through the following legal subdivisions: Freeway R/W width 400 feet.

- T. 33 N., R. 4 W.,
Sec. 3, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 4, Lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 34 N., R. 4 W.,
Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16, SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$;
Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, SE $\frac{1}{4}$.
T. 36 N., R. 5 W.,
Sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$;
Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.
T. 37 N., R. 4 W.,
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 40 N., R. 4 W.,
Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 41 N., R. 5 W.,
Section 4, 800 feet on N. and E. side of center line in Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 600 feet on S. and W. side of center line across SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Roadside Zone

A strip of land 200 feet on each side of the center line of U.S. Highway No. 299 through the following legal subdivisions:

- T. 36 N., R. 3 E.,
 Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 36 N., R. 4 E.,
 Sec. 19, Lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

The afore-described areas aggregate approximately 19,147.00 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on January 6, 1963, relieved of the segregative effect of the aforementioned application:

MOUNT DIABLO MERIDIAN

- T. 33 N., R. 4 W.,
 Sec. 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 35 N., R. 5 W.,
 Sec. 2, E $\frac{1}{2}$ Lot 7, E $\frac{1}{2}$ Lot 8 N. of Highway,
 E $\frac{1}{2}$ Lot 9, Lots 12, and 13.
 T. 37 N., R. 4 W.,
 Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 T. 40 N., R. 3 W.,
 Sec. 6, Lot 2.
 T. 40 N., R. 4 W.,
 Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 42 N., R. 4 W.,
 Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 43 N., R. 3 W.,
 Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
 NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
 NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
 SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
 SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 45 N., R. 2 W.,
 Sec. 2, Lot 4.
 Sec. 3, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
 SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10, E $\frac{1}{2}$ Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

WALTER E. BECK,
 Manager, Land Office,
 Sacramento.

[F.R. Doc. 62-12113; Filed, Dec. 6, 1962;
 8:47 a.m.]

[Oregon 09883]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Sport Fisheries and Wildlife has filed an application, serial number Oregon 09883, for the withdrawal of the lands described below from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land withdrawn for the use of the Oregon Game

Commission as the Chickahominy Reservoir Fishing Access.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

- T. 23 S., R. 26 E., W.M., Oregon.
 Sec. 28: W $\frac{1}{2}$ SW $\frac{1}{4}$

80 acres.

STANLEY D. LESTER,
 Land Office Manager, Portland.

[F.R. Doc. 62-12115; Filed, Dec. 6, 1962;
 8:47 a.m.]

[Oregon 012799]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Sport Fisheries and Wildlife has filed an application, serial number Oregon 012799, for the withdrawal of the lands described below from all forms of appropriation under the public land laws including the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land withdrawn and reserved as the Klamath Wildlife Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 N.E. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in

the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

- T. 39 S., R. 9 E., W.M., Oregon
 Sec. 21: Triangular tract in the northeast-
 erly corner of Lot 3, comprising 2.3 acres,
 Lot 15.

Total area 8.83 acres.

STANLEY D. LESTER,
 Land Office Manager, Portland.

[F.R. Doc. 62-12116; Filed, Dec. 6, 1962;
 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et. seq.) which were officially reported on November 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after November 1, as using humane methods on November 1 or a later date in November will be listed in a supplemental list. Previously published lists represented establishments reported in October or November 1962 as humanely slaughtering and handling the designated species of livestock on October 1 or some later date in October 1962 (27 F.R. 10662, 11245 and 11560). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do.	2AT	(*)		(*)		(*)	
Do.	2AU		(*)				
Do.	2B	(*)				(*)	
Do.	2C			(*)			
Do.	2E			(*)		(*)	
Do.	2H	(*)	(*)				
Do.	2HT	(*)	(*)				
Do.	2LT	(*)					
Do.	2SA			(*)			
Do.	2SD	(*)				(*)	
Do.	2WN	(*)	(*)				
Swift and Co.	3A					(*)	
Do.	3AC	(*)				(*)	
Do.	3AE		(*)			(*)	
Do.	3AF	(*)					
Do.	3AN	(*)				(*)	
Do.	3AW	(*)				(*)	
Do.	3B	(*)		(*)		(*)	
Do.	3C	(*)		(*)		(*)	
Do.	3CC	(*)		(*)		(*)	
Do.	3D	(*)		(*)		(*)	
Do.	3E	(*)	(*)	(*)		(*)	

[illegible]

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
San Jose Meat Co.	291	(*)	(*)	(*)		(*)	
Stout City Dressed Pork, Inc.	292						
Gus Juengling and Son, Inc.	293		(*)			(*)	
Wadco Packing Co.	294					(*)	
Great Falls Meat Co.	295					(*)	
Commercial Packing Co., Inc.	301					(*)	
Union Packing Co.	302					(*)	
Star Packing Co.	303A					(*)	
Survall Packing Co.	306					(*)	
Melton Provision Co.	307					(*)	
Ideal Packing Co., Inc.	312					(*)	
Ruders Farm Co.	315					(*)	
Webb Packing Co.	316					(*)	
Estes Packing Co.	319					(*)	
Stadler Packing Co., Inc.	320					(*)	
Turlock Meat Co.	325					(*)	
Frisco Packing Co.	327					(*)	
C. and M. Meat Packing Corp.	329					(*)	
Royal Packing Co.	331					(*)	
Sokolik Packing Co.	331A					(*)	
Shapiro Packing Co., Inc.	332					(*)	
Great Western Packing Co., Inc.	334					(*)	
Nobles Independent Meat Co.	335					(*)	
Chino Valley Meat Packing Co., Inc.	336					(*)	
Sam Kane Packing Co.	337					(*)	
Midland Empire Packing Co., Inc.	339					(*)	
Des Moines Packing Co.	340					(*)	
Peters Packing Co., Inc.	341					(*)	
State Packing Co., Inc.	344					(*)	
Anza Packing Co.	345					(*)	
Union Packing Co.	351					(*)	
Samuels E. Tex. Packing Co.	353					(*)	
Fresno Meat Packing Co.	354					(*)	
McCandless Pack Co., Inc.	355					(*)	
Heil Packing Co.	357					(*)	
Marks Meat Co.	362					(*)	
Meysers Packing Co.	363					(*)	
Montebello Meat Packing Co.	364					(*)	
James Allan and Sons.	365					(*)	
Westport Packing Corp.	369					(*)	
Bowling Provision Co., Inc.	372					(*)	
Fischer Packing Co.	374					(*)	
Cross Bros. Meat Packers, Inc.	376					(*)	
Enger Packing Co., Inc.	380					(*)	
Smithfield Packing Co., Inc.	382					(*)	
American Stores Co.	384					(*)	
Liebmann Packing Co.	388					(*)	
Dugdale Packing Co.	390					(*)	
Oldmans Farm Sausage Co., Inc.	392					(*)	
Roth Packing Co.	394					(*)	
Robert L. Runtz, Inc.	395					(*)	
Dubuque Packing Co.	396					(*)	
Vogon Packing Co.	397					(*)	
Vasson Dressed Beef, Inc.	398					(*)	
Superior Packing Co.	399					(*)	
Nos Beef Abattoir.	400					(*)	
Endlich Packing Co., Inc.	406					(*)	
Alpine Packing Co.	410					(*)	
The Lundy Packing Co.	412					(*)	
Frosty Morn Meats	414					(*)	
Philadelphia Boneless Beef Co.	418					(*)	
Murray Packing Co., Inc.	421					(*)	
E. W. Knapp, Inc. of Iowa	422					(*)	
The Collins Packing Co.	423					(*)	
Hebron Packing Co., Inc.	425					(*)	
Lone Star Packing Co.	433					(*)	
Monarch Meat Packing Co.	435					(*)	
Queen Packing Corp.	436					(*)	
Schneider Packing Co.	439					(*)	
Omaha Dressed Beef Co., Inc.	441					(*)	
Prime Packing Co., Inc.	443					(*)	
Do.	445					(*)	
Peetless Packing Co., Inc.	448					(*)	
De Witt Packing Corp.	449					(*)	
Swift and Co.	450					(*)	
Morris Rifkin and Sons, Inc.	459					(*)	
Pioneer Boneless Beef, Inc.	460					(*)	
Lancaster Packing Co.	461					(*)	
Lafayette Packing Co.	462					(*)	
Beckwith Packing Co.	463					(*)	
Beckwith Packing Co.	467					(*)	
Corn Husker Packing Co.	488					(*)	
Edert Packing Co.	491					(*)	
Middletown Beef Co., Inc.	492					(*)	
St. Cloud Meat Packing Co.	493					(*)	
East Tennessee	494					(*)	
Memphis Butchers Association, Inc.	495					(*)	
Glendale Beef Co.	496					(*)	
Mid State Meat Packing, Inc.	499					(*)	
Heim Brothers Packing Co.	501					(*)	
Greenlee Pack Co.	505					(*)	
Swift and Co.	506					(*)	
B. Rothschild and Co.	508					(*)	
Grutensfelder Packing Co.	509					(*)	
Armour and Co.	510					(*)	
The Hull and Dillon Packing Co.	511					(*)	
Shen Valley Meat Packers, Inc.	513					(*)	
Capitol Packing Co.	517					(*)	
Charles Miller and Co.	521					(*)	
Illinois Packing Co.	524					(*)	
Pearl Packing Co., Inc.	529					(*)	
Smallwood Packing Co., Inc.	532					(*)	
Omaha Packing Co.	535					(*)	
Rosenthal Packing Co., Inc.	536					(*)	
Pepper Packing Co.	537A					(*)	
Oscar Mayer and Co., Inc.	537C					(*)	
Do.	538					(*)	
Midwest Packing Co.	541					(*)	
Wholesale Cooperative Meat Dealers Association	542					(*)	
Greenell Packing Corp.	546					(*)	
United Dressed Meats, Inc.	548					(*)	
Swift and Co.	549					(*)	
Pride Packing Co., Inc.	550					(*)	
Plute Packing Co.	551					(*)	
Salter Packing Co.	554					(*)	
Black Hills Packing Co.	555D					(*)	
Springfield Rendering Co.	557					(*)	
Mid South Packers, Inc.	559					(*)	
The Oudahy Packing Co.	560					(*)	
D. and W. Packing Co.	561					(*)	
Do.	562					(*)	
Packerland Packing Co., Inc.	564					(*)	
John Morrell and Co.	565					(*)	
Do.	566					(*)	
Elmer Binder & Son, Inc.	567					(*)	
Ferretta Packing Co., Inc.	571					(*)	
Frosty Morn Meats, Inc.	576					(*)	
Armour and Co.	579					(*)	
Kingsford Packing Co., Inc.	581					(*)	
Stahl Meyer Inc.	583					(*)	
Swift and Co.	591					(*)	
Harman Packing Co.	596					(*)	
San Antonio Packing Co.	602					(*)	
Central Packing Co.	606					(*)	
National Ice Co.	613					(*)	
Donner Packing Co.	617					(*)	
Kummer Packing Co.	618					(*)	
Acme Meat Co., Inc.	623E					(*)	
Hill Packing Co.	626					(*)	
Star Provision Co.	627					(*)	
Big Foot Packing Co., Inc.	632					(*)	
General Meat Co.	633					(*)	
Zinner Bros. Packers	635					(*)	
Alphon Bros. Packers	636					(*)	
R and C Packing Co.	645					(*)	
Bird Provision Co.	647					(*)	
Spencer Packing Co.	648					(*)	
Wm. Schulerberg-T. J. Kurlie Co.	649					(*)	
John Morrell and Co.	650					(*)	
Nagle Packing Co.	653					(*)	
Milwaukee Dressed Beef Co.	654					(*)	
Wilson and Co., Inc.	655					(*)	
Baum Bologna, Inc.	657					(*)	
St. Louis Dressed Beef Co.	659					(*)	
McCook Packing Co.	660					(*)	
Quality Meat Packers, Inc.	661					(*)	
Western Meat Packers, Inc.	662					(*)	
Globe Packing Co.	663					(*)	
Glenn Packing Co., Inc.	664					(*)	
Crown Packing Co.	666					(*)	

C. H. FALS,
Director, Meat Inspection Division,
Agricultural Research Service.
[Dec. 6, 1962; 8:50 a.m.]

[F.R. Doc. 62-11868; Filed, Dec. 6, 1962; 8:50 a.m.]

**Office of the Secretary
SOUTH DAKOTA**

**Designation of Area for Emergency
Loans**

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Sanborn County, South Dakota, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of December 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-12138; Filed, Dec. 6, 1962;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 305]

EGON WILHELM BRAUN ET AL.

Order Denying Export Privileges

In the matter of Egon Wilhelm Braun, Wielandstrasse 32, Hamburg-Eilbeck, Federal Republic of Germany; Georges Anton de Puoz, Haldenbachstrasse 10, Zurich, Switzerland; Gerhard William Grund, 12 Bernadottstrasse, West Berlin-Grunewald, Germany; respondents, Case No. 305.

By letter dated May 9, 1962, the Director, Investigations Staff, Bureau of International Programs, United States Department of Commerce, charged the above-named respondents with specific violations of the United States Export Control Act of 1949, as amended, and the export regulations issued thereunder. A copy of the charging letter was served on each respondent.

The respondents Braun and Grund failed to reply to the charges or file answers within the time permitted by the applicable regulation (§ 382.5) and they were considered to be in default. At the request of the respondent De Puoz, the time for him to file an answer was extended. Pending completion of compliance proceedings an order was entered on July 31, 1962 denying the respondents export privileges (27 F.R. 7686). The respondent De Puoz subsequently filed an answer to the charges and raised several defenses. The respondent Grund transmitted a letter to the Compliance Commissioner replying to the charges which the Compliance Commissioner considered as an application to vacate the default against him.

In accordance with the usual practice the case was referred to the Compliance Commissioner who considered the plead-

ings and evidence and he has submitted to the undersigned his written report including findings of fact, findings that violations have occurred and recommendations that remedial action be taken against the respondents. The Compliance Commissioner has also submitted the record in the case including the charging letter, answer of De Puoz, letter from Grund, and the exhibits. After considering the entire record in the case I hereby make the following findings of fact:

1. The respondent Braun was a resident of Hamburg, Federal Republic of Germany. He had many years of experience in the forwarding business and at the time of the transaction in question he was engaged in the business of wholesale metal dealer. The respondent Grund was a resident of West Berlin, Federal Republic of Germany and for many years had been engaged in the import-export business, dealing among other items, in items of strategic importance from a military standpoint. He was sole owner and traded under the name of Intimex G.m.b.H. (International Import & Export Co. Ltd.). The respondent De Puoz was a resident of Zurich, Switzerland. He was a lawyer and had practiced his profession for about 15 years, in connection with which he had been legal advisor to business firms. Since 1951 he has devoted himself entirely to business, including trading as an importer and exporter. He owns all of the stock of the firm called Technical Progress S. A., Zurich.

2. In April 1958 De Puoz received an order from a Soviet bloc customer for 30 kilograms of nuclear pure beryllium. De Puoz requested Grund to obtain this material for him. Grund in turn forwarded the request to Braun.

3. Beryllium of the quality sought by De Puoz is of strategic importance from a military standpoint. Beryllium is embargoed as to its export by the Western countries, including the United States and Federal Republic of Germany, to Soviet bloc countries.

4. On July 25, 1958 Braun placed a written order with a West German firm, the representative of a United States firm which produced nuclear pure beryllium, for 25 kilograms of this material. Braun knew that as to this material an application was being made for a German import certificate and for a United States export license. He knew that it was intended that the material would ultimately go to a Soviet bloc destination and he concealed this fact from the German firm from which he ordered the material.

5. The German firm, with which Braun placed the order, in turn ordered the material from the firm in the United States. The United States firm exported to the German firm 60 pounds (27.22 kg.) of beryllium on August 22, 1958 pursuant to validated United States export license.

The German firm received the material and delivered it to Braun on August 26, 1958 and received payment from him.

6. Braun and Grund communicated with De Puoz and advised him that they would deliver the material to him in West Berlin. De Puoz refused to accept the

material in West Berlin and he requested Braun and Grund to deliver it to East Berlin and advised them that he would accept it there. De Puoz's purpose in agreeing to accept delivery in East Berlin was to evade violations of the West German export and currency laws and regulations, and also to evade, if possible, any other restrictions regarding exportation of the material to the Soviet bloc.

7. In compliance with De Puoz's request Braun and Grund personally carried the material from West Berlin to East Berlin and there De Puoz accepted delivery. The three respondents were parties to the plan for carrying the material from West Berlin and delivering it to De Puoz in East Berlin and in this regard they acted in concert to violate United States export control regulations. De Puoz delivered the material to his customer in the Soviet bloc and received payment therefor. He paid Grund, who in turn paid Braun. Each respondent made a substantial profit in the transaction.

8. Each respondent knew: That the material in question was embargoed by the Western countries for delivery to the Soviet bloc; that this commodity required export documents for exportation to any destination outside of the United States and outside of West Germany; and that there were no export documents permitting exportation of the material from the United States or from West Germany. Each respondent, within the meaning of the Export Regulations, had knowledge that the material was of United States origin.

9. In connection with matters arising out of this transaction the respondents were charged by the Federal Republic of Germany with violations of its laws relating to export control and in addition De Puoz was charged with violations of currency restrictions. Braun admitted his guilt, and Grund and De Puoz were found guilty after trial. They were sentenced to imprisonment for terms (probation as to Braun and Grund) in addition to which substantial fines were imposed on each.

From the foregoing I have concluded:

1. That the respondents and each of them knowingly caused and permitted the doing of acts prohibited by the United States Export Control Law in violation of § 381.2 of the Export Regulations.

2. That the respondents knowingly acted in concert to bring about acts which constituted violations of the Export Control Law in violation of § 381.3 of the Export Regulations.

3. That the respondents and each of them bought, received, sold, and disposed of an exportation from the United States with knowledge that violations of the Export Control Law had occurred, were about to, and were intended to occur, in violation of § 381.4 of the Export Regulations.

4. That the respondents and each of them knowingly reexported, diverted, and transshipped commodities to persons and destinations contrary to notifications of prohibitions against such actions and the Export Control Law in violation of § 381.6 of the Export Regulations.

5. That the respondent Braun concealed material facts from the United States Government through other persons and the Federal Republic of Germany in violation of § 381.5 of the Export Regulations.

The Compliance Commissioner, in his consideration of the case, gave careful attention to all of the defenses raised by the respondent De Puoz giving special attention to the defenses of: (1) Lack of knowledge that the necessary export documents had not been obtained for delivery of the material to the Soviet bloc; and (2) lack of knowledge that the material was of United States origin. As to the first of these defenses, the Compliance Commissioner said:

It is a well established principle that a trier of facts need not accept the evidence on behalf of a party, even if uncontradicted, as establishing a fact, if analysis of the surrounding circumstances leaves the mind in a state of conjecture, or where there is something in the evidence or in the tale itself which furnishes a basis for discrediting it because of its inherent improbabilities. (Cases cited.)

De Puoz is a lawyer by training. He practiced law in Switzerland for a long time, and his professional experience included that of legal advisor to firms engaged in the import-export business. In addition, for many years he himself was engaged in the import-export business and had engaged in extensive trade with the Soviet bloc. Admittedly, he knew that beryllium was on the list of commodities embargoed by the Western countries for shipment to the Soviet bloc. He knew that as to this material export permits were required not only from the country of origin but also from West Germany * * *. If he believed that all necessary permits had been obtained for exportation of the material from West Germany he would have handled the transaction in an open and aboveboard manner as a legitimate business transaction. Instead he acted stealthily and with obvious signs that he was engaged in an illegal transaction. Bearing in mind his legal background, his business experience, and his knowledge of the restrictions concerning the shipment of beryllium it is incredible to accept his story that he honestly believed that the proper permits had been obtained for exportation of the goods from West Germany. Because of the inherent improbabilities I reject his story. I find that he knew the goods were not free of restrictions for shipment to the Soviet bloc and I further find that he knew that proper export documents had not been obtained for delivery of the goods outside of West Germany.

Concerning De Puoz's defense of his lack of knowledge that the material was of United States origin the Compliance Commissioner cited numerous court decisions which held that a person has knowledge of a fact if he knows or has reason to know, and a person has reason to know when he has information which would put a man of ordinary prudence or exercising ordinary care on his guard and would lead him to acquire knowledge of the fact or infer its existence.

The Compliance Commissioner relied on these cases. After reciting the facts concerning De Puoz's experience, background, and his knowledge concerning restrictions on the exportation of the material in question, the Compliance Commissioner said:

If he (De Puoz) was acting honestly and in good faith and with the purpose to adhere

to the United States Export Control regulations he could at least have made inquiry as to the origin of the material. A reasonably prudent man, acting in good faith, would have required documentary proof of the origin of the goods which, because of the nature of the material, would have been available. De Puoz closed his eyes to obvious sources of information and deliberately failed to pursue inquiries. He preferred to make a substantial profit by delivering the contraband material to the Soviet customer in complete disregard of any restrictions that might attach to the goods.

Considering all of the facts in the case and the applicable law, I find that De Puoz is chargeable with knowledge and, within the meaning of the regulations, had knowledge that the material in question was of United States origin.

De Puoz also moved that his case be separated from that of the other respondents, that the temporary order against him be vacated, and that the charges against him be dismissed. The Compliance Commissioner denied this motion. As to the reply of Grund which was considered in the nature of an application to set aside his default, the Compliance Commissioner ruled that there was no basis for vacating the default which had been entered against Grund.

In recommending the sanctions that should be imposed, the Compliance Commissioner said:

Congress has found that the unrestricted export of materials without regard to their potential military and economic significance may adversely affect the national security of the United States. It has declared that it is the policy of the United States to use export controls to the extent necessary, among other purposes, "to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States." It is our foreign policy not to permit exportations of United States goods to Soviet bloc countries except as specifically permitted in the regulation.

The primary purpose of compliance proceedings under the Export Control Law is remedial, i.e., is to bring about adherence to the law and regulations. To accomplish this purpose, those who are found to be untrustworthy to deal in United States commodities are deprived of the privilege of dealing in any manner with exportations from the United States.

Clearly the respondents in this case have shown by their conduct that they cannot be trusted to deal in exportations from the United States. They participated in a serious violation of the Export Control Law whereby material of a strategic nature, for use in nuclear energy, was delivered to the Soviet bloc. To the extent that we can prevent it, they should not again have the opportunity of violating our export control laws. I recommend that they be denied all export privileges for the duration of export controls. The order should also be effective against De Puoz's firm, Technical Progress S.A. and Grund's firm, Intimex G.m.b.H. (International Import and Export Co. Ltd.).

Having considered the entire record and the recommendations of the Compliance Commissioner concerning the sanctions that should be imposed it is concluded the recommendations are fair and just and necessary to achieve effective enforcement of the law. In view of De Puoz's affiliation, ownership, con-

trol, and position of responsibility with the firm Technical Progress S.A., Zurich, Switzerland, and Grund's affiliation, ownership, control, and position of responsibility with the firm Intimex G.m.b.H. (International Import and Export Co. Ltd.), Berlin, West Germany, this order is also to be effective against said firms and for the purpose of this order said firms are considered as respondents: *It is hereby ordered:*

I. That the temporary denial order issued in this case, dated July 31, 1962 (27 F.R. 7686), is hereby continued in full force and effect.

II. So long as export controls shall be in effect all of the named respondents and each of them hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any successors and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when any respondent, successor, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for

any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: November 29, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62-12133; Filed, Dec. 6, 1962;
8:49 a.m.]

Maritime Administration GRACE LINE INC. Notice of Application

Notice is hereby given that Grace Line Inc., has filed an Application for a waiver under the provisions of Section 804 of the Merchant Marine Act, 1936, as amended, to permit Grace Line Inc., to charter two foreign-flag reefer vessels for periods of approximately four and seven months, respectively (both charters to begin about March 1, 1963, with one terminating about July 1, 1963, and the other terminating about October 1, 1963), for operation without subsidy on its Line A, Trade Route No. 2, subsidized service, pending delivery of the second and third of four new combination ships now being constructed for Grace Line Inc. The foreign-flag reefer vessels are to be utilized exclusively for the carriage of bananas northbound, and will carry no southbound cargo.

Any person, or firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on December 13, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

Dated: December 4, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-12161; Filed, Dec. 6, 1962;
8:50 a.m.]

BUREAU OF THE BUDGET

BADLANDS NATIONAL MONUMENT, SOUTH DAKOTA

Order Transferring Certain Lands From Department of Agriculture to De- partment of Interior for Use and Administration

By virtue of the authority vested in the President of the United States by the last sentence of section 32(c) of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 526; 7 U.S.C. 1011(c)), and

delegated to the Director of the Bureau of the Budget by section 1(f) of Executive Order No. 10530 of May 10, 1954, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described lands, acquired by or transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, are hereby transferred from the Department of Agriculture to the Department of the Interior for use and administration in connection with the Badlands National Monument:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 3 South, Range 17 East, of the Black Hills Meridian, in Pennington County, South Dakota, containing 160 acres, more or less.

ELMER B. STAATS,
Acting Director,
Bureau of the Budget.

NOVEMBER 30, 1962.

[F.R. Doc. 62-12122; Filed, Dec. 6, 1962;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14828-14830; FCC 62M-1595]

CONTINENTAL BROADCASTING CO. ET AL.

Order Scheduling Conference and Continuing Hearing

In re applications of Continental Broadcasting Company, Hamden, Connecticut, Docket No. 14828, File No. BP-14811; Garo W. Ray, Seymour, Connecticut, Docket No. 14829, File No. BP-15462; Salvatore Bontempo and Daniel J. Pernicola d/b as Connecticut Coast Broadcasting Co., Bridgeport, Connecticut, Docket No. 14830, File No. BP-15463; for construction permits.

It is ordered, This 30th day of November 1962, pursuant to a prehearing conference held this date, that a further conference is scheduled for January 28, 1963, 9:00 a.m.; that the hearing herein now scheduled for December 28, 1962, be and the same is hereby rescheduled for February 25, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: December 4, 1962.

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

[F.R. Doc. 62-12134; Filed, Dec. 6, 1962;
8:49 a.m.]

[Docket No. 14510 etc.; FCC 62R-152]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as

Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14662; for construction permits.

1. The Review Board has before it for consideration the petition to enlarge issues, filed by the Broadcast Bureau on September 21, 1962, requesting addition of issues to determine whether Rockland Broadcasting Company possesses the requisite character qualifications to become a licensee of the Commission and pleadings properly and timely filed in response thereto. Rockland Broadcasting Company has filed no opposition to the Bureau's petition.

2. The facts underlying the Bureau's petition have been developed to some extent in the hearing in this proceeding. On February 27, 1962, the American Cyanamid Company (Cyanamid) filed a complaint against one Nathan Sharff in the United States District Court (D. N.J.). The complaint alleged, inter alia, that Sharff induced Sidney M. Fox (a partner of Rockland Broadcasting Company) and other employees of Lederle Laboratories (a division of Cyanamid) to enter into a conspiracy as a result of which certain confidential information and property belonging to Cyanamid was misappropriated. Sharff filed an answer to this complaint denying these charges. On May 14, 1962, Cyanamid filed an amended complaint against Fox in the Supreme Court of the State of New York, County of New York. This complaint alleged that Fox conspired with Sharff and others to breach Fox's employment contract with Cyanamid by furnishing certain confidential information and material and by inducing other Cyanamid employees to do likewise, and that this information and material was used by Fox and others in competition with Cyanamid and for sale to foreign firms. Fox filed an answer to this complaint denying these charges. On July 3, 1962, the Supreme Court of New York issued an injunction pendente lite against Fox and others in connection with the above matters. In Cyanamid's suit against Sharff, Fox declined to answer a list of 62 questions propounded to him by deposition, on the ground that the answers thereto might tend to incriminate him. As a result, Fox was adjudged in contempt of Court on April 4, 1962. That judgment has been appealed by Fox. Finally, on October 26, 1962, a federal grand jury (S. Dist. N.Y.) returned an indictment (62 Cr. 936) against Fox and others charging conspiracy and transportation of stolen goods in foreign commerce in violation of 18 U.S.C. section 2314 (Supp. III, 1962), section 2 (1958).¹

3. In the instant proceeding, at the hearing session of May 9, 1962, Fox was asked a series of four questions directed to the charges against him by Cyanamid. Fox denied the charges. At the hearing

¹ Official notice has been taken of the issuance of the injunction pendente lite and the return of the indictment.

session of May 22, 1962, Fox declined to answer a series of questions directed to the underlying facts involved in the charges, on the ground that the answers thereto might tend to incriminate him. These questions were propounded to Fox to determine the background of the applicant pursuant to the standard comparative issue between the three Rockland County applicants.²

4. The above-captioned applications were designated for hearing by Order (FCC 62-151) released February 12, 1962. The facts alleged by the Broadcast Bureau have been in its possession since May, 1962. The Bureau contends that only when the Commission made the standard comparative issue contingent did it feel that enlargement was required. However, that Commission action was taken on June 4, 1962, over three months before the Bureau's pleading was filed. It is therefore apparent that the Bureau's petition must be denied as untimely. Only the serious public interest considerations attendant on these matters i.e., the challenge to an applicant's basic qualifications, persuades us that we should inquire into Fox's conduct on our own motion. Rockland Radio Corporation,³ in its opposition to the Bureau's motion, contends that a specific issue is not required, since the Commission may consider Fox's refusal to answer questions under the issues already designated for hearing. Citing *FCC v. WOKO, Inc.*, 329 U.S. 223 (1946); *Calumet Broadcasting Corp. v. FCC*, 160 F.2d 285 (1947); and *WHDH, Inc.*, 22 F.C.C., 767 (1957), Rockland Radio Corporation contends that when an applicant fails to reveal relevant and material information during a hearing, the Commission may, without a specific issue, consider the effect of such failure on the applicant's character qualifications. We believe that such contention, however meritorious, does not resolve the question whether under the circumstances here presented, full exploration of the substance of the matters alleged at the hearing is required.

5. Section 308(b) of the Communications Act specifically imposes upon the Commission the duty to examine character qualifications in evaluating applicants for radio facilities. In its Report on Uniform Policy as to Violations by Applicants of Laws of the United States 1 RR 91:495 (1951), the Commission stated that "an important aspect of this examination [of character] is the conduct of the applicant * * * which has some reasonable relationship to ability to operate a broadcast station in the public interest." The Commission further stated that "if an applicant is or has been involved in unlawful practices, an analysis of the substance of these practices must be made to determine their relevance and weight as regards

the ability of the applicant to use the requested radio authorization in the public interest." Finally, the Commission held that violation of laws is pertinent to character qualifications whether the finding is made in a civil or a criminal case (the conduct of the applicant is determinative) and that the applicant's conduct may be considered whether or not a suit alleging illegal conduct has been filed, or, if one has been filed, whether or not it has been finally adjudicated. In line with this policy, the Commission has had occasion to consider in passing on applicants' character qualifications, allegations concerning violation of the Sherman Act,⁴ the Robinson-Patman Act,⁵ the Neutrality Act,⁶ the tax laws,⁷ state laws against gambling and lotteries,⁸ state regulations concerning corporations,⁹ trucking,¹⁰ and securities,¹¹ and regulations of the Post Office Department,¹² the Securities and Exchange Commission,¹³ the Food and Drug Administration, and the Federal Trade Commission.¹⁴ While the Commission has declined to inquire into an applicant's conduct on the basis of a bare assertion that a civil complaint has been filed against the applicant,¹⁵ it is clear that the pendency of a criminal indictment is of sufficiently serious import to require inquiry by the Commission into the matter.¹⁶

6. Turning to the allegations made against Fox as reflected in the Cyanamid complaint and, more important, in the federal indictment, we are of the view that the charges, if proved, would clearly be relevant to a determination of Fox's character qualifications. The instant matter involves a serious question of reliability in that Fox is alleged to have violated a trust placed in him by Cyanamid, and Cyanamid's charges have been determined to have sufficient merit, preliminarily, to warrant the issuance of an injunction pendente lite against Fox. These facts, and the return of the indictment, lead us to conclude that inquiry into the substance of the matters alleged in the complaint is required in

order that we might have a full, evidentiary record upon which to make a determination as to whether Rockland Broadcasting Company possesses the requisite qualifications to be a licensee of the Commission. The fact that these matters may be explored under the contingent standard comparative issue is not a reason for not adding a specific issue. Since the comparative issue has been made contingent,¹⁷ there is no assurance that the choice between the various applicants herein will turn on the comparative issue as presently framed. Inasmuch as the matters raised herein concern the basic qualifications of the applicant, a specific issue must be added.

Accordingly, it is ordered, This 30th day of November, 1962, That the Motion for Enlargement of Issues, filed by the Broadcast Bureau on September 21, 1962, is denied; and

It is further ordered, That the Order (FCC 62-151) released February 12, 1962 designating the above-captioned applications for hearing is amended by addition of the following issues:

(a) To determine whether Sidney Fox misappropriated and/or entered into a conspiracy with others as a result of which they misappropriated from American Cyanamid Company certain confidential information and materials pertaining to the production of various pharmaceuticals and converted such confidential matter to their own use and for sale to others including foreign firms, in breach of Fox's employment contract with American Cyanamid.

(b) To determine with particular reference to the facts adduced pursuant to the foregoing issue, whether Rockland Broadcasting Company possesses the requisite character qualifications to be a licensee of the Commission.

Released: December 4, 1962.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 62-12135; Filed, Dec. 6, 1962; 8:49 a.m.]

[Docket Nos. 14868-14870]

OREGON MOBILE RADIO ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert H. Larson and George E. Milligan, d/b as Oregon Mobile Radio, Docket No. 14868, File No. 2174-C2-P-61, for a construction permit to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service at Medford, Oregon; Empire Communications of Medford, Inc., Docket No. 14869, File No. 4080-C2-P-61, for a construction permit to establish a new two-way communications service with control facilities in the Domestic Public Land Mobile Radio Service at Medford, Oregon; Medford Business Exchange, Inc., Docket No. 14870, File No. 589-C2-P-62, for a construction permit to establish a new two-

⁴ Southeastern Massachusetts Broadcasting Corporation, 3 RR 1658 (1947); Alladin Radio and Television, Inc., 9 RR 1 (1953); WHDH, Inc., 13 RR 507 (1957); Connecticut Water Co., 17 RR 960 (1958); Philco Corporation v. FCC, 293 F.2d 864 (1961); Mansfield Journal Co. v. FCC, 180 F.2d 28 (1950); National Broadcasting Co. v. United States, 319 U.S. 190, 223 (1943).

⁵ Southeastern Massachusetts Broadcasting Corporation, supra, note 4.

⁶ Las Vegas Television, Inc., 14 RR 1273 (1957).

⁷ Alladin Radio and Television, Inc., supra, note 4; Indianapolis Broadcasting, Inc., 12 RR 883 (1957).

⁸ Alladin Radio and Television, Inc., supra, note 4.

⁹ Royal Broadcasting Co., 6 RR 717 (1951).

¹⁰ Superior Television, Inc., 11 RR 1173 (1956).

¹¹ Ibid; Television City, Inc., 14 RR 333 (1957).

¹² Page Boy, Inc., 8 RR 1108 (1954), affirmed sub. nom. Klein v. FCC, 232 F.2d 73 (1956).

¹³ Television City, Inc., supra, note 11.

¹⁴ WREC Broadcasting Service, 10 RR 1323 (1955).

¹⁵ Westinghouse Radio Station, Inc., 10 RR 878 (1955).

¹⁶ Philco Corporation v. FCC, supra, note 4.

² By Memorandum Opinion and Order released June 4, 1962 (23 RR 789) the Commission made resolution of the standard comparative issue contingent on inability to make a determination based solely on Section 307(b) factors.

³ Not to be confused with Rockland Broadcasting Company, the partnership of which Fox is a member.

¹⁷ See note 2, supra.

way communications service in the Domestic Public Land Mobile Radio Service at Medford, Oregon.

The Commission by its Acting Chief of the Common Carrier Bureau acting under delegation of authority, pursuant to § 0.262 of the Commission's rules, has before it (1) an application filed January 30, 1961 and subsequently amended, by Robert H. Larson and George E. Miligan d/b/a Oregon Mobile Radio (hereinafter called Oregon) to establish a new two-way facility in the Domestic Public Land Mobile Radio Service at Medford, Oregon, operating on a base station frequency of 152.03 Mc; (2) an application filed June 6, 1961 and subsequently amended, by Empire Communications of Medford, Inc. (hereinafter called Empire) to establish a new two-way facility with control facilities in the Domestic Public Land Mobile Radio Service at Medford, Oregon, operating on a base station frequency of 152.09 Mc and a control station frequency of 158.55 Mc; and (3) an application filed on August 14, 1961, and subsequently amended, by Medford Business Exchange, Inc. (hereinafter called Medford Business) to establish a new two-way facility in the Domestic Public Land Mobile Radio Service at Medford, Oregon, operating on a base station frequency of 152.09 Mc.

Preliminary statement. 1. All the captioned applications propose the rendition of a two-way radiotelephone communications service at Medford, Oregon. In addition, Oregon and Medford Business propose the rendition of a one-way signaling service.

2. It appears that § 21.504 of our rules prescribes median field strength contours of 37 and 43 decibels above one microvolt per meter as the respective limits of reliable service area for stations engaged in two-way communications service and one-way signaling service, and that the Commission's Report T.R.R.4.3.8 entitled "A Summary of The Technical Factors Affecting The Allocation Of Land Mobile Facilities In The 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service contours and interference potential of the stations proposed in this proceeding.

3. It also appears that the applications of both Empire and Medford Business request authorizations in the same service area on the same frequency and that a grant of both applications would result in mutually harmful interference. Furthermore, all applicants have made allegations as to the public need for the proposed services, which require full and complete examination.

Disposition. 4. Accordingly, in view of our conclusions in paragraph 3 above, and in order to carry out the intent of Congress with respect to section 309(e) of the Communications Act of 1934 as amended;

It is ordered, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the captioned applications are Designated For Hearing In A Consolidated Proceeding on a comparative basis, upon the following issues:

(a) To determine on a comparative basis, the nature and extent of the service proposed respectively by Oregon, Empire, and Medford Business in Medford, Oregon, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine on a comparative basis the areas and population that Oregon, Empire, and Medford Business propose to serve within their respective 37 dbu contours, as determined in accordance with paragraph 2 of this order, and the need for the proposed service in these areas.

(c) To determine on a comparative basis the areas and population that Oregon and Medford Business propose to serve within their respective 43 dbu contours, as determined in accordance with paragraph 2 of this order, and the need for the proposed service in these areas.

(d) To determine whether any harmful interference would result from simultaneous operations on 152.09 Mc by Empire and Medford Business, and if so, whether such interference would be intolerable or undesirable.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any of the captioned applications, and the terms or conditions which should attach thereto.

5. *It is further ordered,* That the burden of proof on issues (a), (b), and (e) is placed upon the respective applicants herein; the burden of proof on issue (c) is placed upon both Oregon and Medford Business, and the burden of proof on issue (d) is placed upon Empire and Medford Business.

6. *It is further ordered,* That the hearing herein, upon the issues specified above, shall be held at the Commission's offices in Washington, D.C., on a date, and before an Examiner, to be announced in a subsequent order; and

7. *It is further ordered,* That the Chief, Common Carrier Bureau, is made a party to the proceeding herein; and

8. *It is further ordered,* That the parties desiring to participate herein, shall file their notice of appearance on or before the time specified in § 1.140 of our rules.

Adopted: November 29, 1962.

Released: December 4, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-12136; Filed, Dec. 6, 1962;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-243, etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications and Hearings

NOVEMBER 30, 1962.

Notice of applications, amended applications, withdrawal of application and

motions to amend certificates, and order granting motions to consolidate, further consolidation of applications, designation of docket number, postponement of hearing and setting dates for prehearing conference and for filing of evidence.

In the matter of Natural Gas Pipeline Company of America, Docket Nos. CP62-243, CP61-339, CP63-99; Mississippi River Fuel Corporation, Docket Nos. CP61-341, CP63-105; Mississippi River Transmission Corporation, Docket Nos. CP61-341, CP61-339, CP62-76, CP62-242, CP63-100; Oklahoma Illinois Gas Pipeline Company, Docket No. CP62-260; Panhandle Eastern Pipe Line Company, Docket No. CP63-106; Midwest Missouri Gas Company, Docket No. CP63-6; Pan American Petroleum Corporation, Docket Nos. CI62-1347, CI62-1348, CI62-1349; Midwest Oil Corporation, Docket No. CI62-1350; Sunray Oil Company, Docket Nos. CI62-1383, CI62-1386, CI62-1387; Shell Oil Company, Docket Nos. CI62-1401, CI62-1402, CI62-1403; Cleroy Inc., et al., Docket No. CI62-1424; Robert G. Anderson, Docket No. CI62-1442; Phillips Petroleum Company, Docket Nos. CI62-1453, CI62-1454; Champlin Oil & Refining Company, Docket Nos. CI62-1455, CI62-1456; Slat's Honeycomb Drilling Company, Docket No. CI62-1463; Thomas N. Berry & Company, Docket No. CI62-1465; Thomas C. Mueller, Docket No. CI62-1467; W. C. Sojourner, et al., Docket No. CI62-1470; John P. Gallagher, et al., Docket No. CI62-1471; Keener Oil Company, Docket No. CI62-1480; H. H. Coffield, Docket No. CI62-1482; H. L. Willett, Docket No. CI62-1488; Kingswood Oil Company, Docket No. CI62-1514; Fred C. Mueller, Docket No. CI62-1531; Cities Service Petroleum Co., Docket No. CI62-1556; Kingwood Oil Company, Docket No. CI63-3; Sohio Petroleum Company, Docket Nos. CI63-34, CI63-52; Southern Union Production Company, Docket No. CI63-54; T. F. Hodge, Docket No. CI63-81; Kirby Production Company, Docket No. CI63-85; El Paso Natural Gas Products Company, Docket No. CI63-89; Tidewater Oil Company, Docket Nos. CI63-119, CI63-120; E. A. Obering, Docket No. CI63-139; Ashland Oil & Refining Company, Docket No. CI63-178; Marathon Oil Company, Docket Nos. CI63-313, CI63-314, CI63-315; George W. Pirtle, Docket No. CI62-1481; Sam K. Viersen, Docket No. CI63-521; Philip C. Dixon, Docket No. CI63-585; Hefner Production Company, Docket No. CI63-595; Harper Oil Company, Docket No. CI63-598.

By our notice of July 12, 1962, the above-designated docketed applications and motions therein of Natural Gas Pipeline Company of America, (Natural), Mississippi River Transmission Corporation (Transmission) and Mississippi River Fuel Corporation (Fuel) were consolidated and set for formal hearing. By our order of October 15, 1962, we further consolidated with the aforementioned applications, the above-docketed application of Oklahoma-Illinois Gas Pipeline Company (Oklahoma-Illinois) along with sundry producer applications.¹ Sub-

¹ The producer applications relate to Oklahoma-Illinois' proposed supply for its pipeline proposal in Docket No. CP62-260.

sequently, one of these producer applicants, namely Continental Oil Company, filed a motion for withdrawal of its application in Docket No. CI63-118 on the basis that the operator of the unit, Midwest Oil Corporation, in its application in Docket No. CI62-1350 will make the sale proposed by Continental Oil Company. Additional producer applications were filed by Sam K. Viersen in Docket No. CI63-521, Philip C. Dixon in Docket No. CI63-585, Hefener Production Company in Docket No. CI63-595 and Harper Oil Company in Docket No. CI63-598.

In its application in Docket No. CP62-243, Natural proposes, among other things, to construct facilities so as to increase the design day sales capacity of its pipeline system by 35,000 Mcf. By its amendment of October 18, 1962, to this application, Natural has modified the originally proposed facilities. The now modified facilities will provide the 35,000 Mcf per day increased capacity but it is anticipated, will cost \$260,000 less than the originally proposed facilities.

Take further notice that Natural also filed on October 18, 1962, an application in Docket No. CP63-99 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, to construct and operate 31.78 miles of 30-inch pipeline looping and install 3,000 additional horsepower compression at its compressor station No. 300 so as to enable Natural to sell an additional 30,000 Mcf per day to Transmission, commencing on December 1, 1963, for resale by the later to Fuel. The anticipated cost of these facilities is \$4,169,000. This proposed sale of 30,000 Mcf per day to Transmission is in addition to the 35,000 Mcf per day proposed sale by Natural to Transmission in Docket No. CP62-243. The total cost of the facilities proposed to be constructed by Natural in both docketed applications to provide the 65,000 Mcf per day increased capacity is estimated at \$10,525,000.

As indicated in our notice of July 12, 1962, Natural, in conjunction with the filing of its application in Docket No. CP62-243, also requested amendment of its certificate in Docket No. CP61-339 for authorization to use existing facilities interconnecting its system with Transmission for the proposed sale and delivery of the additional 35,000 Mcf per day. Natural now seeks a similar and further amendment of its certificate in Docket No. CP61-339 so as to also encompass the 30,000 Mcf per day proposed sale in Docket No. CP63-99.

On October 19, 1962, Transmission filed an application in Docket No. CP63-100 seeking authorization to sell and deliver an additional 30,000 Mcf per day to Fuel, commencing on December 1, 1963, through its existing pipeline facilities and through use of facilities interconnecting the two systems. Transmission also seeks a further amendment of its certificate in Docket No. CP61-341, similar to its request for amendment filed concurrently with its application in Docket No. CP62-242, so as to have authorization to use the aforementioned interconnecting facilities not only for

the delivery and sale of the 35,000 Mcf per day proposed in its application in Docket No. CP62-242 but also for the sale and delivery of the 30,000 Mcf per day proposed in its application in Docket No. CP63-100. Transmission also seeks a further amendment of its certificate in Docket No. CP61-339, similar to its request for amendment of that certification filed concurrently with its application in Docket No. CP62-242, so as also encompass the sale by Natural to Transmission proposed in the former's application in Docket No. 63-99.

In our notice of June 12, 1962, we set forth that Fuel had filed a motion in Docket No. CP61-341, seeking amendment of that certificate so as to authorize Fuel to use the interconnecting facilities authorized therein for the purpose of taking into its system the additional volumes of gas proposed to be purchased from Transmission in the latter's application in Docket No. CP62-242. On October 19, 1962, Fuel filed a similar motion now seeking to amend the aforementioned certificate so as to also encompass the additional volumes of gas proposed to be purchased from Transmission in the latter's application in Docket No. CP63-100. Both motions to amend also contained an application for allocation by the Commission of the respective volumes of gas proposed to be acquired from Transmission in the latter's above-mentioned applications. These applications of Fuel for allocation by the Commission are hereby combined and given the designation of Docket No. CP63-105.²

Natural, Transmission and Fuel have all filed requests for consolidation of the above-discussed new filings with those applications consolidated by our order of October 15, 1962.

On October 29, 1962, Panhandle Eastern Pipe Line Company (Panhandle) filed an application, as supplemented on November 5, 1962, in Docket No. CP63-106 for a certificate of public convenience and necessity to construct and operate a supply line and underground storage facilities so as to supply and transport 65,800 Mcf per day of natural gas for sale in the St. Louis, Missouri, area on a firm basis.

Panhandle proposes to increase the delivery capacity of its Howell Storage Field by approximately 65,800 Mcf per day, and to construct a supply line from its existing main line facilities at a point near Glasgow, Illinois, to a point in the St. Louis area near Alton, Illinois. The estimated cost of the project is \$6,036,000 which Panhandle says will be financed from funds on hand.

Panhandle does not designate any customer to whom any or all of the proposed 65,800 Mcf per day will be delivered. It does, however, state that the service it proposes will be made at a lower cost to the St. Louis area consumers than either of the services proposed by Natural or Oklahoma-Illinois in

² The respective volumes to be purchased as set forth in both applications have not been combined and will be treated as proposed 1962 allocations and proposed 1963 allocations.

the previously discussed docketed and pending applications. In consequence thereof, Panhandle has also filed a motion for consolidation of this application with those of Natural and Oklahoma-Illinois.

These matters are interrelated and should be heard on a consolidated record. In this regard we shall also consolidate herewith the application of Midwest Missouri Gas Company filed in Docket No. CP63-6, pursuant to section 7(a) of the Natural Gas Act against Fuel, as more fully set forth in our notice of that application issued on September 26, 1962.

The Commission orders:

(A) The motions to consolidate the applications of Natural Gas Pipeline Company of America, Mississippi River Fuel Corporation, Mississippi River Transmission Corporation and Panhandle Eastern Pipe Line Company as more fully discussed above are hereby granted.

(B) Consolidation is also ordered herein of the applications of Sam K. Viersen, Docket No. CI63-521, Philip C. Dixon, Docket No. CI63-585, Hefener Production Company, Docket No. CI63-595, Harper Oil Company, Docket No. CI63-598 and Midwest Missouri Gas Company, Docket No. CP63-6.

(C) Since we inadvertently did not designate a docket number to Fuel's application for allocation of its proposed 1962 volumes, we are hereby giving said application the docket number designation assigned to the proposed 1963 allocation application, namely, Docket No. CP63-105. The proposals will be considered as two completely independent phases.

(D) Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before December 13, 1962.

(E) The hearing scheduled to commence on December 12, 1962, in these proceedings as set forth in our order of October 15, 1962, is hereby postponed.

(F) A prehearing conference will be held in these proceedings, as consolidated by this order, on January 14, 1963, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., and will be presided over by a hearing examiner, for the purpose of, among other things, designating an order of procedure as well as a date for commencement of hearing and exploring the possibility of stipulating issues.

(G) In order to facilitate the prehearing conference and expedite the hearing, all applicants shall serve upon all parties by December 14, 1962, the testimony and exhibits to be relied upon at the hearing in support of their respective cases. This ordering paragraph is applicable to the section 7(a) applicant, Midwest Missouri Gas Company and to all petitioners to intervene herein who are seeking an allocation of gas from Oklahoma-Illinois.

(H) The application of Continental Oil Company Docket No. CI63-118, is

permitted to be withdrawn as of the date of issuance of this order.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12108; Filed, Dec. 6, 1962;
8:46 a.m.]

[Docket No. RI63-211]

**NORTHERN PUMP CO., AGENT
(OPERATOR), ET AL.**

**Order Providing for Hearing on and
Suspension of Proposed Change
in Rate**

NOVEMBER 30, 1962.

On November 2, 1962, Northern Pump Company, Agent (Operator), et al., (Northern Pump) ¹ tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Contract, dated October 4, 1962; (2) Notice of Change, dated October 30, 1962.

Purchaser and producing area: Colorado Interstate Gas Company (Kansas Hugoton Field, Finney County, Kansas).

Rate schedule designation: (1) Northern Pump Company, Agent (Operator), et al., FPC Gas Rate Schedule No. 36. (Supersedes Northern Pump Company (Operator), et al., FPC Gas Rate Schedule No. 8, as supplemented); (2) Supplement No. 1 to Northern Pump Company, Agent (Operator), et al., FPC Gas Rate Schedule No. 36.

Effective date: December 3, 1962.²

Amount of annual increase: \$269.

Effective rate: 10.0 cents per Mcf.³

Proposed rate: 11.0 cents per Mcf.⁴

Pressure base: 14.65 psia.

Northern Pump's proposed renegotiated rate increase is provided for in a superseding contract dated October 4, 1962. The contract also establishes a depth limitation to the base of the Hugoton pay zone. The pricing provisions of the contract provide for an 11.0 cent per Mcf rate through December 31, 1962, and a 1.5 cent per Mcf increase commencing on January 1, 1963, until December 31, 1963, whereupon the rate will increase 1.0 cent per Mcf for the next two five-year periods until December 31, 1973. For each five-year period after December 31, 1973, the price shall be the fair market price but not less than 15.5 cents per Mcf.

A full proportionate downward Btu adjustment is provided for gas containing less than 950 Btu's per cubic foot in the superseded contract. However, this provision has been amended to the extent that in no event shall buyer pay

seller less than 11.0 cents per Mcf for the gas involved. The estimated Btu content of the gas for the succeeding twelve month period as reported in the notice of change is 786 Btu's per cubic foot. If the full adjustment were applied to the 786 Btu gas at the proposed 11.0 cents per Mcf contract price, the price would be 9.10 cents per Mcf. The amended clause of the contract operates to guarantee a minimum of 11.0 cents per Mcf; hence in this case, 11.0 cents in lieu of 9.10 cents per Mcf would be paid for the 786 Btu gas. The 11.0 cents for 786 Btu gas translates to 13.295 cents per Mcf for 950 Btu gas. Therefore, the proposed rate change may result in the sale of less than pipeline quality gas at the applicable area price level of 11.0 cents per Mcf for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed increased rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Northern Pump's superseding FPC Gas Rate Schedule No. 36 and Supplement No. 1 thereto, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Chapter II], a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Northern Pump's FPC Gas Rate Schedule No. 36 and Supplement No. 1 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and supplement thereto are hereby suspended and the use thereof deferred until May 3, 1963, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule and 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 January 16, 1963.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12109; Filed, Dec. 6, 1962;
8:46 a.m.]

[Docket No. CP63-74 etc.]

**NORTHERN UTILITIES, INC., ET AL.
Order Waiving Notice Provisions and
Fixing Date of Hearing**

DECEMBER 4, 1962.

In the matter of Northern Utilities, Inc.,¹ Docket No. CP63-74; Northern Utilities Company, Docket No. CP63-76; North Central Gas Company, Docket No. CP63-104.

On September 12, 1962, Northern Utilities, Inc. (Northern, Inc.) a Wyoming Corporation, 18 K Street, Rock Springs, Wyoming, filed an application (Docket No. CP63-74) and on November 21, 1962, and November 28, 1962, supplements thereto, pursuant to section 7 of the Natural Gas Act (1) for a certificate of public convenience authorizing it (a) to acquire by purchase all the jurisdictional facilities and related properties owned and operated by Northern Utilities Company (Northern Utilities), and (b) to operate said facilities in the transportation of natural gas for the account of North Central Gas Company (North Central); and (2) for permission and approval to abandon a portion of said facilities, as hereinafter described and as more fully set forth in the application in Docket No. CP63-74.

Northern, Inc., alleges that the Chase Manhattan Bank of New York, as trustee under an agreement dated November 30, 1935, with Charles A. Munroe, being the owner of 3,500 shares of 7 percent preferred stock and 567,000 shares of common stock of Northern Utilities,² a Wyoming Corporation, in accordance with the terms of said agreement, having elected to dispose of its interests in the stock or assets of Northern Utilities and North Central caused to be circulated notices of invitations for sealed bids to be made on or before 11:00 a.m., July 10, 1962, for the purchase of either the stock or assets of said companies. As a result, the bid of Northern Inc.'s predecessor, Natural Gas Utilities, Inc., to purchase the assets of Northern Utilities was accepted.

Northern Inc.'s predecessor entered into an agreement with Northern Utilities, dated July 11, 1962, providing for the purchase by Northern Inc.'s predecessor of all property, assets and business of whatever description and without limitation, then owned by Northern Utilities, except its seal, minute book, stock books and 22,300 shares of Class A stock and 2,610 shares of common stock of North Central which it owns. These properties include an integrated pipeline system wholly within Wyoming extending from producing areas in Fremont County to Glenrock; the Casper-Glenrock, Rock Springs, and Riverton-Lander distribution systems, and related facilities. Said agreement provides for a purchase price of \$8,503,140 and the assumption by the purchaser of all

¹ Northern Utilities, Inc.'s name was originally Natural Gas Utilities, Inc. After contracts of purchase were signed, the name of Natural Gas Utilities, Inc., was changed to Northern Utilities, Inc.

² Out of a total of 5,547 outstanding shares of preferred stock and 648,000 shares of common stock.

¹ Address is Columbia Heights Post Office, Minneapolis 21, Minn.

² The stated effective date is the first day after expiration of the required thirty days' notice.

³ Subject to downward Btu adjustment for gas containing less than 950 Btu's per cu. ft.

⁴ Rate not to be less than 11.0 cents per Mcf regardless of Btu content, (Btu content is 786 Btu's per cu. ft.).

liabilities of Northern Utilities, as more specifically described in section 3B of said agreement of July 11, 1962.

Upon approval by the Commission of the proposed acquisition of Northern Utilities' jurisdictional facilities, Northern, Inc. proposes to operate said facilities in the transportation of natural gas for the account of North Central, and to continue the present intrastate utility service.

Northern, Inc. estimates that the proposed acquisition, including purchase price, expenses to be incurred for accounting, legal, printing and other relevant expenses, will cost approximately \$10,500,000. Northern, Inc. proposes to finance said proposed acquisition by the issuance of 340,000 shares of common stock for a total consideration of \$3,400,000 and the issuance of twenty year 5% percent notes in the amount of \$7,800,000 to be purchased by insurance companies.

Northern, Inc. proposes to use and operate the acquired facilities in substantially the same manner as presently used and operated by Northern Utilities. Northern, Inc., however, has agreed to sell and North Central has agreed to buy all of Northern, Inc.'s, right, title, and interest to the following:

- (1) Gas distribution system in Glenrock, Wyoming;
- (2) The 10-inch steel gas transmission pipeline beginning at the outlet of North Central's Casper compressor station and extending eastward approximately 18.021 miles to a point near Glenrock; and
- (3) Northern Utilities' presently owned compressor station equipped with two 160 horsepower compressors located on that portion of North Central's Casper compressor station site that will be retained by North Central.

The price to be paid for the above-described facilities will be the net depreciated cost thereof plus that percentage thereof which represents the acquisition premium paid for said assets.

Upon approval of the proposed acquisition, Northern, Inc. requests permission and approval to abandon the above-described natural gas facilities by sale to North Central.

Northern, Inc. adopts as its rate for the transportation of natural gas, for the account of North Central Gas Company, as proposed, the rate set forth in Northern Utilities Company's Rate Schedule T on file with the Commission.

On September 25, 1962, Northern Utilities Company, a Wyoming Corporation having its principal place of business in Casper, Wyoming, filed an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon by sale to Northern Utilities, Inc. all of its natural gas facilities subject to the jurisdiction of this Commission and the service rendered by means thereof.

Northern Utilities alleges that the subject abandonment is a correlative aspect of the total transaction encompassed within the sale of Northern Utilities' assets by the Chase Manhattan Bank and the acquisition thereof by Northern Utilities, Inc., which transaction is described above.

Northern Utilities alleges that it proposes to sell all of its assets as described in the contract dated July 11, 1962, between it and Northern, Inc., described above, at a price of \$8,503,143.40 and the assumption by Northern, Inc. of the liabilities of Northern Utilities more specifically described in section 3B of said agreement. Northern Utilities requests permission and approval to abandon the jurisdictional natural gas facilities utilized in the transportation of natural gas for the account of North Central from the producing areas in Fremont County to Glenrock and the transportation service rendered thereby.

North Utilities' application, Docket No. CP63-76, is conditioned upon the approval by the Commission of Northern, Inc.'s companion application in Docket No. CP62-74 and is further conditioned upon the consummation of the plan of acquisition set forth therein.

On October 22, 1962, North Central Gas Company, a Wyoming Corporation having its principal place of business in Nebraska at Hastings, Nebraska, filed an application and on October 29, November 19, and November 20, 1962, amendments thereto, pursuant to section 7 of the Natural Gas Act, to acquire by purchase and operate certain facilities of Northern Inc. and to perform all acts and services which have been performed by Northern, Inc.'s predecessor in interest, Northern Utilities Company, to the extent that such facilities, acts and services are subject to the jurisdiction of the Commission.

The facilities proposed to be acquired and operated by North Central are facilities proposed to be acquired by Northern Inc. from Northern Utilities in Docket No. CP63-74 and are described as follows:

1. Approximately 18.021 miles of 10" steel gas transmission pipeline extending east from North Central's Casper compressor station to its point of connection with North Central's 10" gas transmission line in the vicinity of Glenrock, Wyoming.
2. Compressor station including two 160 HP Compressors located on the site of North Central's existing Casper Compressor station.
3. Gas Distribution system in the town of Glenrock, Wyoming.

Northern Inc. states that because of the enactment in October 1962 of Section 1245 of the Internal Revenue Code, it is imperative that the closing date occur in 1962 in order to save \$80,000 which, under its contract, Northern, Inc., would be required to pay if the proposed purchase is completed in 1963. Northern, Inc. asserts that it would be required to consider as ordinary income, not as a capital gain, substantially the amount of depreciation deducted by Northern Utilities Company in 1962. Thus Northern Inc. would be required to pay \$80,000 more in Federal income taxes than it would have to pay if the acquisition were fully consummated before the end of 1962. Such a payment Northern, Inc. states would have a substantial and adverse effect upon it.

The Commission finds: A shorter period of notice of hearing of the above-

described applications than that required by § 1.19(b) of the Commission's rules of practice and procedure is reasonable and consistent with the public interest.

The Commission orders:

(A) This order will constitute notice of the above described applications which are on file with the Commission and open for public inspection.

(B) The provisions of § 1.19(b) of the Commission's rules of practice and procedure relating to notice or order fixing the time and place for the initial convening of a hearing be and the same is hereby waived as to the hearing of the above-described applications.

(C) These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 19, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 17, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

By the Commission; Commissioner Morgan not participating.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12139; Filed, Dec. 6, 1962; 8:50 a.m.]

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Order Approving Offer of Settlement, Severing Proceedings and Conditionally Reissuing Permanent Certificate of Public Convenience and Necessity

NOVEMBER 30, 1962.

In the matter of Placid Oil Company, et al., Docket Nos. G-13183, et al.; Mississippi River Fuel Corporation, Docket No. G-17413.

Mississippi River Fuel Corporation has filed a proposed settlement of the controversies regarding its judicially re-

manded certificate application in Docket No. G-17413. See *Texas Gas Transmission Corp.*, 22 FPC 378; remanded sub nom. *Public Service Commission of New York v. F.P.C.*, 287 F.2d 146 (CAD), cert. denied 365 U.S. 880. Mississippi's application has been consolidated with other remanded south Louisiana certificate cases in *Placid Oil Company*, et al. (Docket Nos. G-13183, et al.). Mississippi filed its proposal on October 1, 1962, after those consolidated proceedings had been heard, but prior to decision by the Presiding Examiner. The proposal calls for a settlement price of 20.625 cents per Mcf to Hope Natural Gas Company under Mississippi's Rate Schedule No. 14. It also provides for refunds and a moratorium on increased rates.

No party objects to the substance of Mississippi's proposal; however, on November 2, 1962, the New York Public Service Commission (PSC) filed a response which points out a possible problem of construction. Mississippi's proposed moratorium provision includes the sentence: "The price will be subject to escalation to the applicable contract price on or after July 1, 1967, but Mississippi will file no such escalation to be effective prior to that date." PSC says this sentence may be construed to permit Mississippi to file an increased rate prior to July 1, 1967, to take account of the rate suspension provisions of the Natural Gas Act and that, if so construed, it would be inconsistent with the moratorium provisions of similar settlements approved by us in *Texaco Inc.*, 28 FPC _____ (order issued July 30, 1962, in Docket Nos. G-13169, et al.). We agree with PSC that any settlement in this docket should accord with those approved in *Texaco Inc.*, supra; but we are convinced that Mississippi's proposal should not be construed in the manner PSC fears. In submitting its settlement proposal, Mississippi stated that it "substantially conforms to settlements heretofore approved" in *Texaco Inc.*, supra. Accordingly, we conformably construe Mississippi's proposal as intended to "proscribe increased rate filings until July 1, 1967" provided, however, "That filings may be made prior to July 1, 1967, to the extent that Congress extends the suspension period" to exceed the present five-month maximum. Mississippi's moratorium on rate filings is, of course, subject to the same exception based on the outcome of the Area Rate Proceeding in Docket No. AR61-2 as were the settlements approved in *Texaco Inc.*, supra.

We find the proposed settlement to be in the public interest for the reasons we stated in *Texaco Inc.*, supra, and without reference to the record upon rehearing in this proceeding. Accordingly it is necessary and appropriate that we sever Docket No. G-17413 from Docket Nos. G-13183, et al., pass on the merits of the settlement proposal, and thereby promptly establish the reduced purchase price under the affected rate schedule. No party has objected to waiver of intermediate decision in this proceeding.

The Commission further finds:

(1) Mississippi River Fuel Corporation (the applicant) is a natural-gas company

within the meaning of the Natural Gas Act, as heretofore found, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The sales of natural gas proposed by Mississippi's application, as amended, are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales proposed by applicant in the above-captioned docket, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and a certificate should be issued as ordered below effective as of the date of initial delivery.

(5) The conditions attached to the certificate herein issued are required by the public convenience and necessity.

The Commission further orders:

(A) The proceeding in Docket No. G-17413 is severed from those in Docket Nos. G-13183, et al., and the intermediate decision procedure is waived in the severed proceeding.

(B) A certificate of public convenience and necessity is hereby reissued upon the conditions set forth herein, to applicant, effective as of the date of initial delivery, for the sale of natural gas in interstate commerce for resale as proposed, and construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the application.

(C) The certificate issued by paragraph (B), above, is granted upon the express condition that applicant fully comply with the terms of its settlement proposal, as herein construed, which proposal is expressly approved.

(D) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposal, applicant shall report to the Commission, in writing and under oath, the amount of the refunds made to its purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with a release from its purchaser showing receipt of the refunds in conformity to the settlement as approved.

(E) Upon full compliance of applicant with all the terms of this order and of the settlement proposal, applicant shall be relieved of any further refund obligations in this proceeding and said proceeding shall terminate.

(F) The certificate herein issued is not transferable and shall be effective only so long as the applicant continues the acts and operations hereby authorized in

accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(G) The grant of the certificate herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or of Part 154 of the regulations thereunder: *Provided, however*, That the 30-day notice provision and the detailed submittal requirements of Part 154 are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(H) The grant of a certificate herein and approval of the settlement proposal is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicant, particularly any proceeding under section 5 of the Natural Gas Act or section 5(c) of the Outer Continental Shelf Lands Act, and is without prejudice to claims or contentions which may be made by the Commission, applicant, the Commission staff, or any affected party herein in any other proceeding.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12110; Filed, Dec. 6, 1962;
8:46 a.m.]

[Docket No. E-7076]

OTTER TAIL POWER CO.

Notice of Application

DECEMBER 5, 1962.

Take notice that on November 28, 1962, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Otter Tail Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota, and South Dakota, with its principal business office at 215 South Cascade Street, Fergus Falls, Minnesota, seeking an order authorizing the issuance of unsecured Promissory Notes from time to time prior to December 31, 1965, to commercial banks in an aggregate principal amount not to exceed \$10,000,000. Applicant proposes to request loans from and issue said Notes as the need arises to First National Bank of Minneapolis and from banks in its territory, including First National Bank of Fergus Falls, Fergus Falls National Bank and Trust Company and Security State Bank of Fergus Falls. The interest rates on said Notes will be determined by agreement between Applicant and lender, but at rates not to exceed 5½ percent per annum. Said Notes will have a maturity of one year or less.

Applicant states that the aforesaid Promissory Notes will be issued to finance temporarily the balance of its 1962 construction program and to provide funds to finance temporarily Applicant's 1963-1965 construction prior to arranging for long-term financing. Applicant estimates the following expenditures for the

next three years for construction of electric production, transmission, distribution, and other facilities: 1963, \$12,721,000; 1964, \$7,398,000; 1965, \$4,377,000.

Applicant states that it now has under construction a 60,000 kw addition to its Hoot Lake generating station at Ferguson Falls, which will be completed in 1964. Although it has no firm plans for additional generating plant additions, it anticipates load growth which will necessitate expenditures for planning and starting construction on additional generating capacity before the end of the three-year period covered by this application. The greater part of the Electric Transmission and Substation construction program is the extension of the Applicant's 115 kv transmission grid.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 17th day of December, 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12162; Filed, Dec. 6, 1962;
8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST OKLAHOMA BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Oklahoma Bancorporation, Inc., for permission to become a bank holding company through the acquisition of voting shares of The First National Bank and Trust Company of Oklahoma City, Oklahoma City, Oklahoma, and The Idabel National Bank, Idabel, Oklahoma.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by First Oklahoma Bancorporation, Inc., Oklahoma City, Oklahoma, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of a minimum of 28.15 per cent of the voting shares of The First National Bank and Trust Company of Oklahoma City, Oklahoma City, Oklahoma, and a minimum of 50.5 percent of the voting shares of The Idabel National Bank, Idabel, Oklahoma.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the receipt of the application and requested his views. The Comptroller replied that he had no opinion or recommendation at that time. However, in a subsequent letter, the Comptroller recommended that the application be approved.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 30, 1962 (27 F.R. 869), affording opportunity for submission of comments and views regarding the proposed acquisition. Thereafter, a public hearing, ordered by the Board pursuant to § 222.7(a) of the Board's Regulation Y (12 CFR 222.7(a)), was held before a duly selected Hearing Examiner; proposed findings of fact and conclusions of law were submitted by the parties; and the Hearing Examiner's Report and Recommended Decision was filed with the Board wherein approval of the application was recommended. Protestants' exceptions, with supporting brief, to the Report and Recommended Decision, and Applicant's response thereto, have been considered.

The Board, upon motion of parties opposing the application, held oral argument and received further briefs. In addition, the Board has received, considered, and ruled upon the several motions and petitions filed in this matter by the parties opposing the application.

It is hereby ordered, for the reasons set forth in the Board's Statement¹ of this date, that the said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 30th day of November 1962.

By order of the Board of Governors.²

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-12111; Filed, Dec. 6, 1962;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4093]

CENTRAL AND SOUTH WEST CORP. AND SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock and Intrasystem Issuance, Sale and Acquisition of Shares of Common Stock

DECEMBER 3, 1962.

Notice is hereby given that Central and South West Corporation ("Central"), 902 Market Street, Wilmington

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Kansas City. Dissenting statements of Governors Robertson and King also filed as part of the original document and available upon request.

² Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and Mitchell. Voting against this action: Governors Robertson and King.

99, Delaware, a registered holding company and one of its public-utility subsidiary companies, Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, Shreveport, Louisiana, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50(a)(3) as applicable to the proposed transactions.

All interested persons are referred to the amended joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Southwestern proposes to amend its Certificate of Incorporation (as amended) so as to increase its authorized shares of common stock, par value \$10 per share, from 3,500,000 shares to 5,500,000 shares. Southwestern further proposes to issue and sell for cash, and Central (which owns all of Southwestern's outstanding shares of common stock) proposes to acquire, at par value, 1,800,000 additional shares of common stock of Southwestern for \$18,000,000. The acquisition is to be made by Central, in a simultaneous transaction, by applying the proceeds of a cash dividend in the amount of \$18,000,000 to be declared and paid by Southwestern on its common stock out of earned surplus which amounted to \$26,292,205 at September 30, 1962.

As an integral part of the above proposals, arrangements will be made with the First National Bank of Chicago ("Bank") for a temporary open-account advance of \$18,000,000 to Southwestern, against which advance Southwestern will issue its check to Central in payment of the proposed dividend and, upon receipt and deposit thereof, Central will issue its check for \$18,000,000 to Southwestern in payment for Southwestern's 1,800,000 shares of common stock whereupon Southwestern will deposit the check of Central and discharge the advance made by the Bank; all to be consummated, in a simultaneous transaction, on the same day. It is stated that no security or other evidence of indebtedness will be issued by Central or Southwestern to evidence the foregoing advance by the Bank.

The estimated expense to be incurred in connection with the proposed transactions, all of which is to be paid by Southwestern, aggregate \$21,000 and consist of \$18,000 for Federal original issue stamp tax, \$400 for taxes to the State of Delaware covering the increase in authorized shares, \$350 for miscellaneous items and \$2,250 for one day's interest at 4½ percent on the proposed open account advance by the Bank. Southwestern estimates that \$1,000 represents a reasonable allocation to the proposed transactions of the annual retainer fee paid to its legal counsel.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 20, 1962, request in writing that a

hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, at the above stated addresses, and proof of service (by affidavit, or in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 62-12121; Filed, Dec. 6, 1962;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 4, 1962.

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. 38059: *Liquid caustic soda to Chickamauga, Tenn.* Filed by O. W. South, Jr., Agent (No. A4260), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Redstone Arsenal, Ala., to Chickamauga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 63 to Southern Freight Association tariff I.C.C. S-194.

FSA No. 38060: *Substituted service—NYNH&H for P. D. Coakley Motor Transportation, Inc.* Filed by The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees), (No. 230), jointly with P. D. Coakley Motor Transportation, Inc., for themselves and interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and New Haven, Conn., Boston, Springfield and Worcester, Mass., and Providence,

R.I., on the other; also between New Haven, Conn., on the one hand, and Boston and Springfield, Mass., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 38061: *Wheat and wheat flour to gulf ports.* Filed by Southwestern Freight Bureau, Agent (No. B-8305), for interested rail carriers. Rates on wheat and wheat flour, in carloads, from points in Arkansas, Colorado, Iowa, Kansas, Missouri (including East St. Louis, Ill.), Nebraska, Oklahoma and Wyoming to Gulf ports, Pensacola, Fla., to Corpus Christi, Tex., (for export).

Grounds for relief: Unregulated truck competition.

Tariffs: Supplement 12 to The Atchison, Topeka and Santa Fe Railway Company's tariff I.C.C. 14945 and other schedules named in the application.

FSA No. 38062: *Starch and dextrine to Franklin, Va.* Filed by O. W. South, Jr., Agent (No. A4261), for interested rail carriers. Rates on starch and dextrine, as described in the application, in carloads and tank-car loads, from St. Louis, Mo., and East St. Louis, Ill., to Franklin, Va.

Grounds for relief: Market and private truck competition.

Tariff: Supplement 107 to Southern Freight Association tariff I.C.C. S-116.

FSA No. 38063: *Bituminous coal to Elkhart, Ind.* Filed by Illinois Freight Association, Agent (No. 188), for interested rail carriers. Rates on bituminous coal, in carloads, subject to aggregate minimum of 1,000 tons per shipment, from mines in Illinois and western Kentucky to Elkhart, Ind.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 62 to Illinois Freight Association tariff I.C.C. 966, and other schedules named in the application.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-12125; Filed, Dec. 6, 1962;
8:48 a.m.]

[Notice 726]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 4, 1962.

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 65318. By order of Nov. 29, 1962, the Transfer Board approved the transfer to Nick G. Katsilas, doing business as Gust A. Katsilas & Son, Wilmerding, Pa., of Certificate No. MC 87482, issued May 3, 1954, to Gust A. Katsilas and Nick G. Katsilas, a partnership, doing business as Gust A. Katsilas & Son, Wilmerding, Pa., authorizing the transportation, over regular routes, of: (1) Electrical machinery and equipment, and parts and supplies necessary for the installation, sale and use of such products, (a) between Pittsburgh, and Sharon, Pa., (b) between Monroesville, and Sharon, Pa., (c) between Monroesville and Victory, Pa., and (2) insulating Varnish, from Manor, Pa., to Pittsburgh, Pa., and (3) over irregular routes, Electrical machinery and equipment, parts, and supplies used or useful in the installation, sale, and operation of such commodities, (a) between East Pittsburgh, Linhart, and Trafford, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Michigan, New York, New Jersey, Ohio, and the District of Columbia, and (b) between East Pittsburgh, Linhart, and Trafford, Pa., on the one hand, and, on the other, Pittsburgh and Pitcairn, Pa., and (c) Insulating varnish, from Manor, Pa., to points in Illinois, Indiana, Maryland, Michigan, New York, New Jersey, Ohio, and the District of Columbia. Daniel Krause, 1124 Frick Building, Pittsburgh 19, Pa., attorney for applicants.

No. MC-FC 65441. By order of Dec. 3, 1962, the Transfer Board approved the transfer to Thomas V. Bushy, doing business as Bushey's Bus Line, 135 Otter River Road, Gardner, Mass., of the operating rights issued by the Commission October 27, 1949, under Certificate No. MC 106829 to John E. Guertin, doing business as Winchendon Transit Company, Winchendon, Mass., authorizing the transportation of passengers and their baggage in seasonal operation from April 1 to November 30, over a regular route, between Winchendon, Mass., and Lake Sunshine (Lake Contoocock), N.H.

No. MC-FC 65469. By order of Nov. 29, 1962, the Transfer Board approved the transfer to Bishop Motor Express, Inc., Grand Rapids, Mich., of Certificate No. MC 65920 issued November 20, 1940, to Peter Bishop, William Bishop, and Hatlie Bishop, a partnership, doing business as Bishop Motor Express, Grand Rapids, Mich., authorizing the transportation of general commodities, excluding household goods (when transported as a separate and distinct service in connection with so-called "household movings"), and commodities in bulk, between Grand Rapids, Mich., and Muskegon, Mich. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., attorney for applicants.

No. MC-FC 65491. By order of Nov. 29, 1962, the Transfer Board approved the transfer to J. C. Jackson, Jr., doing business as Farm Products Company, East Prairie, Mo., of Certificates Nos. MC 117792, MC 117792 Sub 1, MC 117792 Sub 2, and MC 117792 Sub 3, issued November

18, 1959, August 25, 1960, January 19, 1961, and July 13, 1961, respectively, to J. C. Jackson, Jr., Forrest Jay Nichols, doing business as Farm Products Company, East Prairie, Mo., authorizing the transportation, over irregular routes, of: Bananas, from Mobile, Ala., to Milan, Ill.; from New Orleans, La., to Milan, Ill.; from New Orleans, to Peoria, Ill.;

and from Peoria to Mobile, Ala. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-12124; Filed, Dec. 6, 1962;
8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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