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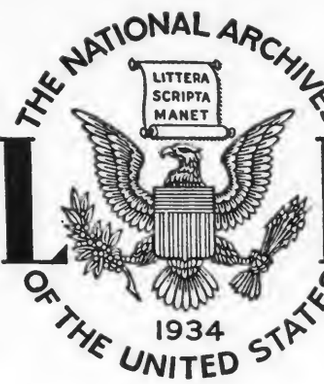

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 19]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

1963 OLD FARM BASE ACREAGES AND ACREAGE ALLOTMENTS AND NEW FARM ALLOTMENT DETERMINATIONS

On pages 1174, 1175, and 1176 of the FEDERAL REGISTER of February 8, 1962, there was published a notice of proposed rule making to issue amendments to the regulations pertaining to farm acreage allotments for 1960 and subsequent crops of wheat to determine base acreages for old farms for the 1963 crop of wheat in a manner substantially identical to that used for the determination of the 1962 farm base acreages and acreage allotments. It was also proposed to change the eligibility requirements governing wheat acreage allotments for new farms in order to obtain uniformity between the wheat acreage allotment regulations and regulations for other allotment crops and to provide that the wheat acreage allotment established for a new farm shall be reduced to the wheat acreage determined for the farm if it is determined such wheat acreage on the farm is less than 75 percent of the farm wheat acreage allotment. Interested persons were given 30 days in which to submit written data, views and recommendations with respect to the proposed amendments.

No data, views or recommendations were received.

The proposed amendments are hereby adopted without change.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

APRIL 2, 1962.

1. A new § 728.1017c is added between §§ 728.1017b and 728.1018 to read as follows:

§ 728.1017c Determination of base acreages for old farms for the 1963 crop of wheat.

(a) The county committee shall, in accordance with the regulations in this section, determine a 1963 base acreage of wheat for each old farm which will reflect the factors of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. For substantially all farms, these factors are determined to be adequately reflected for the 1963 crop in the 1962 base acreages for regular rotation farms and in the 1961 base acreages for odd and even rotation farms and the wheat history acreages for 1961, weighted and adjusted as provided for in this section. For the small number of farms where special provisions are necessary as provided in subparagraphs (3), (4), (5), (6), and (7) of paragraph (b) of this section, the computed base acreage determined in accordance with the provisions of such subparagraphs have been determined adequately to reflect these factors.

(b) *Computed base acreage.* The county committee shall establish for each farm a computed base acreage which shall be:

(1) For a regular rotation farm, 80 per centum of the 1962 base acreage which was determined for the farm under § 728.1017b, plus 20 per centum of the 1961 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(2) For any farm having an odd and even crop rotation as defined in § 728.1011(d), 80 per centum of the 1961 base acreage which was determined for the farm under § 728.1017a, plus 20 per centum of the 1961 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(3) For a farm for which a new farm allotment was established for the first time for the 1962 crop, the product obtained by multiplying the final 1962 wheat acreage allotment for the farm by 111.11 percent and multiplying that product by the reciprocal of a decimal fraction which is 100 per centum of the county proration factor used in adjusting old farm base acreages in 1962 to the 1962 county acreage allotment as determined under § 728.1018.

(4) For a farm which had established a new odd and even crop-rotation system for 1962 as provided in § 728.1017b(b)(4), the base acreage recommended by the county committee as applicable for 1963 for such farm.

(5) For an old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three- or four-year period, the previous base acreage selected by the county committee as applicable for 1963 for such farm under such rotation system.

(6) For a farm with an established odd and even rotation for which a change in the crop-rotation practices will go into effect for 1963, the computed base acreage recommended by the county committee as applicable for 1963 for such farm under the new rotation: *Provided*, That such computed base acreage shall not exceed the base acreage which would have been computed if the rotation in effect for 1962 had been continued.

(7) For those farms for which the penalty on excess wheat of the 1959 or 1960 crop was postponed or avoided by storage of the excess but on which the penalty became due after determination of the 1962 allotment, the farm base acreage for 1963 shall be computed in accordance with the applicable subparagraph (1) or (2) of this paragraph after the 1961 or 1962 base acreage has been recomputed, for 1963 base acreage determination only, by using the 1959 or 1960 allotment, as appropriate, instead of the 1959 or 1960 base acreage as the 1959 or 1960 wheat history acreage.

(c) *Tentative farm base acreage.* The tentative base acreage for a farm shall be the computed base acreage determined under paragraph (b) of this section, as adjusted under this paragraph (c). The county committee may make adjustments not to exceed 10 percent in the computed base acreage for the farm when it is determined that such computed farm base acreage is too low or too high when compared with base acreages on similar farms similarly operated which have had very similar crop-rotation practices in the past and have relatively the same type of soil and topography and approximately the same amount of cropland. Such adjustments are subject to the following conditions:

(1) The computed farm base acreage may not be adjusted above the cropland for the farm.

(2) No adjustment shall be made for the purpose of offsetting the effects of exceeding the 1959, 1960, or 1961 farm acreage allotment.

(3) An adjustment shall be made to reflect the loss in county history caused by those farms for which the base acreage is determined under § 728.1017c(b)(4) or (5) which had excess wheat acreage on which the penalty became due for the 1959, 1960, or 1961 crop of wheat. A zero tentative base acreage shall be established for any farm if the county committee determines that the land will not be used for agricultural production in 1963 because it has been devoted to non-agricultural use.

(d) *The 1963 base acreage.* The 1963 base acreage shall be that acreage determined under paragraphs (a) through (c) of this section, adjusted to the approved county base. If the sum of the indicated 1963 tentative base acreages for all old farms in the county does not equal (within rounding tolerance) the 1963 final county base acreage used in apportioning the State acreage allotments to counties contained in § 728.1307, such indicated base acreage shall be adjusted up or down by that percentage which the sum of the indicated base acreages for all old farms in the county is less or more than the 1963 county base acreage: *Provided*, That the 1963 base acreage for any farm shall not exceed the total cropland for the farm, except for any farm where less than 15 percent of the cropland on the farm has been

acquired under the right of eminent domain. As so adjusted, the 1963 tentative base acreage for the farm shall become the 1963 base acreage for the farm.

§ 728.1018 [Amendment]

2. Section 728.1018 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the language "and § 728.1017c for 1963."

§ 728.1019 [Amendment]

3. Section 728.1019 is amended by changing the heading to read *"Determination of tentative acreages for new farms for the 1960, 1961, and 1962 crops"*; by adding in the first sentence of paragraph (a) immediately following the word "shall" the language ", with respect to the 1960, 1961, and 1962 crops,"; by adding in the first sentence of paragraph (b) immediately following the word "allotments" the language "for the 1960, 1961, or 1962 crop"; and by adding in the first sentence of paragraph (c) immediately following the words "new farm" the language "for the 1960, 1961, or 1962 crop".

4. A new § 728.1019a is added to read as follows:

§ 728.1019a Determination of tentative acreages for new farms for 1963 and subsequent crops.

(a) The county committee shall determine a tentative acreage for use in establishing a wheat acreage allotment for each eligible new farm for the 1963 or any subsequent crop for which an acreage allotment is requested in writing prior to July 1 of the year immediately preceding the current year in the winter wheat area, and prior to March 1 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request for such allotment shall be made by the owner or operator on Form MQ–25, Application for New Farm Allotment, which shall contain statements as to location and identification of the farm, name and address of the farm operator, the acreages of farmland and cropland on the farm, the acreage of wheat requested, the past experience of the applicant in producing wheat, the acreage allotments established for other crops for the farm for the current year, the tillable acreage on the farm available for the production of wheat, whether the operator or owner owns or operates any other farm in the United States for which a wheat acreage allotment will be established for the current year, whether the operator of the farm will obtain more than 50 per centum of his income during the current year from the production of agricultural commodities or products from the farm, excluding the estimated return from the production of wheat on the requested allotment, whether the production of wheat on the farm ordinarily would result in an undue erosion hazard under continuous production and whether the operator owns or has readily available adequate equipment and other facilities for the production of wheat.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The application for a new farm allotment is filed by the farm operator or farm owner at the office of the county committee on or before the applicable closing date.

(2) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a wheat allotment will be established for the current year.

(3) The available land, type of soil and topography of the land on the farm for which the wheat allotment is requested is suitable for the production of wheat and the production of wheat on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator owns or otherwise has readily available adequate equipment and the other facilities of production necessary to the successful production of wheat on the farm.

(5) The operator will obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from the agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major purpose other than operation or ownership, as applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salaries, from the corporation.

(6) Notwithstanding the provisions of subparagraphs (2), (3), and (5) of this paragraph, the committee shall establish a new farm allotment for a farm (other than an old wheat farm) with an established four- or five-year rotation that will include wheat for the current year.

(c) In determining the tentative acreage for each new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system: *Provided,* That the tentative acreage so established shall not exceed the wheat acreage for the farm for the current year under the planned crop-rotation system. Without prior approval of the State committee, the acreage recommended by the county committee shall not exceed one hundred percent of the acreage indicated by cropland where the operator of the farm has been planting wheat on the farm in regular rotation; eighty percent of the acreage indicated by cropland where the operator has had actual wheat production in previous years; sixty-five percent of the acreage indicated by cropland where the operator has had no opportunity to establish wheat history for himself; and twenty-five percent of the acreage indicated by cropland where the applicant could have established wheat history but has not done so, and in all other cases. The State committee when requested may grant approval in excess of the limits established above if such limitation would result in an inequitable tentative acreage due to the fact that the type of farming operations carried out generally in the community or county is not representative of the type of farming operations to be carried out on the new farm.

5. Section 728.1020 is amended to read as follows:

§ 728.1020 Determination of acreage allotments for new farms.

(a) The county committee shall, after approval by the State committee of the tentative acreages established for new wheat farms, determine a wheat acreage allotment for the current year for each new farm by multiplying the tentative acreage so established by a pro rata adjustment factor which shall be the smaller of the factor determined under § 728.1018 or a factor obtained by dividing the State reserve for new farms by the sum of the tentative acreages determined for new farms under §§ 728.1019 or 728.1019a. If the wheat acreage for the current year is less than the allotment established for the farm under this section for the 1960, 1961, or 1962 crop, or is less than 75 per centum of the allotment established for the farm under this section for the 1963 or any subsequent crop, the wheat allotment for the farm shall be reduced to the acreage classified as wheat acreage on the farm, and the acreage resulting from such reductions in each county shall be transferred to the reserve available to the county committee for appeals, correction of errors and missed farms. The sum of all new farm acreage allotments in the State shall not exceed the State reserve set aside for new farms. In determining future allotments for such new farms, the farm will not be considered to have any acreage diverted from the production of wheat for the year in which the allotment was established.

(b) Any new farm allotment approved under § 728.1020 for the 1963 or any subsequent crop which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for a new farm allotment shall be cancelled as of the date established.

[F.R. Doc. 62-3349; Filed, Apr. 5, 1962; 8:47 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.3]

PART 815—ALLOTMENT OF SUGAR QUOTAS

Mainland and Local Quotas for Puerto Rico for the 6-month Period Ending June 30, 1962

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of allotting the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments", respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the sugar quotas for Puerto Rico for the 6-month period ending June 30, 1962, shows that the probable supply of sugar available for marketing in the first six months of 1962 will be substantially in excess of the mainland and local quotas for such period. As a result, some processors may not be afforded equitable opportunities to market sugar and disorderly marketing would be likely to occur unless the quotas are allotted (R. 11). It is imperative that any allotments established on the basis of this proceeding be made effective at the earliest possible date so that allottees can plan to market and ship sugar in an orderly manner and to avoid marketings by any allottee in excess of his allotment (R. 29). Accordingly, in order to fully effectuate section 205(a) of the Act, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall become effective upon publication in the FEDERAL REGISTER.

Preliminary statement. Under the provisions of section 205(a) of the Act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the mainland and local quotas for the six-month period ending June 30, 1962, is necessary and a notice was published on February 2, 1962 (27 F.R. 984), of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area ASCS Office, Segarra Building, on February 21, 1962, at 10:00 a.m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the mainland quota for the six-month period ending June 30, 1962, (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the local quota for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> * * * Allotment shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the quantity of sugar in prospect for marketing during the first six months of 1962 will exceed the mainland and local quotas for Puerto Rico for the six-month period ending June 30, 1962, and that, in the absence of allotments, disorderly marketing is likely to occur and some processors may not be afforded equitable opportunities to market sugar (R. 11).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the quotas for Puerto Rico is based. That formula follows the Government proposal made in the record as to the measures and weightings of factors to be used for determining combined mainland and local allotments.

The formula is made applicable to combined mainland and local quotas because the measures of these three factors relate more directly to the allottee's share in total marketings than to his participation in either the local or mainland market by itself (R. 17).

The processing of 1961–62 crop sugarcane is not expected to be completed by June 30, 1962, and final data would not be available for establishing allotments during the first six months of 1962. Using the average crop-year production of sugar from the 1959–60 and 1960–61 crops of sugarcane in lieu of estimated production from the 1961–62 crop as a measure of the factor "processings" should provide an equitable relative measure of "processings" as among individual processors and avoid the inequities that would result if estimates of 1961–62 crop processings were used and later found to be significantly in error (R. 15). A weighting of 25 percent to the "processings" factor in determining combined mainland and local allotments appears to be consistent with the importance of this factor (R. 15).

The average calendar year marketings of sugar during the most recent five years will provide an adequate and equitable measure of the factor "past marketings" and a weighting of 50 percent to this factor will contribute to an orderly rate of change in the marketings of each processor relative to the marketings of others (R. 16).

The "ability to market" factor in each of the years 1949 through 1957, except for 1951 and 1952, was measured by each processor's inventory at the beginning of the year plus the production of sugar during the year. Since there will be only minimal sugar inventories on January 1, 1962 and final data on 1961–62-crop processings will not be available prior to June 30, 1962, it was proposed that an equitable measure of each processor's relative ability to market sugar during the six-month period ending June 30, 1962, would be sugar production from 1959–60 or 1960–61-crop sugarcane, whichever is higher (R. 16). A weighting of 25 percent to the factor "ability to market", so measured appears to give adequate recognition to this factor (R. 14).

The average of annual local marketings in 1960 and 1961 affords a suitable basis for determining local allotments for the first six months of 1962. Local allotments should be deducted from the combined mainland and local allotments to determine the mainland allotment for each processor (R. 17).

It was proposed that a liquid sugar reserve of 20 short tons, raw value, be established to permit the marketing of liquid sugar in the continental United States by persons other than named allottees (R. 19). Accordingly, in determining combined mainland and local allotments for the six-month period ending June 30, 1962, the total quantity to be allotted among named allottees would

be the mainland quota, less 20 short tons, raw value, plus the local quota (R. 19).

It was proposed at the hearing and is provided in this order that whenever a change in quotas involves only a change in the mainland quota no change shall be made in individual allotments of local quota and each allottee shall share in the increase or decrease in mainland quota in proportion that his local and mainland allotments bear to the total of all such allotments then in effect. Whenever a change in the quotas involves only a change in the local quota, revised allotments shall be established in the same manner as provided by the order resulting from this proceeding (R. 22).

As proposed in the hearing record, findings are made herein that revisions shall be made in the order, without further notice or hearing, for the purpose of substituting revised estimated or final data for estimated data, allotting any quantity of an allotment which may be released by an allottee, and giving effect to any increase or decrease in the mainland or local quotas (R. 23, 24).

It was proposed at the hearing and it is herein provided that the order allotting the mainland and local quotas contain a number of provisions relating to "Exchange of Allotments", "Producers' Marketings Under Allotments", "Restrictions on Marketings and Importations", and "Specific Charges Against Allotments". Such provisions proposed were set forth in Exhibit 6 entitled "Miscellaneous Provisions for Any Order Allotting the Mainland and Local Quotas for Puerto Rico for the Six-Month Period Ending June 30, 1962" (R. 24).

Findings and conclusions. On the basis of the record of this proceeding, I hereby find and conclude that:

(1) Production of sugar from the 1961–62 crop sugarcane is estimated at 1,056,000 short tons, raw value. Based on sugar production in previous years, processings of more than 95 percent of the 1961–62 crop sugarcane is expected to be completed by June 30, 1962. Thus, for the 6-month period ending June 30, 1962, Puerto Rican processors are expected to have available for marketing in the mainland and in Puerto Rico a quantity of sugar substantially in excess of the combined mainland and local quotas for Puerto Rico.

(2) The allotment of the mainland quota for Puerto Rico for the 6-month period ending June 30, 1962 (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the local quota for Puerto Rico for the 6-month period ending June 30, 1962, is necessary to prevent disorderly marketing of such sugar and to afford all interested persons equitable opportunities to market such sugar in the continental United States and in Puerto Rico.

(3) Combined mainland and local allotments for individual processors shall be determined by measuring and weighting the three factors cited for consideration by section 205(a) of the Sugar Act, as follows:

(a) The factor "processings from proportionate shares" shall be measured by the average production by each processor from 1959–60 and 1960–61-crop sugarcane expressed as a percentage of the total of such average production by all processors.

(b) The factor "past marketings" shall be measured by the average annual 1957–61 mainland and local marketings by each processor, expressed as a percentage of the total of such average mainland and local marketings by all processors.

(c) The factor "ability to market" shall be measured by each processor's production from either 1959–60 or 1960–61-crop sugarcane, whichever is higher, expressed as a percentage of the sum of such highest production for all processors.

(d) To determine each processor's combined mainland and local allotment, the three factors measured for each processor in percentages as provided in (a), (b) and (c), above, shall be weighted: "Processings," 25 percent; "past marketings," 50 percent; and, "ability to market," 25 percent; and the result thereof shall be applied to the sum of the mainland and local quotas for the six-month period ending June 30, 1962, except as provided hereinafter in Finding (5).

(4) Local allotments shall be determined by adjusting the average annual marketings for local consumption in Puerto Rico by each processor in the calendar years 1960 and 1961 in the same proportion that total average 1960–61 marketings of all processors is to the local quota, so that the sum of the resulting local allotments will equal the six-month quota for local consumption. The local allotment so determined for each processor shall be deducted from the combined mainland and local allotments for each processor to determine the mainland allotment.

(5) A liquid sugar reserve of 20 short tons, raw value, shall be established within the mainland quota to permit the marketing of liquid sugar in the continental United States by persons other than named allottees during the 6-month period ending June 30, 1962. Only liquid sugar shall be marketed within this reserve.

(6) The method of allotment provided for in Findings (3), (4), and (5), above, is applied as shown in the following table to the sum of the local quota of 65,000 short tons, raw value, and the mainland quota of 602,780 short tons, raw value, less the liquid sugar reserve of 20 short tons, raw value. Such quantities and percentages contained in the table are based upon the data provided in the hearing record, including estimated data pertaining to 1961 calendar year marketings, which shall be used pending the availability and substitution of revised estimates or final data for such estimated data.

Processor	Processings		Past marketings		Ability to market		Combined allotments of mainland and local quotas		Average 1960 and 1961 local marketings	Local allotments	Mainland allotments
	Average 1959–60 and 1960–61 crop year production		Average annual mainland and local marketings, 1957 through 1961		Highest annual production, 1959–60 and 1960–61 crops					Col. (9) adjusted to local quota	Col. (8) minus col. (10)
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Percent of total	Short tons, raw value	Short tons, raw value		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Antonio Roig Sucesores, S. en C	40,125	3.770	41,888	4.066	41,484	3.717	3.905	26,076	25,116	13,212	12,864
Asociacion Azucarera Cooperativa	29,525	2.774	28,084	2.726	30,835	2.763	2.747	18,343	0	0	18,343
Central Aguirre Sugar Co., a trust	119,684	11.246	118,599	11.511	129,637	11.615	11.471	76,599	366	193	76,406
Central Coloso, Inc	73,998	6.953	66,516	6.456	74,852	6.707	6.643	44,359	172	91	44,268
Central Eureka, Inc	38,323	3.601	36,433	3.536	41,567	3.724	3.599	24,033	666	350	23,683
Central Guamani, Inc	13,311	1.251	13,286	1.290	13,702	1.228	1.265	8,447	0	0	8,447
Central Igualdad, Inc	46,704	4.389	44,174	4.287	49,672	4.451	4.353	29,068	21,645	11,386	17,682
Central Juanita, Inc	27,848	2.617	31,865	3.093	28,167	2.523	2.832	18,911	206	108	18,803
Central Mercedita, Inc	84,718	7.960	77,104	7.483	89,442	8.014	7.735	51,651	37,645	19,802	31,849
Central Monserrate, Inc	27,286	2.564	24,465	2.374	27,906	2.500	2.453	16,380	0	0	16,380
Central San Francisco	13,852	1.302	12,619	1.225	14,495	1.299	1.263	8,434	2,048	1,077	7,357
Central San Vicente, Inc	39,542	3.715	42,698	4.144	41,088	3.682	3.921	26,183	0	0	26,183
Compania Azucarera del Camuy, Inc	17,118	1.608	14,523	1.410	17,893	1.603	1.508	10,070	0	0	10,070
Compania Azucarera del Toa	22,856	2.148	24,326	2.361	23,599	2.114	2.246	14,998	0	0	14,998
Cooperative Azucarera Los Canos	33,476	3.146	31,909	3.097	33,924	3.040	3.095	20,667	14	7	20,660
C. Brewer Puerto Rico, Inc	166,033	15.601	170,833	16.580	171,221	15.341	16.025	107,008	17,564	9,239	97,769
Land Authority of Puerto Rico	65,550	6.159	62,883	6.103	65,736	5.890	6.064	40,493	0	0	40,493
Mario-Mercado e Hijos	30,627	2.878	29,262	2.840	33,523	3.004	2.891	19,305	509	268	19,037
Plata Sugar Co	53,504	5.027	50,718	4.923	53,659	4.808	4.920	32,854	0	0	32,854
Soller Sugar Co	13,827	1.299	13,202	1.281	13,862	1.242	1.275	8,514	0	0	8,514
So. Puerto Rico Sugar Corp	106,343	9.992	94,938	9.214	119,814	10.735	9.789	65,367	17,616	9,267	56,100
Total	1,064,250	100.000	1,030,325	100.000	1,116,078	100.000	100.000	667,760	123,567	65,000	602,760

(7) The order allotting the sugar quotas for Puerto Rico for the six-month period ending June 30, 1962, shall be revised without further notice or hearing for the purpose of (a) substituting revised estimated or final data for estimated data which are applicable in the determination of allotments after such data have become part of the official records of the Department; (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to their total allotment of mainland and local quotas then in effect when written notification of such release of allotment becomes a part of the official records of the Department; and (c) revising allotments to give effect to any increase, or decrease, in mainland or local quotas due to action pursuant to section 201, 202(a), or 203 of the Act or from the proration of a deficit in the quota for any area pursuant to section 204(a) or section 408(b)(2) of the Act. Whenever a change in quotas involves only a change in the mainland quota, no change shall be made in the individual allotments of the local quota and each allottee shall share in the increase or decrease in the mainland quota in the proportion that his local and mainland allotment bears to the total of such allotments then in effect. Whenever a change in the quotas involves a change in the local quota, revised allotments shall be established by the method adopted herein for allotting the mainland and local quotas.

(8) Official notice will be taken of (a) reports by processors on Forms SU–80 and SU–80–1, reports by bulk sugar facility operators on Forms SU–80–2, and reports on Form SU–3, when such reports become a part of the official records of the Department, (b) any written notice by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which increases or decreases the mainland or local quota for Puerto Rico for the six-month period ending June 30, 1962.

(9) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1961–62-crop sugar processed during the five-month period ending May 31, 1962, that the sum of the processor's mainland and local allotments is of 1961–62-crop sugar processed from cane by such processor during the five-month period ending May 31, 1962, and (b) such permitted quantity should be within the mainland allotment unless the producer requests, in writing to the processor, that he be permitted to market under both the local and mainland allotments of the processor. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1961–62 shall be permitted to market such sugar within that processor's mainland allotment.

(10) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(11) Provision shall be made in the order to restrict marketings or importations into the continental United States of sugar to allotments established herein.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the Findings and Conclusions heretofore made, it is hereby ordered:

§ 815.3 Allotment of sugar quotas for Puerto Rico for the 6-month period ending June 30, 1962.

(a) *Allotments.* The sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig Sucesores, S. en C.	12,864	13,212
Asociacion Azucarera Cooperativa	18,343	0
Central Aguirre Sugar Co., a trust	76,406	193
Central Coloso, Inc.	44,268	91
Central Eureka, Inc.	23,683	350
Central Guanani, Inc.	8,447	0
Central Igualdad, Inc.	17,682	11,386
Central Juanita, Inc.	18,803	108
Central Mercedita, Inc.	31,849	19,802
Central Monserrate, Inc.	16,380	0
Central San Francisco	7,357	1,077
Central San Vicente, Inc.	26,183	0
Compania Azucarera del Camuy, Inc.	10,070	0
Compania Azucarera del Toa	14,998	0
Cooperativa Azucarera Los Canos	20,660	7
C. Brewer Puerto Rico, Inc.	97,769	9,239
Land Authority of Puerto Rico	40,493	0
Mario Mercado e Hijos	19,037	268
Plata Sugar Co.	32,854	0
Soller Sugar Co.	8,514	0
South Puerto Rico Sugar Corp.	56,100	9,267
All other persons, liquid sugar only	20	0
Total	602,780	65,000

(b) *Exchange of allotments.* Upon approval by the Chief of the Quota and Allotment Branch, Sugar Division, Agricultural Stabilization and Conservation Service of the Department of Agriculture, a processor-allottee may exchange any portion of a mainland or local allotment established in paragraph (a) of this section, or producers' shares thereof established under paragraph (c) of this section, for a like quantity of the mainland or local allotment of another processor.

(c) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the six-month period ending June 30, 1962, for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's sugar production from the 1961–62 crop during the five-month period ending May 31, 1962, that the sum of the processor's mainland and local allotments is of the processor's total sugar production during the five-month period ending May 31, 1962: *Provided*, That upon written request by the producer to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments: *Provided, further*, That a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1961–62 shall be permitted to market such sugar within that processor's mainland allotment.

(d) *Restrictions on marketings.* (1) During the six-month period ending June 30, 1962, each person named in paragraph (a) of this section is prohibited from bringing into the continental United States or marketing to a refinery in Puerto Rico for such purposes pursuant to Sugar Regulation 816, as amended (7 CFR 816.1 et seq), and Sugar Regulation 817, as amended (7 CFR 817.1 et seq.) a quantity of sugar produced by each allottee named in paragraph (a) of this section in excess of the quantity established in paragraph (a) of this section as his mainland allotment adjusted as provided in paragraph (b) of this section.

(2) During the 6-month period ending June 30, 1962, each person named in paragraph (a) of this section is hereby prohibited from marketing for local consumption in Puerto Rico pursuant to Sugar Regulation 816, as amended, sugar processed from sugarcane by such person in excess of the local allotment established for such person in paragraph (a) of this section as adjusted pursuant to paragraph (b) of this section.

(3) During the 6-month period ending June 30, 1962, all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing a quantity of sugar for local consumption in Puerto Rico pursuant to Sugar Regulation 816, as amended, in excess of the sum of (i) the quantity of sugar acquired for such purpose during the calendar year 1961 within the quota established for local consumption pursuant to Sugar Regulation 812, as amended, and held in inventory on December 31, 1961, and (ii) the quantity of sugar acquired during the 6-month period ending June 30, 1962, within a local allotment established in paragraph (a) of this section, adjusted as provided in paragraph (b) of this section, for marketing for local consumption during such period.

(e) *Specific charges against allotments.* Except as provided in paragraph (d) of this section, sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local con-

sumption in Puerto Rico during the 6-month period ending June 30, 1962, shall be effective for filling the applicable allotment of the processor, who processed such sugar, in accordance with the applicable provisions of Sugar Regulation 816, as amended, and Sugar Regulation 817, as amended.

(f) *Delegation.* The Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the Findings and Conclusions set forth under Finding (7) accompanying this order, to give effect to (1) the substitution of revised estimates or final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the mainland or local quotas for Puerto Rico.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119; sec. 1, Public Law 87–15)

Done at Washington, D.C., this 2d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–3339; Filed, Apr. 5, 1962; 8:46 a.m.]

[Sugar Reg. 820, Amdt. 3]

PART 820—REQUIREMENTS RELATING TO NONQUOTA PURCHASE SUGAR FOR THE 6-MONTH PERIOD ENDING JUNE 30, 1962

Nonquota Purchase of Sugar Authorized

For the purpose of increasing the quantity of nonquota sugar authorized for purchase from 1,400,517 tons to 1,549,517 tons and to assure that the nonquota sugar herein authorized for purchase and importation from some foreign countries, in accordance with proposed agreements to purchase United States agricultural commodities, is released for consumption in the United States only after such agreements have been approved by the governments of the United States and the respective foreign countries, paragraphs (b) and (c) of § 820.22 of Part 820 are hereby amended to read as follows; paragraph (d) is redesignated as paragraph (f) and the reference to "paragraph (c)" therein is amended to read "paragraphs (c) and (d)", and the following new paragraphs (d) and (e) are added to that section:

§ 820.22 Nonquota purchase of sugar authorized.

* * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 (26 F.R. 11714) established the amount of the quotas for sugar and for liquid sugar for Cuba for the 6-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,500,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the 6-month period ending June 30, 1962, are 1,574,622 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 percentum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the 6-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraphs (c) and (d) of this section a total of 1,549,517 short tons, raw value, of non-quota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations, based upon a proration of 1,574,622 short tons, raw value, in accordance with section 408(b)(2) of the Act to foreign countries for which quotas have been established pursuant to section 202 of the Act. Three of such countries will be unable to supply the following portions of their prorations: Nicaragua 28,455 tons; Peru 206,592 tons and the Republic of the Philippines 58,443 tons. The prorations for Canada of 3,080 tons, for the United Kingdom of 2,515 tons and for Hong Kong of 20 tons may not be authorized for the reasons set forth in § 820.20(c). These quantities plus the shortfalls for Nicaragua, Peru and the Republic of the Philippines total 299,105. Of this total, 125,000 short tons, raw value, is authorized for purchase in paragraph (c) of this section from Brazil, Colombia, India and the Republic of China, in accordance with the proviso in section 408(b)(2)(iii). In authorizing the purchase of nonquota sugar from these latter four countries, special consideration was given to countries purchasing United States agricultural commodities. In paragraph (d) of this section an additional 149,000 short tons, raw value is authorized for purchase from Brazil, Colombia, El Salvador, India, Ireland, the Republic of China and Guatemala, based upon proposals made by the governments of these respective foreign countries to purchase United States surplus agricultural commodities.

(c) The quantities of nonquota purchase sugar authorized for purchase and importation into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962, through June 30, 1962, are those shown below in this paragraph and those provided for in paragraph (d) of this section:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	3,163
Republic of the Philippines	175,655
Dominican Republic	421,122
Peru	280,070
Mexico	340,706
Nicaragua	42,700
Belgium	888
British Guiana	409
Brazil	30,000
Colombia	25,000
India	50,000
Total	1,400,517

(d) The quantities of nonquota purchase sugar shown below in this paragraph are authorized for purchase and importation into the continental United States from individual foreign countries during the period January 1, 1962 through June 30, 1962, in addition to the quantities provided for in paragraph (c) of this section: *Provided,* That the quantity shown below for each foreign country may be authorized for release for consumption in the United States pursuant to § 820.26 only if prior to authorization for release, the governments of the United States and the particular foreign country concerned have approved an agreement committing the foreign country to purchase United States surplus agricultural commodities, in accordance with a proposal made to the United States Department of Agriculture on or before March 12, 1962, by the government of such foreign country:

Country:	*Short tons, raw value*
India	50,000
Brazil	50,000
Colombia	5,000
El Salvador	5,000
Ireland	5,000
Republic of China	29,000
Guatemala	5,000

(e) The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named herein as is necessary to meet United States consumption and market requirements, or to reflect each such country's ability to supply sugar consistent with United States market requirements. Also, quantities may be established for countries or groups of countries which are not named herein if it later appears that supplies from any country or countries named herein will not be forthcoming at any time in a manner that meets market requirements or if additional supplies are needed to meet consumption and market requirements.

Statement of bases and considerations. The additional 149,000 short tons, raw value of nonquota sugar authorized for purchase and importation by this amendment to § 820.22 of Part 820 is needed to assure adequate supplies of sugar at reasonable prices during the 6-month period ending June 30, 1962. The quantities authorized by this amendment for purchase and importation from individual foreign countries are based upon proposals to purchase United States agricultural commodities as submitted by the governments of foreign countries to the General Sales Manager of Foreign Agricultural Service of the Department, pursuant to an announcement of February 12, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408, 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Public Law 87–15, approved March 31, 1961. Presidential Proclamation 3440 (26 F.R. 11714))

Effective date. To permit the nonquota sugar herein authorized for purchase to be marketed in an orderly manner, it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date re-

quirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

Concurred in for the Secretary of State by:

EDWIN W. MARTIN.

[F.R. Doc. 62-3348; Filed, Apr. 5, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free, Infected, and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all counties in the State of South Dakota lying west thereof;

(3) The following counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Cheridan, Sioux, and Scotts Bluff;

(4) That portion of McKinley and San Juan Counties in New Mexico occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

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

(1) Hawaii, Illinois, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all counties in the State of South Dakota lying east thereof;

(3) All counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(5) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

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

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add specified counties in the State of Kansas to the list of free areas and delete such counties from the list of infected and eradication areas as sheep scabies is no longer known to exist in these specified counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will not apply to these counties. However the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of April 1962.

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

[F.R. Doc. 62-3346; Filed, Apr. 5, 1962; 8:47 a.m.]

PART 77—TUBERCULOSIS IN CATTLE

Modified Accredited Areas

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified acredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii and Jackson County in Michigan.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment restores Calhoun County in the State of Michigan to the areas designated as modified accredited areas because such county now meets the qualifications of such an area as set out in § 77.3.

The amendment relieves certain restrictions presently imposed and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the

amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of April 1962.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-3347; Filed, Apr. 5, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1130; Amdt. 86]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.14 *Green Federal airway 4* is deleted.

Section 610.18 *Green Federal airway 8* is amended to read in part:

From *Anchorage, Alaska, LFR; to Knik INT, Alaska; MEA 4,500. *3,800—MCA Anchorage LFR, northeastbound.
From Knik INT, Alaska; to Matanuska INT, Alaska; MEA 6,500.

Section 610.104 *Amber Federal airway 4* is amended to read in part:

From Chanute, Kans., LFR; to Int. N crs. Chanute LFR and SW crs., Kansas City, LFR; MEA 2,700.

Section 610.640 *Red Federal airway 40* is amended to read in part:

From *Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA 2,500. *4,000—MCA Skilak INT, southbound.

Section 610.282 *Red Federal airway 82* is amended by adding:

From *Willow INT, Alaska; to Matanuska INT, Alaska; MEA 7,000. *6,400—MCA Willow INT, eastbound.

Section 610.632 *Blue Federal airway 32* is amended to read in part:

From *Skwentna, Alaska, LFR; to Talkeetna, Alaska, LF/RBN; MEA, 5,000. *4,600—MCA Skwentna LFR, northeastbound.

Section 610.648 *Blue Federal airway 48* is amended to read in part:

From Marathon, Fla., LF/RBN; to Gulfstream INT, Fla.; MEA 1,300.

Section 610.1001 *Direct routes, U.S.* is amended by adding:

From Tibby, Tex., VOR; to Welcome INT, Tex.; MEA 1,300.
From Grand Isle, La., LF/RBN; to New Orleans, La., LF/RBN; MEA 1,300.

Section 610.1001 *Direct routes, U.S.* is amended to read in part:

From San Juan, P.R., VOR; to Isla Verde INT, P.R.; MEA 1,200.
From Isla Verde INT, P.R.; to Fajardo INT, P.R.; MEA 1,500.

Section 610.1001 *Direct routes, U.S.* is amended to delete:

From Tibby, La., VOR; to Gary INT, La.; MEA 1,300.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Ellensburg, Wash., VOR; to Quincy INT, Wash.; MEA 7,000.
From *Quincy INT, Wash.; to Ephrata, Wash., VOR; MEA 5,500. *6,500—MCA Quincy INT, westbound.
From *Spokane, Wash., VOR via N alter.; to Mullan Pass, Idaho, VOR via N alter.; MEA 9,000. *5,600—MCA Spokane VOR, eastbound.
From Watson INT, Mont., via N alter.; to Baxter INT, Mont., via N alter.; MEA *13,000. *11,000—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From *Marion INT, Fla., via E alter.; to **Atlantic INT, Fla., via E alter.; MEA ***2,000. *3,500—MRA. **3,500—MRA. ***1,000—MOCA.
From Jacksonville, Fla., VOR via W alter.; to Brunswick, Ga., VOR via W alter.; MEA 1,300.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Jamestown INT, Wash.; to Lofall INT, Wash.; Mea 7,000.
From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 3,600.
From Salina, Kans., VOR; to Fort Riley INT, Kans.; MEA 3,100.
From Fort Riley INT, Kans.; to Topeka, Kans., VOR; MEA 3,000.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From North Platte, Nebr., VOR; to Eddyville INT, Nebr.; MEA *4,600. *4,300—MOCA.
From Eddyville INT, Nebr.; to Grand Island, Nebr., VOR; MEA *4,600. *3,500—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Fort Myers, Fla., VOR; to Lakeland, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Lakeland, Fla., VOR; to Dade City INT, Fla.; MEA 1,500.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Hayes Center, Nebr., VOR; to Grand Island, Nebr., VOR; MEA *5,000. *4,200—MOCA.
From Hayes Center, Nebr., VOR via N alter.; to Eddyville INT, Nebr., via N alter.; MEA *4,600. *4,100—MOCA.
From Eddyville INT, Nebr., via N alter.; to Grand Island, Nebr., VOR via N alter.; MEA *4,600. *3,500—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR via W alter.; to Savage INT, Miss., via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Walton INT, Kans.; to *Florence INT, Kans.; MEA 3,000. *5,000—MRA.
From Florence INT, Kans.; to Emporia, Kans., VOR; MEA 3,000.
From Emporia, Kans., VOR; to Pomona INT, Kans.; MEA 2,400.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Wichita, Kans., VOR; to *Cassoday INT, Kans.; MEA 3,000. *4,000—MRA.
From Whitewater INT, Kans., via N alter.; to *Florence INT, Kans., via N alter.; MEA 3,000. *5,000—MRA.
From Florence INT, Kans., via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,000.
From Emporia, Kans., VOR; to Pomona INT, Kans.; MEA 2,400.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Haynes INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***5,000. *4,000—MRA. **4,500—MRA. ***1,700—MOCA.
From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 1,500. *2,000—MRA.
From Ironsides INT, Md.; to Nottingham, Md., VOR; MEA 1,600.
From *Loraine INT, Tex.; to Abilene, Tex., VOR; MEA 4,000. *5,800—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to delete:

From Hilltop, N. Mex., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From San Antonio, Tex., VOR; to *Mission INT, Tex.; MEA 3,000. *3,200—MRA.
From Mission INT, Tex.; to *Buda INT, Tex.; MEA 3,000. *3,200—MRA.
From Buda INT, Tex.; to Austin, Tex., VOR; MEA 3,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Shreveport, La., VOR via S alter.; to Int 261 M rad Monroe VOR and 109 M rad, Shreveport, VOR via S alter.; MEA *2,000. *1,900—MOCA.
From Anniston, Ala., VOR; to Atlanta, Ga., VOR; MEA 4,000.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont., VOR; to *Great Falls, Mont, VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Lewistown, Mont., VOR via W alter.; to Great Falls, Mont., VOR via W alter.; MEA 11,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lake Charles, La., VOR via S alter.; to *Grand Lake INT, La., via S alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Grand Lake INT, La., via S alter.; to Lafayette, La., VOR via S alter.; MEA *2,200. *1,500—MOCA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Mead INT, Nev., via E alter.; to Mormon Mesa, Nev., VOR via E alter.; MEA 8,000.

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Lake Charles, La., VOR via N alter.; to *Grand Lake INT, La., via N alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From San Diego, Calif., VOR; to *Cardiff INT, Calif.; MEA 2,500. *3,000—MRA.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From San Diego, Calif., VOR; to Redfin INT, Calif.; MEA 2,500.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Bir Sur, Calif., VOR; to Carmel INT, Calif.; MEA 7,000.

From Carmel INT, Calif.; to Pt. Ano INT, Calif.; MEA 6,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Asheville, N.C., VOR via W alter.; to Weaverville INT, N.C., via W alter.; MEA 6,000.

From Weaverville INT, N.C., via W alter.; to Erwin INT, Tenn., via W alter.; MEA 8,000.

From *Gulfstream INT, Fla.; to Largo, INT, Fla.; MEA **4,000. *9,000—MRA. **1,000—MOCA.

From Largo INT, Fla.; to Cutler INT, Fla.; MEA *2,000. *1,300—MOCA.

From Cutler INT, Fla.; to Miami, Fla., VOR; MEA 1,300.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Imperial, Pa., VOR; to Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; MEA 3,000.

From Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; to Johnstown, Pa. VOR; MEA 4,500.

Section 610.6046 *VOR Federal airway 46* is amended to read in part:

From Hampton, N.Y., VOR; to Newport INT, Mass.; MEA 2,000.

From Newport INT, Mass.; to Nantucket, Mass., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From *Hillsboro INT, Fla., via E alter.; to **Shawnee INT, Fla., via E alter.; MEA ***2,200. *1,800—MRA. **2,200—MRA. ***1,200—MOCA.

From Shawnee INT, Fla., via E alter.; to *Pluto INT, Fla., via E alter.; MEA **2,200. *1,500—MRA. **1,200—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From *Hillemann INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***2,500. *4,000—MRA. **4,500—MRA. ***1,600—MOCA.

Section 610.6058 *VOR Federal airway 58* is amended to read in part:

From Imperial, Pa., VOR; to Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; MEA 3,000.

From Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; to Carrolltown, Pa.; VOR; MEA 4,000.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Cornville INT, Ariz.; to Clints Well INT, Ariz.; MEA *12,000. *10,000—MOCA.

From Clints Well INT; Ariz., to Milky INT, Ariz.; MEA 12,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Gila Bend, Ariz., VOR; to Flier INT, Ariz.; MEA 7,000.

From Flier INT, Ariz.; to *Silver Bell INT, Ariz.; MEA **8,000. *8,000—MRA. **7,000—MOCA.

From Silver Bell INT, Ariz.; to Tucson. Ariz., VOR; MEA *8,000. *7,000—MOCA.

From San Diego, Calif., VOR; to *Jamul INT, Calif., MEA 5,000. *5,700—MCA Jamul INT, eastbound.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Albuquerque, N. Mex., VOR via S alter.; to Valencia INT, N. Mex., via S alter.; MEA 8,000.

From Valencia INT, N. Mex., via S alter.; to Corona, N. Mex., VOR via S alter.; MEA 9,500.

From *Essen INT, Tex.; to Skidmore INT, Tex.; MEA 4,000. *4,000—MRA.

Section 610.6073 *VOR Federal airway 73* is amended to read in part:

From Hutchinson, Kans., VOR; to Groveland INT, Kans.; MEA 2,800.

From Groveland INT, Kans.; to Salina, Kans., VOR; MEA 3,400.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From Big Spring, Tex., VOR; to *Jack INT, Tex.; MEA 4,000. *4,500—MRA.

From Lometa, Tex., VOR via N alter.; to *Liberty Hill INT, Tex., via N alter.; MEA 2,700. *3,000—MRA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Whitewater INT, Kans.; to *Florence INT, Kans.; MEA 3,000. *5,000—MRA.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Wheeling, W. Va., VOR; to *Millsboro INT, W. Va.; MEA 3,700. *5,000—MCA Millsboro INT, eastbound.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From *Cypress INT, Fla.; to Seminole INT, Fla.; MEA **1,200. *1,400—MRA. **1,100—MOCA.

From Seminole INT, Fla.; to La Belle, Fla., VOR; MEA 1,400.

From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA *2,000. *1,400—MOCA.

Section 610.6099 *VOR Federal airway 99* is amended to delete:

From Olympia, Wash., VOR; to Rosedale INT, Wash.; MEA 3,000.

From Rosedale INT, Wash.; to *Port Madison INT, Wash.; MEA 5,500. *5,500—MRA.

From Port Madison INT, Wash.; to *Warm Beach INT, Wash.; MEA 6,300. *6,300—MCA Warm Beach INT, southwestbound.

From Warm Beach INT, Wash.; to Bellingham, Wash., VOR; MEA 4,000.

From Bellingham, Wash., VOR; to U.S.-Canadian border; MEA 1,500.

Section 610.6099 *VOR Federal airway 99* is amended by adding:

From Olympia, Wash., VOR; to Seattle, Wash., VOR; MEA 3,000.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Tucson, Ariz., VOR; to *Silver Bell INT, Ariz.; MEA 7,000. *8,000—MRA.

From Silver Bell INT, Ariz.; to *Keystone INT, Ariz.; MEA 7,000. *8,000—MRA.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From *Simms INT, Mont.; to Great Falls, Mont., VOR; MEA 10,000. *9,500—MRA.

From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.

From Mullan Pass, Idaho, VOR; to *Charlo INT, Mont.; MEA 10,000. *13,000—MCA Charlo INT, eastbound.

From Lewistown, Mont., VOR; to Miles City, Mont., VOR; MEA #8,000. #Continuous navigation signal coverage does not exist below 9,000'.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Walton INT, Kans.; to Florence INT, Kans.; MEA 3,000. *5,000—MRA.

From Florence INT, Kans.; to *Cassoday INT, Kans.; MEA **5,000. *4,000—MRA. **2,700—MOCA.

From Cassoday INT, Kans.; to Chanute, Kans., VOR; MEA *4,000. *2,800—MOCA.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Orlando, Fla., VOR via S alter.; to Clap Hill INT, Fla., via S alter.; MEA 1,300.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From *Grubbs INT, Va.; to Ironsides INT, Md.; MEA **2,000. *2,000—MRA. **1,300—MOCA.

From Ironsides INT, Md., via W alter.; to Doncaster INT, Md., via W alter.; MEA *2,000. *1,400—MOCA.

From Doncaster INT, Md., via W alter.; to Washington, D.C., VOR via W alter.; MEA *1,500. *1,400—MOCA.

Section 610.6158 *VOR Federal airway 158* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Quitman INT, Ga., via W alter.; to Hartsfield INT, Ga., via W alter.; MEA *2,500. *1,300—MOCA.

From Hartsfield INT, Ga., via W alter.; to Sale INT, Ga., via W alter.; MEA *2,000. *1,300—MOCA.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Des Moines, Iowa, VOR; to *Mitchellville INT, Iowa; MEA 2,700. *4,000—MRA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Three Rivers INT, Tex.; to *Essen INT, Tex.; MEA **2,500. *4,000—MRA. **1,600—MOCA.

From Essen INT, Tex.; to *McCoy INT, Tex.; MEA **2,500. *3,000—MRA. **1,600—MOCA.

From McCoy INT, Tex.; to Eastwood INT, Tex.; MEA 3,000.

From Eastwood INT, Tex.; to San Antonio, Tex., VOR; MEA *2,700. *2,200—MOCA.

From Willow City INT, Tex.; to Kingsland INT, Tex.; MEA *4,000. *3,000—MOCA.

Section 610.6165 *VOR Federal airway 165* is amended to read in part:

From Lindbergh Field, Calif., VOR; to *Oceanside, Calif., VOR; MEA 1,500. *2,500—MCA Oceanside VOR, northwestbound.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Nebr., VOR; to Kennard INT, Nebr.; MEA *3,500. *3,000—MOCA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From *Miller INT, Miss., via S alter.; to Holly Springs, Miss., VOR via S alter.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Billings, Mont., VOR; to Ryegate INT, Mont., MEA 7,000.

From Ryegate INT, Mont.; to *Judith Gap INT, Mont.; MEA 9,000. *11,000—MCA Judith Gap INT, northwestbound.

From Judith Gap INT, Mont.; to *Great Falls, Mont., VOR; MEA 11,000. *7,400—MCA Great Falls VOR, southeastbound.

Section 610.6200 *VOR Federal airway 200* is amended to read in part:

From Williams Calif., VOR; to *Rough and Ready INT, Calif.; MEA 4,000. *8,500—MCA Rough and Ready INT, eastbound.

From Rough and Ready INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

Section 610.6202 *VOR Federal airway 202* is amended to read in part:

From San Simon, Ariz., VOR; to Silver City INT, N. Mex.; MEA 10,000.

From Silver City INT, N. Mex.; to *Truth or Consequences, N. Mex., VOR; MEA #12,000. *10,000—MCA Truth or Consequences VOR, southwestbound. #Continuous navigational signal coverage does not exist below 15,000'.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Imperial, Pa., VOR; to Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; MEA 3,000.

From Int. 042 M rad Pittsburgh VOR and 281 M rad Carrolltown VOR; to Carrolltown, Pa., VOR; MEA 4,000.

Section 610.6219 *VOR Federal airway 219* is amended to read in part:

From Hayes Center, Nebr., VOR; to Eddyville INT, Nebr.; MEA *4,600. *4,100—MOCA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Brooke, Va., VOR; to Benedict INT, Va.; MEA *1,500. *1,200—MOCA.

From Benedict INT, Va.; to Nottingham, Md., VOR; MEA 1,300.

Section 610.6225 *VOR Federal airway 225* is amended to read in part:

From Rivet INT, Fla.; to *Cape Romano INT, Fla.; MEA **3,500. *4,500—MRA. **1,000—MOCA.

Section 610.6234 *VOR Federal airway 234* is amended to read in part:

From Dalhart, Tex., VOR; to Liberal, Kans., VOR; MEA 5,200.

Section 610.6237 *VOR Federal airway 237* is amended to read in part:

From Union Pass INT, Ariz.; to Tipton INT, Nev.; MEA 9,000.

From Tipton INT, Nev.; to Mormon Mesa, Nev., VOR; MEA 8,000.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Columbus, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,500.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Cornville INT, Ariz.; to Clints Well INT, Ariz.; MEA *12,000. *10,000—MOCA.

From Clints Well INT, Ariz.; to St. Johns, Ariz., VOR; MEA 12,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From Orlando, Fla., VOR; to Paola INT, Fla.; MEA 1,300.

From Paola INT, Fla.; to Woodruff INT, Fla.; MEA 2,000.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Salt INT, Kans.; to Hutchinson, Kans., VOR; MEA **4,200. *4,200—MRA. **3,300—MOCA.

Section 610.6287 *VOR Federal airway 287* is amended to read in part:

From Olympia, Wash., VOR; to Purdy INT, Wash.; MEA 3,000.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From West Palm Beach, Fla., VOR via W alter.; to *Shawnee INT, Fla., via W alter.; MEA **1,400. *2,200—MRA. **1,300—MOCA.

From Shawnee INT, Fla., via W alter.; to *Clewiston INT, Fla., via W alter.; MEA **1,400. *2,000—MRA. **1,300—MOCA.

From Clewiston INT, Fla., via W alter.; to LaBelle, Fla., VOR via W alter.; MEA *1,400. *1,300—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Pike INT, Fla.; to *Kingfish, Fla., VOR; MEA **2,500. *2,500—MRA. **1,000—MOCA.

From *Homo INT, Fla.; to Cross City, Fla., VOR; MEA **2,000. *2,500—MRA. *2,800—MCA Homo INT, eastbound. **1,500—MOCA.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From *Pendleton, Oreg., VOR; to McCall, Idaho, VOR; MEA 12,000. *5,700—MCA Pendleton VOR, southeastbound.

Section 610.6299 *VOR Federal airway 299* is amended to read in part:

From *Los Angeles, Calif., VOR; to Canoga INT, Calif., northbound, MEA 5,000; southbound, MEA 4,000. *3,000—MCA Los Angeles VOR, northbound.

From Canoga INT, Calif.; to Twin Lakes INT, Calif.; MEA 6,000.

Section 610.6300 *VOR Federal airway 300* is amended to read in part:

From U.S. Canadian Border; to Whitefish, Mich., VOR; MEA *5,500. *2,200—MOCA.

Section 610.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

From Hibiscus INT, Hawaii; to *Redwood INT, Hawaii; MEA 3,000. *12,000—MRA.

From Redwood INT, Hawaii; to Hilo, Hawaii, VOR; MEA 3,000.

Section 610.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

From Paradise INT, Hawaii; to *Arbor INT, Hawaii; MEA 4,000. *7,000—MRA.

From Arbor INT, Hawaii; to *Hilo, Hawaii, VOR; MEA 4,000. *3,000—MCA Hilo VOR, northwestbound.

Section 610.6406 *Hawaii VOR Federal airway 6* is amended to read in part:

From Marlin INT, Hawaii; to *Arbor INT, Hawaii; MEA 4,000. *7,000—MRA.

From Arbor INT, Hawaii; to *Hilo, Hawaii, VOR; MEA 4,000. *3,000—MCA Hilo VOR, northwestbound.

Section 610.6415 *Hawaii VOR Federal airway 12* is amended to read in part:

From *Swordfish INT, Hawaii; to Orchard INT, Hawaii, westbound, MEA 7,000; eastbound, MEA 4,000. *7,000—MRA.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From Marlin INT, Hawaii; to *Arbor INT, Hawaii; MEA 4,000. *7,000—MRA.

From Arbor INT, Hawaii; to Hilo, Hawaii, VOR; MEA 4,000.

Section 610.6430 *VOR Federal airway 430* is added to read:

From Williston, N. Dak., VOR; to Minot, N. Dak., VOR; MEA *4,500. *3,700—MOCA.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From *Croaker INT, Fla.; to **Marion INT, Fla.; MEA ***2,000. *3,500—MRA. **3,500—MRA. ***1,100—MOCA.

From Charleston, S.C., VOR via W alter.; to Lane INT, S.C., via W alter.; MEA 1,300.

Section 610.6438 *VOR Federal airway 438* is amended to read in part:

From Butte INT, Alaska; to Fairbanks, Alaska, ILS loc.; MEA 3,000.

From *Skilak INT, Alaska; to Anchorage, Alaska, VOR; MEA 2,500. *4,000—MCA Skilak INT, southbound.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Columbus, Ga., VOR; to Pine Mountain INT, Ga.; MEA 2,400.

From Pine Mountain INT, Ga.; to Concord INT, Ga.; MEA 3,400.

From Concord INT, Ga.; to McDonough, Ga., VOR; MEA *2,500. *2,200—MOCA.

Section 610.6474 *VOR Federal airway 474* is amended to read in part:

From Bellaire, Ohio, VOR; to Int. 174 M rad Pittsburgh VOR and 279 M rad Indian Head VOR; MEA 3,000.

From Int. 174 M rad Pittsburgh VOR and 279 M rad Indian Head VOR; to Indian Head, Pa., VOR; MEA 5,000.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque, Iowa, VOR; MEA 2,500.

From Williams, Calif., VOR; to *Rough and Ready INT, Calif.; MEA 4,000. *8,500—MCA Rough and Ready INT, eastbound.

From Rough and Ready INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

Section 610.6819 *VOR Federal airway 819* is added to read:

From Miami, Fla., VOR; to *Cypress INT, Fla.; MEA 1,100. *1,400—MRA.

From Cypress INT, Fla.; to Seminole INT, Fla.; MEA *1,200. *1,100—MOCA.

From Seminole INT, Fla., to LaBelle, Fla., VOR; MEA 1,400.

From LaBelle, Fla., VOR; to Lakeland, Fla., VOR; MEA *2,000. *1,600—MOCA.

From Lakeland, Fla., VOR; to Larkin INT, Fla.; MEA 1,300.

From Larkin INT, Fla.; to Webster INT, Fla.; MEA **1,500.
From Webster INT, Fla.; to *Bushnell INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA *2,000. *1,700—MOCA.
From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.
From Alma, Ga., VOR; to Dublin, Ga., VOR; MEA *3,000. *1,400—MOCA.
From Dublin, Ga., VOR; to Wayside INT, Ga.; MEA 1,900.
From Wayside INT, Ga.; to McDonough, Ga., VOR; MEA 2,000.
From McDonough, Ga., VOR; to Kennesaw INT, Ga.; MEA 3,000.
From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *5,000—MRA.
From Dalton INT, Ga.; to Chattanooga, Tenn., VOR; MEA 3,000.
From Chattanooga, Tenn., VOR; to Dayton INT, Tenn.; MEA 3,500.
From Dayton INT, Tenn.; to Crossville, Tenn., VOR; MEA 5,000.
From Crossville, Tenn., VOR; to *Bakerton INT, Ky.; MEA 5,000. *4,500—MRA.
From Bakerton INT, Ky.; to New Hope, Ky., VOR; MEA 2,000.
From New Hope, Ky., VOR; to Louisville, Ky., VOR; MEA 2,300.
From Louisville, Ky., VOR; to Nabb, Ind., VOR; MEA 2,100.
From Nabb, Ind., VOR; to Shelbyville, Ind., VOR; MEA 2,100.
From Shelbyville, Ind., VOR; to Stockwell INT, Ind.; MEA 2,900.
From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.
From Lafayette, Ind., VOR; to *Zoro INT, Ind.; MEA 2,000. *2,500—MRA.
From Zoro INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 1,500. *2,000—MRA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From *Locust Grove INT, Va.; to Ironsides INT, Md.; MEA 1,500. *2,000—MRA.
From Ironsides INT, Md.; to Nottingham, Md., VOR; MEA 1,600.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From *Cypress INT, Fla.; to Seminole INT, Fla.; MEA **1,200. *1,400—MRA. **1,100—MOCA.
From Seminole INT, Fla.; to LaBelle, Fla., VOR; MEA 1,400.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Dade City INT, Fla.; to Lakeland, Fla., VOR; MEA 1,500.
From Lakeland, Fla., VOR; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Sale INT, Ga.; to Hartsfield INT, Ga.; MEA *2,000. *1,300—MOCA.
From Hartsfield INT, Ga.; to Quitman INT, Ga.; MEA *2,500. *1,300—MOCA.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Kennard INT, Nebr.; to Wolbach, Nebr., VOR; MEA *3,500. *3,000—MOCA.
From Wolbach, Nebr., VOR; to Eddyville INT, Nebr.; MEA *5,400. *3,500—MOCA.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Dubuque, Iowa, VOR; to Waterloo, Iowa, VOR; MEA 2,500.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Lakeland, Fla., VOR; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.1500 *VOR Federal airway 1500* is added to read:

From U.S. Canadian Border; to Millinocket, Maine, VOR; MEA 14,500; MAA 24,000.
From Millinocket, Maine, VOR; to U.S. Canadian Border; MEA 14,500; MAA 24,000.

Section 610.1519 *VOR Federal airway 1519* is amended by adding:

From Atlanta, Ga., VOR; to Int. 006 M rad Atlanta VOR and 332 M rad McDonough VOR; MEA 14,500; MAA 24,000.

Section 610.1540 *VOR Federal airway 1540* is amended to read in part:

From San Diego, Calif., VOR; to El Centro, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1542 *VOR Federal airway 1542* is amended to read in part:

From San Diego, Calif., VOR; to El Centro, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1557 *VOR Federal airway 1557* is amended to read in part:

From San Diego, Calif., VOR; to Los Angeles, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1607 *VOR Federal airway 1607* is amended to read in part:

From Big Sur, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 23,500.

Section 610.1609 *VOR Federal airway 1609* is amended to read in part:

From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 14,500; MAA 23,500.
From Salinas, Calif., VOR; to San Francisco, Calif., VOR; MEA 14,500; MAA 23,500.
From San Francisco, Calif., VOR; to Point Reyes, Calif., VOR; MEA 14,500; MAA 23,500.

Section 610.1648 *VOR Federal airway 1648* is amended to read in part:

From Int 308 M rad Big Sur VOR and 264 M rad Salinas VOR; to Salinas, Calif., VOR; MEA 14,500; MAA 23,500.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective May 3, 1962.

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

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

[F.R. Doc. 62-3297; Filed, Apr. 5, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-28]

PART 13—PROHIBITED TRADE PRACTICES

Kroywen Coats, Inc., et al.

Subpart—Misbranding or mislabeling: *§ 13.1185 Composition: § 13.1185-90 Wool Products Labeling Act; § 13.1325 Source or origin: § 13.1325-60 Maker or seller: § 13.1325-60(c) Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: *§ 13.1845 Composition: § 13.1845-80 Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Kroywen Coats, Inc., et al., New York, N.Y., Docket C-28, Nov. 16, 1961]

In the Matter of Kroywen Coats, Inc., a Corporation; Luxury Coats, Inc., a Corporation; Ralph Miller, Individually and as an Officer of Kroywen Coats, Inc., and Luxury Coats, Inc.; and Sidney Goldman, Individually and as an Officer of Kroywen Coats, Inc.

Consent order requiring two associated manufacturers in New York City to cease violating the Wool Products Labeling Act by labeling as "100% Cashmere" and "100% Pure Cashmere", ladies' coats which contained a substantial quantity of other fibers; by labeling such coats falsely with respect to the manufacturer or supplier; and by failing to disclose the true generic names of fibers present and the percentage thereof.

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

It is ordered, That respondents, Kroywen Coats, Inc., a corporation, and its officers, and Ralph Miller and Sidney Goldman, individually and as officers of said corporation, and Luxury Coats, Inc., a corporation, and its officers and Ralph Miller, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies' coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

2. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to name or identity of the manufacturer, supplier or source of the fabric used in such products.

3. Failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

4. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of fibers from the hair or fleece of the Cashmere goat.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this

order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 16, 1961.

By the Commission.

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

[F.R. Doc. 62-3326; Filed, Apr. 5, 1962; 8:45 a.m.]

[Docket 8222]

PART 13—PROHIBITED TRADE PRACTICES

Stewart Auto Upholstering Co. et al.

Subpart—Advertising falsely or misleadingly: *§ 13.70 Fictitious or misleading guarantees; § 13.155 Prices: § 13.155-40 Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hyman Kaplan et al. trading as Stewart Auto Upholstering Company et al., Washington, D.C., Docket 8222, Nov. 21, 1961]

In the Matter of Hyman Kaplan, and Morris Kaplan, Individually and as Copartners Trading as Stewart Auto Upholstering Company and Henry Kaplan, an Individual

Order requiring Washington, D.C., distributors of automobile seat covers, convertible tops, and floor mats, among other items, to consumers and other retailers, to cease representing excessive prices as their usual retail prices through such practices as setting forth such prices after the designation "Reg.", "Regular", or "List", followed by a lower sale price; and representing certain of their convertible tops as offered "with written guarantee" when their guarantees contained limitations not set forth.

The order to cease and desist is as follows:

It is ordered, That respondents Hyman Kaplan and Morris Kaplan, individually and as copartners trading as Stewart Auto Upholstering Company, or any other name, and Henry Kaplan, an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automobile seat covers, convertible tops, automobile floor mats or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any price is respondents' usual retail price when it is in excess of the price at which the merchandise has been usually and customarily sold by respondents at retail in the recent, regular course of business.

(b) That the price at which respondents offer merchandise affords a savings to purchasers from the price at which said merchandise has been usually and customarily sold by respondents in the recent regular course of business unless such representation is true.

2. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondents in the normal course of business.

3. Using the words "Reg.," "Regular" or "List," or any other word of the same or similar import to designate prices unless they are the prices at which the merchandise has been usually and customarily sold by respondents in the recent, regular course of business.

4. Representing, directly or by implication, that any of their products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: November 21, 1961.

By the Commission.

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

[F.R. Doc. 62-3327; Filed, Apr. 5, 1962; 8:45 a.m.]

[File No. 21-528]

PART 57—RESIDENTIAL ALUMINUM SIDING INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of April 6, 1962.

Statement by the Commission. Trade practice rules for the Residential Aluminum Siding Industry, as hereinafter set forth are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which trade practice rules are hereby established is composed of producers and suppliers of aluminum from which residential aluminum siding is made, and who promote the sale or distribution of industry products; manufacturers or fabricators of residential aluminum siding; jobbers, wholesalers, and retailers of residential aluminum siding; contractors and applicators who sell and install residential aluminum siding; and manufacturers and marketers of prefabricated homes having aluminum siding. Those engaged in the marketing of industry products who are not agents, but who purport to act as agents of manufacturers or suppliers of industry products are to be regarded as industry members.

The products of this industry consist of aluminum panels and boards suitable for use as siding for the exterior walls of existing or new residential structures.

Proceedings for the establishment of these rules were instituted pursuant to an application of the Aluminum Siding Association. A general trade practice conference was held in Chicago, Ill., on September 9, 1960, at which proposed rules suggested by the Aluminum Siding Association were considered and discussed. Additional rules prepared by the staff were also submitted for consideration and discussion at the conference. Thereafter, a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desire to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Chicago, Ill., on March 22, 1961, and all matters there presented, or otherwise received in the proceeding were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

AUTHORITY: §§ 57.0 to 57.26 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 57.0 Definitions.

(a) Industry products consist of aluminum panels and boards suitable for use as siding for the exterior walls of existing or new residential structures.

(b) Industry members are producers and suppliers of aluminum from which residential aluminum siding is made, and who promote the sale or distribution of industry products; manufacturers or fabricators of residential aluminum siding; jobbers, wholesalers, and retailers of residential aluminum siding; contractors and applicators who sell and install residential aluminum siding; and manufacturers and marketers of prefabricated homes having aluminum siding. Those engaged in the marketing of industry products who are not agents, but who purport to act as agents of manufacturers or suppliers of industry products are to be regarded as industry members.

§ 57.1 Deception in general.

(a) It is an unfair trade practice to sell, offer for sale, or distribute any industry product, or to promote the sale or distribution thereof under any representation or by any method or under any circumstance, including failure adequately to disclose additional relevant information, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the construction, composition, installation, design, finish, color or colorfastness, size, origin, manufacturer, value, price, quality, strength, weight, gauge, durability, fit, alignment, ventability, or utility of such product or any part thereof, or the ease of application of such product, or the benefits to be derived from the use thereof; or with respect to the immunity or resistance of such product to weather conditions, fire, corrosion, or sag, or the need for maintenance, repair, or replacement of all or any part of such product, or in any other material respect.

(b) Among practices to be considered as prohibited by paragraph (a) of this section are the following claims:

(1) That industry products require no repainting or repair for the life of the structure, or that the initial cost is the only cost; or

(2) That the colors in which the industry products are finished will remain unchanged or are impervious to the elements or will last a lifetime; or

(3) That industry products, or any part or parts thereof, are everlasting or are made of indestructible materials; or

(4) That industry products provide everlasting insulation; or

(5) That the thermal insulating values of aluminum exceed that of any other metal or other material; or

(6) That nothing can damage aluminum siding.

(c) The prohibitions of this section are applicable with respect to every species of advertisement or form of representation, whether oral or in a newspaper or other periodical, telephone directory, sales catalog, sales promotional literature, radio, or television broadcast, or other media, or whether in the form of mark, tag, or label, affixed to or accompanying, the product. [Rule 1]

§ 57.2 Deceptive use of "model home" representations.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to represent to any purchaser or prospective purchaser that his dwelling will serve as a so-called model home or advertising job, or to make any other similar representation, if in connection therewith the industry member misleads the purchaser or prospective purchaser into the belief that he will be paid a commission or other compensation for any sale which the industry member may make in the vicinity or within any specified distance from the customer's home, or that the cost of the purchase of any industry product to the customer will thereby be reduced or fully paid. [Rule 2]

§ 57.3 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent or imply, in advertising or otherwise that residential aluminum siding may be purchased for a specified price, or at a saving, when such is not the fact; or that such product is being offered for sale at a reduced price when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of such products offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of residential aluminum siding may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a quoted price, whether determined on the basis of a stated price per square foot or otherwise, is the total cost for a complete installation when in fact the products sold do not include all costs for labor and all parts and accessories necessary for the proper function and appearance of such installed product (such as starter strips, door and window trim, window head flashing, back-up pieces and corner pieces).

(2) Representing or implying that a specified price for residential aluminum siding is for any size structure (e.g. "installed on your home $_____") when in fact such price applies only to structures of limited size without adequate and conspicuous disclosure of such limitation (e.g. "$_____ installed on your home when area to be covered does not exceed 1,000 square feet" or "installed price $_____ per square foot").

(3) The use of pictures or illustrations of large houses or structures in connection with specified prices which is likely to mislead purchasers or prospective purchasers as to the cost of the installation of aluminum siding, as when the aluminum siding for the illustrated house would not be installed for the specified price.

(4) Representing or implying that a stated price is the seller's usual and regular price of residential aluminum siding when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was _____ now _____," "_____ percent off" and "you save $_____" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(5) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of aluminum siding in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $_____—our price $_____," "sold nationally at $_____" and "value $_____" have been held to be representations of an article's usual and customary retail price in the trade area where the representations are made.

(6) Representing or implying that industry products may be purchased at factory prices ("factory to you," etc.), when such is not the fact. [Rule 3]

§ 57.4 False gift offers in sales promotion plans.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make any offer, however disseminated or published, that gift merchandise will be given to persons complying with certain conditions unless such merchandise is given to the persons complying with such conditions. [Rule 4]

§ 57.5 Deceptive claims as to the efficacy of industry products to reduce the effects of outside temperatures in building interiors.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make any representation

which, directly or by implication, or through failure adequately to disclose additional relevant information, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the efficacy of such products to effect fuel savings or other heating costs or to reduce or control temperature in rooms, buildings, etc.

NOTE: As used in this rule the term "relevant information" has reference to the conditions essential to effect the claimed fuel savings or other heating costs or temperature reduction or control, including, but not limited to, the location, construction, elevation and insulation of the building and its exposure to the elements.

[Rule 5]

§ 57.6 Bait advertising.

(a) It is an unfair trade practice for an industry member to offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered.

NOTE: In determining whether there has been a violation of this rule, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among the acts or practices which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, make, value, currency of model, size, usability, or origin of the product offered.

(b) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer.

(c) The disparagement, by acts or words, of the product offered.

(d) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer.

(e) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter.

(f) The failure to have available a quantity of the advertised product sufficient to meet reasonably anticipated demands.

(g) The use of a sales plan or method of compensation for salesmen or penalizing salesmen designed to prevent or discourage them from selling the advertised product.

(b) It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this section. [Rule 6]

§ 57.7 Deception as to nature of sales transactions.

When an industry member sells industry products at both wholesale and at retail in the same establishment, it is an unfair trade practice for such industry member to sell any such products under circumstances having the capacity and tendency or effect of causing purchasers to believe that they are buying at wholesale prices when such is not the case. [Rule 7]

§ 57.8 Misrepresentation as to character of business.

It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 8]

§ 57.9 Misuse of terms "custom-made," "custom-built," etc.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member to use the terms "custom-made," "custom-built," "made-to-order," or any other word or term of similar import, as descriptive of any industry product which has not been made in accordance with specification as to size, fit, quality, etc., supplied by or on behalf of the consumer-purchaser prior to the manufacture or assembly of the industry product, as distinguished from a product which is a readymade or stock industry product. [Rule 9]

§ 57.10 Use of the word "free."

In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 10]

§ 57.11 Deception as to agency status and authority.

(a) It is an unfair trade practice for any member of the industry to aid or abet any person in effecting deception of purchasers or prospective purchasers as to his authority to represent and make commitments in behalf of such industry member.

(b) It is also an unfair trade practice for any person engaged in the sale of industry products to represent that he is an agent of, or otherwise affiliated with, a manufacturer or distributor of such products, or that he is in a position to transfer title to industry products, or to assure of the delivery and/or installation of any such products, when such is not the fact. [Rule 11]

§ 57.12 Deception as to identity of manufacturer or seller.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to use any corporate name, trade name, trademark, slogan, or other means of identification, which, by reason of its similarity with the corporate name, trade name, trademark, slogan, or other means of identification used by another party, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the identity of the manufacturer or vendor of any industry product which is sold or offered for sale by the industry member. [Rule 12]

§ 57.13 Deceptive testimonials or depictions.

It is an unfair trade practice for a member of the industry to use any testimonial of a user of any industry product, or of any other person, or to use any picture or depiction thereof, which is false or which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 13]

§ 57.14 Deceptive use of seals.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to use a seal or insignia of any organization without the authorization of that organization, or to use any seal or insignia which is of such form or design, or contains such wording, as to simulate the seals or insignia which are issued by an organization for use with respect to other products, when the use thereof has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

NOTE: Seals of approval used by industry members should identify the organization issuing and/or authorizing the use of the seal. Such seal should be based on adequate inspection and tests of the industry member's products and not otherwise contravene the provisions of § 57.1 relating to deception generally.

[Rule 14]

§ 57.15 Misrepresenting products as conforming to standard.

It is an unfair trade practice to represent, through advertising or otherwise, that any product of the industry conforms to any standard recognized in or applicable to the industry when such is not the fact. [Rule 15]

§ 57.16 Guarantees, warranties, etc.

(a) Advertising of products shall not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the requirements of subparagraphs (1), (2), (3), and (4) of this paragraph, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact. [Rule 16]

§ 57.17 Substitution of products.

It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution.

NOTE: Nothing in this rule shall be construed as preventing the application of such tolerances as are agreed upon between buyer and seller or are otherwise deemed reasonable and proper and where no misrepresentation, or deception of purchasers, is practiced or promoted in relation to the product or its deviation from samples or specifications.

[Rule 17]

§ 57.18 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 18]

§ 57.19 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents or trademarks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 19]

§ 57.20 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 20]

§ 57.21 Procurement of competitors' confidential information.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 21]

§ 57.22 Deceptive invoicing, etc.

It is an unfair trade practice for any member of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omissions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 22]

§ 57.23 Exclusive deals.

It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale, of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 23]

§ 57.24 Prohibited forms of trade restraints (unlawful price fixing, etc.) [1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 24]

§ 57.25 Prohibited discrimination.

(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for dif-

[1] The prohibitions of this rule are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

ferences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: *"Spindling" of orders.* This proviso shall not be construed as permitting the practice of allowing a price differential, whether in the form of a discount, rebate, or other form, through billing as a single order an aggregate of the amounts of two or more orders separately delivered, when such price differential is not justified by savings to the seller which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The prohibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2(b), Clayton Act.

[Rule 25]

§ 57.26 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 26]

Issued: April 5, 1962.

By direction of the Commission.

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

[F.R. Doc. 62-3272; Filed, Apr. 5, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4470]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Fractional Interests

I. The Securities and Exchange Commission has adopted § 230.152a (Rule 152A, under the Securities Act of 1933) which provides that the offering or sale of securities, evidenced by script certificates, order forms or similar documents, which represent fractional interests resulting from a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction is deemed to be a transaction by a person other than an issuer, underwriter or dealer within the meaning of the first clause of section 4(1) of the Act and therefore exempt from registration under the Act. The rule applies only to offers and sales involved in the matching and combination of fractional interests among security holders and the sale of whole shares representing the remaining fractional interests not so combined. The rule applies whether the transactions are effected on behalf of the security holders by the issuer or an affiliate of the issuer or by a bank or other independent agent. The text of the Commission's action follows:

The Securities and Exchange Commission hereby amends Part 230 of Chapter II, Title 17 of the Code of Federal Regulations, by adding a new § 230.152a reading as follows:

§ 230.152a Offer or sale of certain fractional interests.

Any offer or sale of a security, evidenced by a script certificate, order form or similar document which represents a fractional interest in a share of stock or similar security shall be deemed a transaction by a person other than an issuer, underwriter or dealer, within the meaning of the first clause of section 4(1) of the Act, if the fractional interest (a) resulted from a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction, and (b) is offered or sold pursuant to arrangements for the purchase and sale of fractional interests among the person entitled to such fractional interests for the purpose of combining such interests into whole shares, and for the sale of such number of whole shares as may be necessary to compensate security holders for any remaining fractional interests not so combined, notwithstanding that the issuer or an affiliate of the issuer may act on behalf of or as agent for the security holders in effecting such transactions.

II. The Commission has also adopted a new § 230.236 (Rule 236) which exempts from registration under the Securities Act, under certain conditions, shares of stock or similar security which are publicly offered to provide funds to be distributed to security holders in lieu of issuing fractional shares, script certificates, order forms, or other evidences of such fractional interest, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction. The conditions of the exemption are that the issuer is required to file and has filed reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, that the aggregate gross proceeds from the sale of the shares does not exceed $100,000 and that the issuer furnish certain information to the Commission at

least 10 days prior to the offering of the shares. The text of the Commission's action follows:

The Securities and Exchange Commission hereby amends Part 230 of Chapter II, Title 17 of the Code of Federal Regulations, by adding a new § 230.236 reading as follows:

§ 230.236 Exemption of shares offered in connection with certain transactions.

Shares of stock or similar security offered to provide funds to be distributed to shareholders of the issuer of such securities in lieu of issuing fractional shares, script certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction, shall be exempt from registration under the Act if the following conditions are met:

(a) The issuer of such shares is required to file and has filed reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

(b) The aggregate gross proceeds from the sale of all shares offered in connection with the transaction for the purpose of providing such funds does not exceed $100,000; and

(c) At least ten days prior to the offering of the shares, the issuer shall furnish to the Commission in writing the following information: (1) That it proposes to offer shares in reliance upon the exemption provided by this rule; (2) the estimated number of shares to be so offered; (3) the aggregate market value of such shares as of the latest practicable date; and (4) a brief description of the transaction in connection with which the shares are to be offered.

(Secs. 3(b), 4(1), and 19(a), 48 Stat. 75, 77 and 85, as amended, 15 U.S.C. 77c, 77d and 77s)

The Commission finds that § 230.152a is an interpretative rule and that notice and procedure pursuant to section 4 of the Administrative Procedure Act is not required. Notice of the proposed adoption of § 230.236 was published December 29, 1961 in Securities Act Release No. 4437 and in the FEDERAL REGISTER of January 9, 1962, 27 F.R. 232. All of the comments received in regard thereto have been considered.

Under the Administrative Procedure Act, the foregoing rules may be made effective immediately upon publication. Accordingly, the rules which were adopted pursuant to the Securities Act of 1933, particularly sections 3(b), 4(1), and 19(a) thereof, shall become effective March 28, 1962.

By the Commission.

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

MARCH 28, 1962.

[F.R. Doc. 62-3335; Filed, Apr. 5, 1962; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter III—Government Inventions Jurisdiction, Patent Office, Department of Commerce

PART 300—ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO THE DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

The heading of Chapter III, Title 37, is changed to read as set forth above.

This part is a revision of the former Part 300, 16 F.R. 3927. Parts 301 and 302 remain unchanged.

Sec.

AUTHORITY: §§ 300.1 to 300.11 issued under sec. 4, E.O. 10096, Jan. 23, 1950, 15 F.R. 391 as amended by E.O. 10930, Mar. 24, 1961, 26 F.R. 2583; and Delegation of Authority by the Acting Secretary of Commerce, Mar. 24, 1961, 26 F.R. 3118.

§ 300.1 Purpose.

The purpose of this part is to provide for the administration of a uniform patent policy for the Government with respect to the domestic rights in inventions made by Government employees and to prescribe rules and regulations for implementing and effectuating such policy.

§ 300.2 Authority.

Authority for the administration of a uniform patent policy is provided in Executive Order 10096, dated January 23, 1950, 15 F.R. 389, as amended by E.O. 10930, Mar. 24, 1961, 26 F.R. 2583, and Delegation of Authority by Acting Secretary of Commerce, Mar. 24, 1961, 26 F.R. 3118.

§ 300.3 Scope.

This part applies to any invention made by a Government employee on or after January 23, 1950, and to any action taken with respect thereto.

§ 300.4 Definitions.

(a) The term "Government agency," as used in this part, means any Executive department or independent establishment of the Executive branch of the Government (including any independent regulatory commission or board, any corporation wholly owned by the United States, and the Smithsonian Institution), but does not include the Atomic Energy Commission.

(b) The term "Government employee," as used in this part, means any officer or employee, civilian or military, of any Government agency, including any part-time consultant or part-time employee except as may otherwise be provided for by agency regulation approved by the Commissioner.

(c) The term "invention," as used in this part, means any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

(d) The term "Commissioner," as used in this part, means the Commissioner of Patents or any Assistant Commissioner who may act for the Commissioner of Patents.

§ 300.5 Determination of invention.

Each Government agency will determine whether the results of research, development, or other activity within the agency constitute invention within the purview of Executive Order 10096, as amended by Executive Order 10930.

§ 300.6 Determination of rights in and to inventions.

(a) Subject to review by the Commissioner as provided for in this part, each Government agency will determine the respective rights of the Government and of the inventor in and to any invention made by a Government employee while under the administrative jurisdiction of such agency.

(b) The following rules shall be applied in determining the respective rights of the Government and of the inventor in and to any invention that is subject to the provisions of this part:

(1) The Government shall obtain, except as herein otherwise provided, the entire domestic right, title and interest in and to any invention made by any Government employee (i) during working hours, or (ii) with a contribution by the Government of facilities, equipment, materials, funds or information, or of time or services of other Government employees on official duty, or (iii) which bears a direct relation to or is made in consequence of the official duties of the inventor.

(2) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph (1) of this paragraph, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under subparagraph (1) of this paragraph), the Government agency concerned shall leave title to such invention in the employee, subject however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof or where applicable in the

terms required by 35 U.S.C. 266, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(3) In applying the provisions of subparagraphs (1) and (2) of this paragraph to the facts and circumstances relating to the making of a particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, design, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such research or development work, falls within the provisions of subparagraph (1) of this paragraph, and it shall be presumed that any invention made by any other employee falls within the provisions of subparagraph (2) of this paragraph. Either presumption may be rebutted by a showing of the facts and circumstances and shall not preclude a determination that these facts and circumstances justify leaving the entire right, title and interest in and to the invention in the Government employee, subject to law.

(4) In any case wherein the Government neither (i) obtains the entire domestic right, title and interest in and to an invention pursuant to the provisions of subparagraph (1) of this paragraph nor (ii) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of subparagraph (2) of this paragraph, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(c) In the event that a Government agency determines, pursuant to paragraph (b) (2) or (4) of this section, that title to an invention will be left with an employee, the agency shall notify the employee of this determination and promptly prepare, and preserve in appropriate files, accessible to the Commissioner, a written, signed, and dated statement concerning the invention including the following:

(1) A description of the invention in sufficient detail to identify the invention and show its relationship to the employee's duties and work assignments;

(2) The name of the employee and his employment status, including a detailed statement of his official duties and responsibilities at the time the invention was made; and

(3) A statement of agency determination and reasons therefor. The agency shall, subject to considerations of national security, or public health, safety, or welfare, submit to the Commissioner a copy of this written statement. This submittal in a case falling within the provisions of paragraph (b) (2) of this section shall be made after the expiration of the period prescribed in § 300.7 for the taking of an appeal, or it may be made prior to the expiration of such period if the employee acquiesces in the agency determination. The Commissioner thereupon shall review the determination of the Government agency, and his decision respecting the matter shall be final, subject to the right of the employee or the agency to submit to the Commissioner within 30 days (or such longer period as the Commissioner may, for good cause, shown in writing, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision. A copy of any such petition must also be filed by the inventor with the employing agency within the prescribed period.

§ 300.7 Appeals by employees.

(a) Any Government employee who is aggrieved by any agency determination pursuant to § 300.6(b) (1) or (2) may obtain a review of the agency determination by filing, within 30 days (or such longer period as the Commissioner may for good cause shown in writing, fix in any case) after receiving notice of such determination, two copies of an appeal with the Commissioner. The Commissioner then shall forward one copy of the appeal to the agency.

(b) On receipt of a copy of an appeal filed pursuant to paragraph (a) of this section, the Government agency which made the determination shall, subject to considerations of national security, or public health, safety, or welfare, promptly furnish both the Commissioner and the inventor with a copy of a report containing the following information about the invention involved in the appeal:

(1) A copy of a statement by the agency containing the information specified in § 300.6(c), and

(2) A detailed statement of the points of dispute or controversy, together with copies of any statements or written arguments filed with the agency, and of any other relevant evidence that the agency considered in making its determination of Government interest. Within 25 days (or such longer period as the Commissioner may, for good cause shown, fix in any case) after the transmission of a copy of the agency report to the employee, the employee may file a reply thereto with the Commissioner and file one copy thereof with the agency.

(c) After the time for the inventor's reply to the Government agency's report has expired and if the inventor has so requested in his appeal, a date will be set for the hearing of oral arguments by the employee (or by an attorney whom he designates by written power of attorney filed before, or at the hearing) and a representative of the Government agency involved. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to thirty minutes for each side. The employee need not retain an attorney or request an oral hearing to secure full consideration of the facts and his arguments. He may expedite such consideration by notifying the Commissioner when he does not intend to file a reply to the agency report.

(d) After a hearing on the appeal, if a hearing was requested, or after expiration of the period for the inventor's reply to the agency report if no hearing is set, the Commissioner shall issue a decision on the matter, which decision shall be final after the period for asking reconsideration expires or on the date that a decision on a petition for reconsideration is finally disposed of. Any request for reconsideration or modification of the decision must be filed within 30 days from the date of the original decision (or within such an extension thereof as may be set by the Commissioner before the original period expires). The Commissioner's decision shall be made after consideration of the statements of fact in the employee's appeal, the agency's report, and the employee's reply, but the Commissioner, at his discretion and with due respect to the rights and convenience of the inventor and the Government agency, may call for further statements on specific questions of fact or may request additional evidence in the form of affidavits or depositions on specific facts in dispute.

§ 300.8 Patent protection.

(a) A Government agency, upon determining that an invention coming within the scope of § 300.6(b) (1) or (2) has been made, shall thereupon determine whether patent protection will be sought in the United States by the agency for such invention. A controversy over the respective rights of the Government and of the employee in any case shall not delay the taking of the actions provided for in this section. In cases coming within the scope of § 300.6(b) (2), agency action looking toward such patent protection shall be contingent upon the consent of the employee.

(b) Where there is a dispute as to whether § 300.6(b) (1) or (2) applies in determining the respective rights of the Government and of an employee in and to any invention, the agency will determine whether patent protection will be sought in the United States pending the Commission's decision on the dispute, and, if it decides that an application for patent should be filed, will take such rights as are specified in § 300.6(b) (2), but this shall be without prejudice to acquiring the rights specified in subparagraph (1) of that paragraph should the Commissioner so decide.

(c) Where an agency has determined to leave title to an invention with an employee under § 300.6(b) (2), the agency will, upon the filing of an application for patent and pending review of the determination by the Commissioner, take the rights specified in that subparagraph without prejudice to the subsequent acquisition by the Government of the rights specified in subparagraph (1) of that paragraph should the Commissioner so decide.

(d) In the event that a Government agency determines that an application for patent will not be filed on an invention made under the circumstances specified in § 300.6(b) (1), giving the United States the right to title thereto, the agency shall, subject to considerations of national security, or public health, safety, or welfare, report to the Commissioner, promptly upon making

such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status; and

(3) Statement of agency determination and reasons therefor. The Commissioner may, if he determines that the interest of the Government so requires and subject to considerations of national security, or public health, safety, or welfare, bring the invention to the attention of any Government agency to whose activities the invention may be pertinent, or cause the invention to be fully disclosed by publication thereof; *Provided, however,* That no application for patent respecting any variety of plant invented by an employee of the Department of Agriculture shall be filed without the approval of the Secretary of Agriculture.

§ 300.9 **Report forms.**

The Commissioner will prescribe the forms to be used by Government agencies in submitting the reports specified in this part.

§ 300.10 **Liaison.**

Each Government agency shall designate a liaison officer at the agency level to deal with the Commissioner: *Provided, however,* That the Departments of the Army, the Navy, and the Air Force may each designate a liaison officer.

§ 300.11 **Dissemination of this part.**

Each Government agency shall make appropriate arrangements for the dissemination to its employees of the provisions of this part.

Effective date. Administrative Order No. 5, dated April 26, 1951, codified as former Part 300, 16 F.R. 3927, is revised by the provisions of this part, which shall go into effect 60 days after the date of approval and remain in effect until further notice.

EDWIN L. REYNOLDS,
Acting Commissioner of Patents.

Approved: February 6, 1962.

JOHN F. KENNEDY,
President.

[F.R. Doc. 62-3379; Filed, Apr. 5, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Renewal of Licenses of Television Translator Stations

1. The Commission has under consideration the desirability of revising its procedures relating to applications for renewal of licenses of television translator broadcast stations. The three particular matters involved, covered by the changes in §§ 1.328 and 4.15 of the rules adopted herein, are: (a) The time by which an application for renewal is to be filed before the license expires (now 60 days in advance); (b) the length of the license period (now one year); and (c) the "staggering" of license expiration dates on a geographical basis, as in the other broadcast services, so that all applications need not be considered at one time (all such licenses now expire each year on June 1).

2. The main factor making revisions in these areas appropriate is the vast increase in the number of authorized UHF and VHF translators which has occurred recently and is continuing. There are now outstanding authorizations for some 400 UHF translators, most of which are licensed; more than 800 VHF translator construction permits are outstanding, and about 300 applications for such facilities are pending. Thus, shortly there will be some 1,600 or more outstanding translator authorizations. The processing of applications for renewal of licenses covering these facilities has already begun to create problems, and these obviously will sharply increase, if the present framework is maintained, to the point where the Commission's processes will be badly clogged and prompt handling of these and other matters will be very difficult. In connection with the length of the renewal period, another consideration is that the main reason for setting a license period of only one year—the need to obtain current information about this rapidly developing service—has now diminished as the industry has developed and attained maturity.

3. As to the time when a renewal application must be filed in relation to the license expiration date, the present provision of at least 60 days is not adequate to insure proper consideration of the large and growing number of applications involved, in time so that they may be acted on before the licenses expire. The 90-day period applicable to other broadcast services is more appropriate. Therefore, we are herein amending § 1.328 to provide that television translator renewal applications must be filed at least 90 days before expiration date of the current license.

4. With respect to the length of the license period, as mentioned, there appears to be no longer much need for a normal period as short as one year, and, moreover, processing of upwards of 1,600 renewal applications every year would be extremely burdensome. The three-year period generally applicable to other broadcast services appears an appropriate interval. In taking this action, we do not overlook the importance of continuing Commission surveillance of the activities of its broadcast licenses in every service; but it must be borne in mind that translators are an auxiliary service, originating no programming, and there is no reason why they should be subjected to scrutiny more frequently than regular broadcast stations are.

5. With respect to the date of expiration, in order to avoid a large burden of processing at one time, it is desirable, as in the other broadcast services, to have license expiration dates "staggered" so that the renewal processing workload may be spread more or less evenly throughout any given period. The best basis of doing this is that used in the other services, on the basis of a given state or group of states every two months. Studies indicate that processing efficiency will be best served by making the bimonthly dates the same as those used in the other services—February 1, April 1, June 1, August 1, October 1, and December 1—rather than, for example, alternate months. But with respect to geographical distribution, a plan must be adopted different from that used in the other services. This is so because the distribution of translator facilities by states is, and may be expected to be, radically different from the pattern of distribution of regular radio and television stations. For example, for regular renewal processing it is appropriate to treat as a group six Western states which each has relatively few radio and television stations—Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho; therefore, under our rules, licenses of regular facilities in these states all expire at one date (October 1, 1962). However, the same six states have between them about 475 authorized translators, obviously a group too large for processing at one time. By contrast, ten Northeastern states making up three bimonthly groups for regular renewal processing (the six New England States, New York, New Jersey, Pennsylvania, and Delaware) have among them only 33 translators. Thus, a different geographical pattern is obviously required. The one adopted in the attached rule amendment is that which has been worked out to spread most evenly the entire renewal workload, for both translators and regular stations.

6. In order to effectuate an orderly change-over to the new system, the following procedures will be applied to presently licensed translators, whose licenses by their terms expire June 1, 1962, where timely application is made and regular renewal is granted:

(a) Those translators located in the states specified in subparagraph (1) of new § 4.15(d) set out below—generally, the northeastern part of the United States—will before expiration of their present licenses (on June 1, 1962) be granted renewals to June 1, 1965.

(b) Those translators located in the states specified in subparagraph (2) through (13) of new § 4.15(d)—generally those located in all of the rest of the United States except five Western states—will be granted, by Order adopted herewith, extension of their present licenses to the dates specified in those subparagraphs for the respective states. They are not required to file renewal applications in relation to the former June 1 expiration date, but must file at least 90 days before the new applicable date (e.g., in the case of translators in states specified in subparagraph (2), by May 2, 1962). If regular renewal is granted, it will be for three years from the specified date. Section 4.15(e) covers these extensions.

(c) Those translators located in the states specified in subparagraphs (14) through (18) of new § 4.15(d)—New Mexico, Utah, Arizona, Nevada, and California—will, before expiration of their present licenses (on June 1, 1962), be granted renewal to the applicable dates specified in new § 4.15(d). The present licenses of these translators cannot be extended to the dates specified in § 4.15(d) for these states, since this might contravene the provisions of the Communications Act limiting broadcast licenses to three years. Where regular renewal is granted, it will be to the applicable date specified in § 4.15(d).

7. Under new § 1.328(a), translator renewal applications must be filed at least 90 days before expiration date. Compliance with this is obviously impossible for these stations whose licenses expire June 1, 1962, and are not being extended under the preceding paragraph (i.e., stations in the Northeast and in five Western States, mentioned in subparagraphs (1), (14), (15), (16), (17), and (18) of new § 4.15(d)). The Commission will regard as timely filed renewal applications for such stations filed by April 2, 1962, the date required under the former rule. As to stations in states mentioned in subparagraph (2) of § 4.15(d) whose licenses now will expire August 1, 1962—the South, Midwest, Puerto Rico and the Virgin Islands—since the 90 day advance date would fall slightly before the effective date of these rule amendments, the Commission will regard as timely filed renewal applications filed by June 1, 1962. Otherwise, renewal applications are hereafter to be filed at least 90 days in advance of the renewal date, as new § 1.328(a) provides.

8. As to issuance of initial licenses, licenses issued henceforth, before the dates specified in § 4.15(d), will normally run until the applicable date specified in that paragraph. This will normally mean a license period shorter than three years. The Commission will apply in these situations a policy similar to that pertaining in the regular broadcast services, and will not grant an initial license where such license would under § 4.15(d) have less than eight months to run before date of expiration, unless the applicant specifically requests it. Application for renewal of initial licenses must be filed at least 90 days before the applicable date specified in § 4.15(d), and, if regular renewal is granted, it will be for three years from such date.

9. Since the subjects of the rule changes adopted herein are essentially procedural (involving the manner in which the Commission handles its business), notice of rule making is not required by section 4(a) of the Administrative Procedure Act. Moreover, the changes involved, which are required in order that the Commission may expeditiously handle its renewal workload and which substantially lighten the burden on translator licensees, are clearly in the public interest. Therefore, a public rule making proceeding herein is unnecessary, and the delay which would be involved therein would further complicate the administrative problems which make the changes necessary. Accordingly, we are adopting the rules in the attached Appendix without public rule making proceedings. The rights of regular television broadcast licensees are protected under the provisions of § 4.703 of our rules, which put upon the translator operator the responsibility of avoiding interference to reception of regular stations.

10. Authority for the adoption of the proposed rules is contained in sections 4 (i) and (j), 303 (f) and (r), and 307(d) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That effective May 4, 1962, Parts 1 and 4 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 28, 1962.

Released: April 2, 1962.

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

1. Section 1.328(a) is amended to read as follows:

§ 1.328 Application for renewal of license.

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

2. Section 4.15 is amended by deleting paragraph (a)(4) and adding new paragraphs (d) and (e), as follows:

§ 4.15 License period.

* * * * *

(d) On and after the dates specified in this paragraph for stations located in the various States, licenses for television broadcast translator stations ordinarily will be issued for a period of three years, and, when regularly renewed, at three year intervals thereafter (initial licenses and renewals issued prior to the applicable date specified in this paragragh will normally run until such applicable date): *Provided, however,* That if the Commission finds that the public interest, convenience, and necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. When regularly issued or renewed, licenses will be issued to expire at the hour of 3:00 a.m., Eastern Standard Time, in accordance with the following schedule, and at three year intervals thereafter:

(1) For stations located in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, and the District of Columbia: June 1, 1962.

(2) For stations located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Puerto Rico, and the Virgin Islands: August 1, 1962.

(3) For stations located in Oklahoma and Texas: October 1, 1962.

(4) For stations located in Kansas and Nebraska: December 1, 1962.

(5) For stations located in Iowa and South Dakota: February 1, 1963.

(6) For stations located in Minnesota and North Dakota: April 1, 1963.

(7) For stations located in Wyoming: June 1, 1963.

(8) For stations located in Montana: August 1, 1963.

(9) For stations located in Idaho: October 1, 1963.

(10) For stations located in Washington: December 1, 1963.

(11) For stations located in Oregon: February 1, 1964.

(12) For stations located in Alaska, Hawaii and Guam: April 1, 1964.

(13) For stations located in Colorado: June 1, 1964.

(14) For stations located in New Mexico: August 1, 1964.

(15) For stations located in Utah: October 1, 1964.

(16) For stations located in Arizona: December 1, 1964.

(17) For stations located in Nevada: February 1, 1965.

(18) For stations located in California: April 1, 1965.

(e) Licenses issued before June 1, 1962, for television translator stations located in the states listed in paragraph (d) (2) through (13) of this section, regardless of the expiration date specified in the license, will expire at 3:00 a.m., eastern standard time, on the dates specified in those subparagraphs for the respective states.

[F.R. Doc. 62-3357; Filed, Apr. 5, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REGUGE

Sport fishing on the Hart Mountain National Antelope Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising 100 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the

Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout.

(b) Open season: April 21, 1962, through October 31, 1962.

(c) Daily creel limits: 10 fish 6 inches and over in length, not more than 5 of which may be 12 inches or over. Limit for trout 20 inches and over is 2 fish per day and is to be counted with the regular bag limit.

(d) Methods of fishing:

1. Tackle: One line, or rod and line, in hand or closely attended.

2. Bait: The use of living, dead or preserved fish or parts thereof, except salmon eggs, is prohibited.

3. Boats: The use of boats for fishing is not permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1962.

[F.R. Doc. 62-3328; Filed, Apr. 5, 1962; 8:45 a.m.]

PART 33—SPORT FISHING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Sport fishing on the Malheur National Wildlife Refuge, Oregon, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 200 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout.

(b) Open season: Krumbo Reservoir—July 1, 1962, through October 31, 1962. Other waters—April 21, 1962, through October 31, 1962.

(c) Daily creel limits: 10 fish 6 inches and over in length.

(d) Methods of fishing:

1. Tackle: Line, or rod and line, in hand or closely attended may be used. Line is limited to 3 hooks.

2. Bait: Living, dead or preserved fish or parts thereof, exclusive of salmon eggs, may not be used for bait.

3. Boats: Boats without motors may be used on Krumbo Reservoir only.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1962.

[F.R. Doc. 62-3329; Filed, Apr. 5, 1962; 8:45 a.m.]

PART 33—SPORT FISHING

McKay Creek National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

M'KAY CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the McKay Creek National Wildlife Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising 660 acres or 36 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: All waters—April 21, 1962, through October 15, 1962. Waters below the dam—April 21, 1962, through October 31, 1962.

(c) Daily creel limits: Trout—10 fish 6 inches and over in length. Creel limits for minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle: One line or rod and line in hand or closely attended. Not more than 3 hooks per line, except on floating bass plugs.

2. Bait: Living, dead, or preserved fish or parts thereof, exclusive of salmon eggs, may not be used.

3. Boats: Boats with motors may be used for fishing from April 21 through September 15, 1962, only.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to November 1, 1962.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1962.

[F.R. Doc. 62-3330; Filed, Apr. 5, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

WHITE-PINE BLISTER RUST

Proposed Amendments of Notice of Quarantine and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), is considering the amendment of 7 CFR 301.63, 301.63–1(g), 301.63–2, 301.63–3a(a)(1), 301.63–3a(a)(2), 301.63–3a(b), 301.63–5(a)(1), 301.63–5(a)(2), and 301.63–5(b) (White-Pine Blister Rust Quarantine No. 63, and certain supplemental regulations), in the following respects:

§ 301.63 [Amendment]

1. Amend the first sentence of § 301.63 by deleting therefrom the word "continental" and substituting therefor the word "conterminous."

2. Amend the introductory clause of the second sentence of § 301.63 by adding the phrase "within the conterminous United States" between the words "moved interstate" and "from any State."

3. Amend § 301.63–1(g) to read as follows:

§ 301.63–1 Definitions.

* * * * *

(g) *Conterminous United States.* The 48 conterminous States of the United States and the District of Columbia.

§ 301.63–2 [Amendment]

4. Amend § 301.63–2 by deleting the word "continental" therein and substituting therefor the word "conterminous."

§ 301.63–3a [Amendment]

5. Amend the second sentence of § 301.63–3a(a)(1) and of § 301.63–5(a)(1) by inserting the word "conterminous" between the words "part of the" and "United States."

6. Amend §§ 301.63–3a(a)(2) and 301.63–5(a)(2) by deleting the word "continental" wherever it occurs therein and substituting therefor the word "conterminous."

7. Amend the second sentence of § 301.63–3a(b) to read, "Interstate movement of such plants into or between any other State of the conterminous United States or the District of Columbia is prohibited except in accordance with § 301.63–9."

§ 301.63–5 [Amendment]

8. Amend the second sentence of § 301.63–5(b) to read, "The interstate movement of such plants into any other State of the conterminous United States or the District of Columbia is prohibited except when intended for scientific or educational purposes and when authorized, safeguarded, and labeled in accordance with § 301.63–9."

(Secs 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 19 F.R. 74, as amended)

These proposed amendments make no substantive change in the notice of quarantine or regulations as now enforced. Under the Plant Quarantine Act a hearing is required before a State is quarantined. At the time of the latest public hearing held on March 26, 1932, to consider amendment of the white-pine blister rust quarantine, Alaska had not been admitted as a State. The need for quarantining Alaska was not considered at the hearing and the quarantine and regulations by their terms were intentionally limited to the then existing States of the United States and the District of Columbia. The proposed amendments and the new definition would specifically limit application of the quarantine and regulations to the 48 conterminous States and the District of Columbia, as originally intended under the terms of the public hearing. This would eliminate any uncertainty as to the status of Alaska under the quarantine and regulations.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–3345; Filed, Apr. 5, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 14580; FCC 62–326]

INCIDENTAL AND RESTRICTED RADIATION DEVICES

Operation Above 70 Mc/s

1. Notice is hereby given of proposed rule making to amend § 15.206 of the rules of the Federal Communications Commission as shown below to specify the details of operation above 70 Mc/s.

2. The limits on radiation of electromagnetic energy set forth in § 15.206 attached are the same as those which are now in effect. The changes are in the maximum duration of each transmission and the minimum silent period between transmissions specified in paragraph (a)(3) of the proposed rules.

3. Under the rule now in effect, the duration of the transmission is limited to 1 second. Whether the duration of the transmission is one second or less, it may not be transmitted a second time until 30 seconds have expired. The proposed rule shortens the required quiet period to 10 seconds and reduces the maximum transmission period to ½ second.

4. The Commission believes that the rule as revised will more adequately accommodate signalling devices ordinarily operated on an unlicensed basis under § 15.206, without increasing the interference potential of such devices. It appears that such devices could be operated effectively, and produced at no greater cost, if the maximum duration of the transmission is limited to ½ second. The reduction of the interval between transmissions, on the other hand, should be of considerable convenience to the user of any such device.

5. The existing rule provides that the device must be equipped with automatic controls to maintain the required duty cycle. At least one manufacturer who has equipped his certificated product with such controls has also equipped it with an external slide switch which can be positioned to bypass the controls and thereby obtain continuous operation. Any such arrangement is in conflict with the spirit and purpose of § 15.206. Paragraph (a)(4) of the proposed rules is intended to prevent the certification of any device equipped with such external control.

6. The Commission anticipates that the proposed new requirements will apply to devices manufactured approximately 2 months following adoption of the final order. Low power communication devices which were manufactured prior to that time may continue to be operated under the present rules.

7. This proposal to amend § 15.206 is issued under the authority of sections 4(i), 301, 303(f), and 303(r) of the Communications Act of 1934, as amended, and in accordance with the provisions of section 4 of the Administrative Procedure Act.

8. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before May 28, 1962, written data, views, or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant infor-

mation obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: March 28, 1962.

Released: March 29, 1962.

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

Section 15.206 is revised to read as follows:

§ 15.206 Operation above 70 Mc/s.

(a) A low power communication device may be operated on any frequency above 70 Mc/s, provided it complies with all of the following conditions:

(1) The radiated field on any frequency from 70 Mc/s to 1000 Mc/s does not exceed the limits specified for receivers in § 15.62.

(2) The radiated field on any frequency above 1000 Mc/s does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than ½ second and the silent period between transmissions shall not be less than 10 seconds.

(4) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this paragraph.

(b) A low power communication device manufactured before _____ 1962, may be operated on frequencies above 70 Mc/s if it meets the radiation requirements of paragraph (a) and is provided with means for automatically limiting operation to a duration of one second, not to occur more than once in 30 seconds.

[F.R. Doc. 62-3356; Filed, Apr. 5, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 13518]

STATEMENTS OF GENERAL POLICY

Nontransport Activities of Subsidized Air Carriers; Notice of Proposed Rule Making

APRIL 2, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed addition to Part 399—Statements of General Policy, which would express the Board's policy of considering nontransport activities of subsidized air carriers as prima facie contrary to the public interest.

This regulation is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743; 49 U.S.C. 1324) and section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before May 7, 1962, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board has become concerned over a trend by subsidized local service air carriers to engage in non-air transport activities either directly or through subsidiary companies. Examples of such activities include sale of aircraft components, as well as services of a nonaeronautical nature. It appears to the Board that when the favorable and unfavorable aspects of such activities are balanced, they may generally be inconsistent with the public interest.

It is apparent that the performance of such activities demands the attention of management, perhaps to a significant degree, thereby diverting emphasis from a carrier's prime function of developing air transport services—for which it receives subsidy. It is true that if the activities are engaged in successfully and profitably, the revenues flowing therefrom to the carrier will result in a decrease in the carrier's "need" for subsidy. But it might also follow that the more successful the enterprise, the more effort it requires of management. On the other hand, such activities may result in a continuing financial drain on the carrier, or in the loss of the carrier's investment therein, thereby jeopardizing its ability to perform its certificate operations. Furthermore, a determination of whether or not the activities are profitable may involve difficult questions of allocation of expenses.

The Board therefore has under consideration the adoption of a policy of regarding nontransport activities of subsidized air carriers as prima facie contrary to the public interest.

The proposed rule reads as follows:

§ 399.38 Nontransport activities of subsidized air carriers.

In view of the fact that any significant nontransport activity by a subsidized air carrier (a) may create financial risks to the carrier which could jeopardize its effective operations, (b) is likely to result in diversion of the energies of management from the carrier's transportation activities, and (c) creates problems with regard to the allocation of expenses as between the air transportation and other activities of the carrier, the Board will consider any significant engagement in nontransport activities by subsidized air carriers prima facie as not in the public interest when exercising its regulatory powers with respect to matters in which nontransport activities of subsidized air carriers are a factor.

[F.R. Doc. 62-3342; Filed, Apr. 5, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 62-WE-7]

JET ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the alteration of the enroute radar jet advisory area associated with the segment of Jet Route No. 80 from the Denver, Colo., VORTAC to the Hill City, Kans., VOR. In Airspace Docket No. 61-WA-172 (27 F.R. 2279) the radar jet advisory area associated with the above segment of J-80 is extended from 120 nautical miles east-southeast of Denver to 168 nautical miles east-southeast. This leaves a nonradar jet advisory area of 20 nautical miles from 168 nautical miles east-southeast of Denver to 25 nautical miles west of Hill City.

Operational experience has proven that overlapping coverage exists on this segment of nonradar jet advisory area at flight level 270 and above between the radar systems being utilized by the Denver and Kansas City, Mo., Air Route Traffic Control Centers. Therefore, the FAA proposes to convert the 20 nautical mile segment of nonradar jet advisory area on J-80 between Denver and Hill City to radar jet advisory area from flight level 270 to flight level 390 inclusive. Such action would permit the use of five additional flight levels in the control of civil turbojet air carrier aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be sub-

mitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-3320; Filed, Apr. 5, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-15]

JET ROUTE AND ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 79 and its associated jet advisory area presently extend in part from the Wilmington, N.C., VORTAC northward via the Wilmington VORTAC 012° and the Norfolk, Va., VORTAC 229° True radials to the Norfolk VORTAC, thence to the Idlewild, N.Y., VORTAC. At altitudes at and above 14,500 feet MSL the Wilmington control area extension (14 CFR 601.1150) extends from a point south of Wilmington on the boundary of the continental control area to the Bimini, Bahamas, RBN.

In order to provide an uninterrupted route for civil turbojet aircraft operating between Miami, Fla., and Idlewild via Control 1150, the Federal Aviation Agency has under consideration the extension of J-79 and its associated radar jet advisory area from the Wilmington VORTAC to the boundary of the continental control area via the Wilmington VORTAC 192° True radial. In addition, J-79 and its associated advisory area would be aligned direct between the Wilmington and Norfolk VORTACs. Realignment of J-79 from Wilmington direct to Norfolk would provide a more direct route between New York and Miami, and would reduce the mileage by approximately 10 nautical miles. This would also facilitate flight planning and air traffic management for jet aircraft operating between Miami, Fla., and the New York Metropolitan area.

In separate action (Airspace Docket No. 62-WA-23), the present route of J-79 and its associated advisory area between Wilmington and Norfolk is being proposed for retention by an extension of Jet Route No. 40. The extension of J-40 would provide an alternate routing for use above flight level 330 when Restricted Area R-5307 is being used. The designated times and altitudes of R-5307 are from sunset to sunrise and from flight level 350 to flight level 550, respectively.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

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

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

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-3321; Filed, Apr. 5, 1962; 8:45 a.m.]

Notices

FEDERAL RESERVE SYSTEM

BANK STOCK CORPORATION OF MILWAUKEE

Order Approving Application Under Bank Holding Company Act

In the matter of the Application of Bank Stock Corporation of Milwaukee for prior approval of acquisition of 80 per cent or more of the voting stock of Silver Spring Bank, Milwaukee, Wis.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Bank Stock Corporation of Milwaukee, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 80 per cent or more of the voting stock of Silver Spring Bank, Milwaukee, Wisconsin; a Notice of Receipt of Application has been published in the FEDERAL REGISTER on October 12, 1961 (26 F.R. 9660), which provided an opportunity for submission of comments and views regarding the proposed acquisition; and the time for filing such comments and views has expired and no such comments or views have been filed;

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, provided that the acquisition approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date, and provided further that Silver Spring Bank shall be opened for business within six months after said date.

Dated at Washington, D.C., this 28th day of March, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3325; Filed, Apr. 5, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority

MARCH 27, 1962.

Pursuant to authority contained in section 1.1(a) of Bureau Order No. 684 (26 F.R. No. 2816, August 28, 1961), I hereby authorize the following employees to perform the functions listed below which are delegated to me:

1. The District Managers in the State of California may perform the functions listed in section 1.5(a), *Classification of lands;*

2. The Minerals Specialist, Division of Lands and Minerals Management may perform the functions listed in section 1.2(e), *Government contests,* and section 1.6(k), *Mining claims.*

Notwithstanding these delegations, the Chief, Division of Lands and Minerals Management is hereby authorized to perform the functions listed above.

The above delegation shall become effective April 1, 1962.

NEAL D. NELSON,
State Director.

[F.R. Doc. 62-3331; Filed, Apr. 5, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 26, 1962.

The Notice of Proposed Withdrawal and Reservation of Lands concerning application Serial No. Sacramento 068417 of the United States Department of Agriculture, to protect a roadside zone along State Highway 49 in the Tahoe National Forest, which was published in the FEDERAL REGISTER of Tuesday, March 13, 1962, Page 2387 (F.R. Doc. 62-2399), is corrected as follows: That portion of the land description in Sec. 5, T. 19 N., R. 10 E., M.D.M., which reads S½SE¼NE¼, SW¼NE¼, S½NW¼, NW¼NW¼SW¼, W½E½NW¼SW¼, NW¼SE¼NW¼SW¼, N½SW¼SE¼NW¼SW¼ is corrected to read S½SE¼NE¼, SW¼NE¼, S½NW¼, NW¼NW¼SW¼, W½NE¼NW¼SW¼, NW¼SE¼NW¼SW¼, N½SW¼SE¼NW¼SW¼.

WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 62-3332; Filed, Apr. 5, 1962; 8:45 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1962.

The Atomic Energy Commission has filed an application, Serial Number Nevada 058078 for the withdrawal of the lands described below, from all forms of appropriation, under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681.30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for nuclear testing.

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, P.O. Box 1551, Reno, Nev.

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, NEVADA

T. 16 N., R. 32 E.,
Secs. 33 and 34.
T. 15 N., R. 32 E. (unsurveyed),
Beginning at the southeast corner of Section 34, T. 16 N., R. 32 E.;
Thence west along the southerly line of said Section 34, 5,287.43 feet, to the southwest corner of said Section 34;
Thence west along the southerly line of Section 33, T. 16 N., R. 32 E., 5,280 feet;
Thence south, 5,280 feet;
Thence east, 10,567.43 feet;
Thence north, 5,280 feet, to the southeast corner of said Section 34 to the true point of beginning.

The area described contains approximately 2,560 acres.

R. M. ZUNDEL,
Acting Land Office Manager,
P.O. Box 1551, Reno, Nev.

[F.R. Doc. 62-3333; Filed, Apr. 5, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

MARCH 30, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 0153781, for the withdrawal of certain land from location and entry, under the general mining laws, subject, however, to existing withdrawals and to valid existing rights.

The land has previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such has been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such land for the Arrowhead Landmark Geological Area, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, sugges-

[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 Chicago.

tions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, Calif.

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 land involved in the application is:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 4 W.,
Sec. 1, SW¼SW¼.

The above described area contains 40 acres of Federal land. The land is located in San Bernardino County, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-3341; Filed, Apr. 5, 1962; 8:46 a.m.]

National Park Service

[Order No. 4]

YELLOWSTONE NATIONAL PARK, WYOMING

Certain Designated Officials; Delegation of Authority to Execute and Approve Certain Contracts

1. *Associate Superintendent.* The Associate Superintendent may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Associate Superintendent in behalf of any coordinated area.

2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

3. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer in behalf of any coordinated area.

4. *Revocation.* This order supersedes Order No. 3 issued March 31, 1958.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C. 2; Region Two Order No. 3 (21 F.R. 1494))

LEMUEL A. GARRISON,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 62-3334; Filed, Apr. 5, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK

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 Suffolk County, New York, natural disasters have 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 December 31, 1962, 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 2d day of April 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-3340; Filed, Apr. 5, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 62M-476]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

The Hearing Examiner having under consideration motion on behalf of the Department of the Air Force, acting for and on behalf of the Department of Defense, an intervenor, filed March 28, 1962, requesting that the hearing herein now scheduled for April 24, 1962 be continued to June 5, 1962;

It appearing, That good cause exists why said motion should be granted and the other parties to the proceeding, namely American Telephone and Telegraph Company and Chief, Common Carrier Bureau of the Commission, interpose no objection to a grant of said motion;

Accordingly, it is ordered, This 30th day of March 1962, that the motion is granted and the hearing now scheduled for April 24, 1962, be and the same is hereby rescheduled for June 5, 1962, at 10 a.m. in the Commission's Offices, Washington, D.C., and: *It is further ordered,* That the date now set as March 30, 1962, in which the requests may be submitted to American Telephone and Telegraph Company for backup material, be and the same is hereby extended to May 11, 1962.

Released: April 2, 1962.

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

[F.R. Doc. 62-3350; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 14579]

WARREN J. CURRENCE

Order To Show Cause

In the matter of Warren J. Currence, Elkins, West Virginia, Docket No. 14579; order to show cause why there should not be revoked the license for Radio Station 4WO152 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of alleged violations of Title 18, U.S. Code section 1464, and the Commission's rules in connection with the operation of the captioned station;

It appearing, that, at various times between June 1, 1960, and July 16, 1961, and particularly on April 7, 1961, the licensee transmitted communications which were not addressed to specific persons or stations within the direct groundwave coverage range of his station, in violation of § 19.61(g) of the Commission's rules; and

It further appearing, that, at various times between June 1, 1960, and July 16, 1961, and particularly on April 7, 1961, the licensee uttered indecent, obscene or profane language by means of radio, in violation of Title 18, U.S. Code, section 1464; and

It further appearing, that, on January 10, 1961, the Commission directed a letter to the licensee advising him that it was in receipt of information indicating that he had been engaged in the transmission of communications which were not addressed to specific persons or stations within the direct groundwave coverage range of his station and warning him that such operation was in violation of § 19.61(g) of the Commission's rules; and

It further appearing, that, the Commission's above-mentioned letter was sent by Certified Mail—Return Receipt Requested (No. 97081) and received by the licensee on January 13, 1961; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 19.61(g) of the Commission's rules and has violated Title 18, U.S. Code, section 1464; and

It further appearing, that, in the operation of his Citizens radio station, the licensee has demonstrated a predisposition to disregard the Commission's rules and that, had the Commission been aware of such predisposition at the time of issuance of the license for Radio Station 4WO152, it would have been warranted in refusing to grant the licensee's application therefor;

It is ordered, This 3d day of April 1962, pursuant to section 312(a) (2), (4) and

(6) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of Commission's Statement of Delegations of Authority, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the licensee at 200 Diamond Street, Elkins, West Virginia.

Released: April 3, 1962.

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

[F.R. Doc. 62-3351; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 8716 etc.; FCC 62-293]

GREENWICH BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Greenwich Broadcasting Corp., Greenwich, Conn., Docket No. 8716, File No. BP-6315, requests: 1490 kc, 250 w, U; WPD, Inc., Danbury, Conn., Docket No. 14569, File No. BP-13035, requests: 1490 kc, 250 w, U; Robert R. Pauley, Peter Taylor, and Fred Schottland d/b as New Canaan Broadcasting Co., New Canaan, Conn., Docket No. 14570, File No. BP-13293, requests: 1490 kc, 250 w, U; Northcastle Radio, Inc., North White Plains, N.Y., Docket No. 14571, File No. BP-13940, requests: 1500 kc, 1 kw, DA-D; Richard Hodgson and John F. Dickinson d/b as Fairfield Broadcast Service, New Canaan, Conn., Docket No. 14572, File No. BP-14100, requests: 1490 kc, 250 w, U; Rhode Island-Connecticut Radio Corp., Madison, Conn., Docket No. 14573, File No. BP-14103, requests: 1490 kc, 250 w, U; Blair A. Walliser tr/as Milford Broadcasting Co., Milford, Conn., Docket No. 14574, File No. BP-14106, requests: 1500 kc, 5 kw, DA-D; The Berkshire Broadcasting Corp., Stratford, Conn., Docket No. 14575, File No. BP-14354, requests: 1490 kc, 250 w, U; James Stolcz, Shelton, Conn., Docket No. 14576, File No. BP-14355, requests: 1490 kc, 250 w, 1 kw-LS, DA-D, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1962;

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

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

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

1. The instant applications involve varying degrees of interlinking interference. Excluding mutually prohibitive proposals, and considering all class IV stations and proposals on a basis of a theoretical 250-watt omnidirectional operation, a substantial question exists concerning compliance with § 3.28(d)(3) of the Commission's rules for each of the applications except that of James Stolcz, BP-14355. An additional question exists regarding possible interference to the existing operations of the stations indicated in issue No. 3, herein.

2. Owing to high nighttime RSS limitations, a substantial question exists as to whether the proposals of WPD, Inc. and of James Stolcz will provide complete nighttime coverage of the cities they seek to serve.

3. The transmitter site photographs submitted by Northcastle Radio, Inc., have not been adequate to enable the Commission to determine whether or not any conditions exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. Two of the proposed antenna systems, those of Milford Broadcasting Co. and of James Stolcz, have been approved by the Federal Aviation Agency. The remaining proposals have not yet been explicitly approved by the FAA, but have been examined by the Commission in the light of the criteria contained in FAA regulations, § 626.12. It appears that the antenna systems proposed by five of the remaining seven applicants (WPD, Inc., New Canaan Broadcasting Co., Northcastle Radio, Inc., Rhode Island-Connecticut Radio Corp., and The Berkshire Broadcasting Corp.), would comply with the FAA criteria. No hearing issue has been included with respect to the latter five proposals, but a grant of any one of the proposals will be conditioned upon compliance with any applicable procedures of the FAA. The Commission has been unable to determine that the proposals of The Greenwich Broadcasting Corp. and Fairfield Broadcast Service would comply with the applicable FAA regulations and an appropriate hearing issue is included herein with respect to those applicants. The Federal Aviation Agency will be made a party respondent for the purposes of this issue.

5. For the reasons set forth below, the Commission is unable to find that the applicants indicated are financially qualified to construct and operate their proposals:

A. *New Canaan Broadcasting Co.:* Cash in the approximate amount of $26,140 will be required for the construction and initial operation of the proposed station. The partnership agreement indicates that the partnership capital of $7,000 will be contributed, 58 and 42 percent respectively, by Robert R. Pauley and Peter Taylor, two of the three partners. The agreement further states that the three partners will, "jointly and severally," lend such other sums as may be necessary for the construction and initial operation of the station. However, the undated balance sheets of the partners were submitted more than 2½ years ago and no additional information has been submitted to indicate the current assets of the partners or any additional commitments they may have undertaken. It is noted, in this regard, that Peter Taylor, 42 percent partner in the applicant, holds an ownership interest of 25 percent in Station WRIM, Pahokee, Fla., recently granted permission to remain silent from November 8, 1961, to February 20, 1962, owing, in part, to financial difficulty. Accordingly, it will be necessary for the partners to demonstrate that they will be able to loan the necessary funds to the partnership or that other sources for these funds have been found.

B. *Northcastle Radio Inc.:* A total of $29,714 appears to be required to cover down payment on equipment, construction costs, and initial operating expenses. The applicant proposes to obtain the necessary funds through stock subscriptions and additional loans from six of the stock subscribers. However, the financial statements submitted by the proposed stock subscribers and lenders were prepared in November 1959, and were not prepared in accordance with the instructions contained in the application form. It will be necessary for the parties to demonstrate their ability to meet their financial commitments to the corporation, or for the applicant to demonstrate that the necessary funds can be obtained elsewhere.

C. *Fairfield Broadcast Service:* Cash in the amount of $72,000 is necessary to cover down payment on equipment, cost of land, cost of building, miscellaneous items, and initial working capital. Following the most recent amendment of the application, it would appear that partner Richard Hodgson is obligated to furnish partnership capital of $24,000 and to loan the partnership an equal amount. The respective obligations of partner John Dickinson are exactly half of the obligations of Hodgson. Neither partner has furnished a balance sheet or financial statement prepared in accordance with the instructions in the application form. Even if the inadequate financial statements furnished were to be accepted at face value, neither partner has indicated sufficient cash and liquid assets to meet his obligations to the partnership. Accordingly, it will be necessary for the applicant to establish the financial capacity of the partners to meet their obligations to the partnership or to establish some other source for the funds necessary to construct the station and commence operation.

D. *Rhode Island-Connecticut Radio Corp.:* Cash in the amount of $28,799 will be necessary to meet the downpayment on equipment, cost of land, cost of building, miscellaneous expenses, and initial working capital. The applicant proposes to obtain these funds through a $25,000 bank loan and existing profits from Station WERI, Westerly, R.I., wholly owned by the applicant corporation. However, WERI was acquired by the applicant in 1959 for $100,000, only $29,000 of which was paid at time of purchase. In 1960, the applicant was granted a construction permit for WERI-FM, the cost of which was estimated to be $14,145, and in

early 1961 a construction permit was granted to increase the power of WERI (AM). On October 19, 1961, a construction permit was granted for a new station (WTTT), at Amherst, Mass., to a corporation whose principal stockholder is Augustine L. Cavallaro, Jr., also a stockholder in the applicant and son of the principal stockholder in the applicant. Funds needed to construct WTTT (an estimated $44,488), were to be obtained by sale of stock by the son to the father for a reported $50,000. In view of the other broadcast commitments by the applicant and of its sole stockholders, the Cavallaros, Senior and Junior, it will be necessary for the applicant to demonstrate its financial ability to construct and operate the instant proposal and meet its other concurrent broadcast commitments.

6. Several of the subject proposals would cause objectionable interference to the licensed operation of Station WNLC, New London, Conn., on 1490 kc. WNLC has been granted a construction permit to change frequency to 1510 kc and, in all cases but one, this change would eliminate any question of interference to WNLC. A grant of any application causing interference to the licensed WNLC 1490 kc operation will be appropriately conditioned to bar program tests until WNLC is granted similar authority on its new frequency.

7. A substantial question exists as to whether North White Plains, N.Y., is a separate community from White Plains, N.Y., within the meaning of § 3.30(a) of the Commission's rules. It will be necessary for Northcastle Radio, Inc., to establish its compliance with § 3.30(a) as a necessary precondition to further consideration. Seven Locks Broadcasting Co., 22 Pike and Fischer R.R. 967, 970 (1962).

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

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

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the following proposals would cause objectionable interference to the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Subject Proposal	*and Existing Station*
BP-6315	WHOM, New York, N.Y.
BP-13035	WKNY, Kingston, N.Y.
	WTOR, Torrington, Conn.
BP-13293	WHOM, New York, N.Y.
BP-13940	WHOM, New York, N.Y.
	WFYI, Mineola, N.Y.
	WTOP, Washington, D.C.
BP-14100	WDLC, Port Jervis, N.Y.
	WHOM, New York, N.Y.
BP-14103	WHOM, New York, N.Y.
	WTXL, West Springfield, Mass.
BP-14106	WFYI, Mineola, N.Y.
	WNLC, New London, Conn. (with respect to CP for operation on 1510 kc)
BP-13354	WHOM, New York, N.Y.
	WBCB, Levittown-Fairless Hills, Pa.
BP-13355	WTOR, Torrington, Conn.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than 10 percent of the population within its normally protected primary service area in contravention of § 3.28 (d)(3) of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by The Greenwich Broadcasting Corp. and Fairfield Broadcast Service would constitute a menace to air navigation.

6. To determine whether the instant proposals of WPD, Inc., and of James Stolcz would provide nighttime coverage of the city sought to be served, as required by §§ 3.188(a)(1) and 3.188(b)(2) of the Commission's rules.

7. To determine whether the transmitter site proposed by Northcastle Radio, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine the station location applied for by Northcastle Radio, Inc., and to determine whether such location is a particular city, town, political subdivision, or community within the meaning of § 3.30(a) of the Commission's rules.

9. To determine whether the following applicants are financially qualified to construct and operate their proposed stations:

a. New Canaan Broadcasting Co.

b. Northcastle Radio, Inc.

c. Fairfield Broadcast Service

d. Rhode Island-Connecticut Radio Corp.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

11. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for New Canaan, Conn., should be favored, or, in the event it is determined that a necessary choice between any two or more applicants cannot reasonably be made on the basis of considerations relating to section 307(b), which of the proposals in question would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

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

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

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

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

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That the following licensees of the existing stations indicated are made parties to the proceedings with regard to their existing operations:

Licensee, Station, and Location
Progress Broadcasting Corp., WHOM, New York, N.Y.
Kingston Broadcasting Corp., WKNY, Kingston, N.Y.
VIP Broadcasting Corp., WFYI, Mineola, N.Y.
The Torrington Broadcasting Co., Inc., WTOR, Torrington, Conn.
The Washington Post Co., WTOP, Washington, D.C.
Port Jervis Broadcasting Co., Inc., WDLC, Port Jervis, N.Y.
Telecolor Corp., WTXL, West Springfield, Mass.
O'Keefe Broadcasting Co., Inc., WBCB, Levittown-Fairless Hills, Pa.

It is further ordered, That The Thames Broadcasting Corp., is made a party to the proceeding with regard to its construction permit for operation on 1510 kc, at New London, Conn.

It is further ordered, That in the event of a grant of the application of The Greenwich Broadcasting Corp., New Canaan Broadcasting Co., Fairfield Broadcast Service, or Rhode Island-Connecticut Radio Corp., the construction permit shall contain the following condition: Program tests will not be authorized until WNLC has begun program tests on 1510 kc and a license will not be issued until WNLC has been licensed on 1510 kc.

It is further ordered, That in the event of a grant of the application of Northcastle Radio, Inc., or of Milford Broadcasting Co., the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are

not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of any application in this proceeding except those of Milford Broadcasting Co. and of James Stolcz, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That in the event of a grant of the application of Fairfield Broadcast Service, the construction permit shall contain the following condition: Before program tests are authorized, sufficient field intensity measurement data shall be submitted to establish that the antenna tower has been top loaded to produce an effective field strength at 1 mile of 260 mv/m/kw as proposed.

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

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

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

Released: April 3, 1962.

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

[F.R. Doc. 62-3352; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 14547; FCC 62M-480]

BILL S. LAHM

Order Continuing Hearing Conference

In re application of Bill S. Lahm, Wisconsin Rapids, Wis., Docket No. 14547, File No. BMP-9407, for additional time to construct radio station WRNE.

The Hearing Examiner having under consideration an oral request to postpone the prehearing conference presently scheduled for April 3, 1962, all parties having agreed thereto;

It is ordered, This 30th day of March 1962, on the Hearing Examiner's own motion, that the prehearing conference now scheduled for April 3, 1962, is continued to April 20, 1962, at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: April 2, 1962.

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

[F.R. Doc. 62-2253; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket No. 14589; FCC 62-356]

MADISON COUNTY BROADCASTING CO. (WBBY)

Order Designating Application for Hearing on Stated Issues

In re application of Robert W. Sudbrink and Margareta S. Sudbrink d/b as Madison County Broadcasting Co. (WBBY), Wood River, Ill., Docket No. 14589, File No. BMP-9684, has: (CP) 590 kc, 500 w, DA-D, Wood River, Ill., requests: Change of station location to Wood River-Alton, Ill.; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of March 1962;

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

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

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

1. The present Madison County application requests modification of the construction permit to change station location from Wood River, Ill., to Wood River-Alton, Ill. No change in transmitter site is proposed.

2. The population of Wood River, according to the 1960 census, is 11,694. The population of Alton is 43,047 and East Alton contains an additional 7,630 persons. Alton has one existing station, WOKZ, and Wood River has no other station. Assuming, as we do, that the Wood River application was filed in good faith, we must also assume that the applicant, in choosing his original station location, saw no immediate need to acquire a different, or a second, designation. The applicant has submitted an extensive statement setting forth the identity of interests of the two towns, but has submitted no statement indicating that changed circumstances now necessitate a dual-city designation not needed before. In the absence of such showing the Commission is unable to conclude without hearing that a retention of a single city identification would impose an unreasonable burden upon the applicant within the meaning of § 3.30 (b) of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

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

1. To determine whether the instant proposal of Madison County Broadcasting Co. is consistent with the requirements of § 3.30(b) of the Commission rules, to warrant an authorization of dual-city operation.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the instant application would serve the public interest, convenience, and necessity.

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

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

Released: April 3, 1962.

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

[F.R. Doc. 62-3354; Filed, Apr. 5, 1962; 8:48 a.m.]

[Docket Nos. 14537-14545; FCC 62M-474]

W.W.I.Z., INC., ET AL.

Order Continuing Hearing Conference

In re applications of W.W.I.Z., Inc., Lorain, Ohio, Docket No. 14537, File No. BR-3707; et al., Docket Nos. 14538, 14539, 14540, 14541, 14542, 14543, 14544, 14545; for renewal of license of station WWIZ, Lorain, Ohio.

The Hearing Examiner having under consideration a petition to postpone prehearing conference, filed by the Lorain Journal Co., on March 28, 1962;

It appearing, that all parties have consented to a grant of the subject petition and to a waiver of 47 CFR 1.43;

It is ordered, This 29th day of March 1962, that the prehearing conference in the above-entitled proceeding now scheduled to convene on April 5, 1962, is con-

tinued to April 10, 1962, at 9:00 a.m. at the offices of the Commission in Washington, D.C.

Released: April 2, 1962.

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

[F.R. Doc. 62-3355; Filed, Apr. 5, 1962; 8:48 a.m.]

[FCC 62-367]

TELEVISION TRANSLATOR STATIONS IN CERTAIN STATES

Extension of Term of Licensees

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of March 1962;

It appearing, that the Commission has this day adopted an amendment to § 4.15 of its rules, substituting for the former expiration of all television translator station licenses on June 1 of every year a system of 3-year licenses expiring on different dates according to the state in which the translator station is located; and

It appearing, that neither the interest of orderly administration nor the convenience of translator licensees would be served by requiring such licensees to file for renewal in relation to the June 1, 1962, expiration date now provided in their licenses and again within a short time in relation to the applicable expiration date specified in new § 4.15(d); and

It appearing, that therefore the present licenses of television translator stations should not expire on June 1, 1962, if renewal license issued thereafter would expire in a short time pursuant to § 4.15(d);

Therefore, it is ordered, That, the present licenses of television translator stations located in certain States, which expire on June 1, 1962, are extended, so as to expire at 3:00 a.m., e.s.t., on the dates set forth below for translators located in the respective States listed:

(a) For translator stations located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Puerto Rico, and the Virgin Islands: August 1, 1962.

(b) For translator stations located in Oklahoma and Texas: October 1, 1962.

(c) For translator stations located in Kansas and Nebraska: December 1, 1962.

(d) For translator stations located in Iowa and South Dakota: February 1, 1963.

(e) For translator stations located in Minnesota and North Dakota: April 1, 1963.

(f) For translator stations located in Wyoming: June 1, 1963.

(g) For translator stations located in Montana: August 1, 1963.

(h) For translator stations located in Idaho: October 1, 1963.

(i) For translator stations located in Washington: December 1, 1963.

(j) For translator stations located in Oregon: February 1, 1964.

(k) For translator stations located in Alaska, Hawaii, and Guam: April 1, 1964.

(l) For translator stations located in Colorado: June 1, 1964.

Released: April 2, 1962.

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

[F.R. Doc. 62-3358; Filed, Apr. 5, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Loans for Housing for Elderly

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of Loans for Housing for the Elderly, authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such Region:

1. To execute loan agreements and regulatory agreements; and

2. To execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective January 31, 1962 (27 F.R. 2064, Mar. 2, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective February 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 6th day of April 1962.

[SEAL] WALTER E. KEYES,
Regional Administrator, Region III.

[F.R. Doc. 62-3343; Filed, Apr. 5, 1962; 8:47 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region III (Atlanta), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Pub. Law 87-27, 42 U.S.C. 2506 and 2507) by performing the following functions within such Region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the Act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the Act are in compliance with sections 8(a)(2) and 8(c) of the Act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the Act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the Act in connection with any loans or grants proposed to be made under section 7 or 8 of the Act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's Redelegation effective May 1, 1961 (26 F.R. 7992, Aug. 25, 1961)).

Effective as of the 1st day of January 1962.

[SEAL] WALTER E. KEYES,
Regional Administrator, Region III.

[F.R. Doc. 62-3344; Filed, Apr. 5, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-8166 etc.]

F. F. McINTOSH ET AL.

Notice of Applications

MARCH 30, 1962.

F. F. McIntosh et al., Docket Nos. G-8166 and G-12123; Aylward Drilling Co. (Operator) et al., Docket Nos. G-9995 and G-12219; Tidewater Oil Co., Docket Nos. G-6274 and G-13824; Gulf Oil Corp., Docket Nos. G-2682 and G-14720; Socony Mobil Oil Co., Inc. (Operator), Docket Nos. G-12078 and G-16268; Sun Oil Co., Docket Nos. G-6631 and G-16740; Humble Oil & Refining Co., Docket Nos. G-4992 and G-17000; Standard Oil Co. of Texas, a Division of California Oil Co., Docket Nos. G-9274 and G-17001; Phillips Petroleum Co., Docket Nos. G-2605 and G-18085; Socony Mobil Oil Co., Inc., Docket Nos. G-12078 and G-18365; Gulf Oil Corp. (Operator) et al., Docket Nos. G-11637 and G-19341; States Oil Co., Inc., Docket Nos. G-13370 and G-19547; Graham-Michaelis Drilling Co., Docket Nos. G-19975 and CI60-28; Graham-Michaelis Drilling Co., Docket Nos. G-8533 and CI61-170; Compass Exploration, Inc., Docket Nos. CI61-299 and CI61-591; J. M. Huber Corp., Docket Nos. G-18621 and CI61-837; Tri-Mutual Oil Co. et al., Docket Nos. G-20174 and CI61-908; Consolidated Oil & Gas Co., Inc., et al., Docket Nos. CI60-271 and CI61-1638;

Thomas J. Blaho, Jr. et al., Docket Nos. CI61–1622 and CI62–66; Tidewater Oil Co., Docket Nos. G–3737 and CI62–164; Braden Drilling, Inc., Docket Nos. CI61–1070 and CI62–658; Toto Gas Co., Docket Nos. CI61–1497 and CI62–687.

Take notice that each of the above applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of additional natural gas service to a particular customer, in the same area and at the same price as authorized by the Commission in a previous docket, under duly filed and accepted supplements to FPC gas rate schedules. The later application of each applicant is, in effect, a request for amendment of the earlier existing authorization. The respective proposed additional services are described as follows:

Application for Additional Service Filed in Docket No.; Original Authority Granted in Docket No.; Location of Service; Purchaser, and Price

G–12123; G–8166; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–12219; G–9995; acreage in Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–13824; G–6274; Gwinville Field, Jefferson Davis County, Miss.; Southern Natural Gas Co.; 20.0 cents at 15.025 psia.

G–14720; G–2682; Boonesville Bend Conglomerate Gas Field, Jack County, Tex.; Natural Gas Pipeline Co. of America; 14.0 cents at 14.65 psia.

G–16268; G–12078; Amacker-Tippett and Jack Herbert Fields, Upton County, Tex.; El Paso Natural Gas Co.; 0.95885 cent at 14.65 psia.

G–16740; G–6631; North Government Wells Field, Duval County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.

G–17000; G–4992; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 7.0 cents at 14.65 psia.

G–17001; G–9274; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G–18085; G–2605; Fullerton Gasoline Plant, Andrew County, Tex.; El Paso Natural Gas Co.; 10.1699 cents at 14.65 psia.

G–18365; G–12078; Amacker-Tippett and Jack Herbert Fields, Upton County, Tex.; El Paso Natural Gas Co.; 8.95885 cents at 14.65 psia.

G–19341; G–11637; Langlie Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.0 cents at 14.65 psia.

G–19547; G–13370; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Co.; 11.0 cents at 15.025 psia.

CI60–28; G–19975; Certain acreage in Sedgwick County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.

CI61–170; G–8533; Certain acreage in Finney County, Kans.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

CI61–591; CI61–299; Dakota formation in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 14.65 psia.

CI61–837; G–18621; McKinney Field, Meade County, Kans.; Northern Natural Gas Co.; 14.0 cents at 14.65 psia.

CI61–908; G–20174; Lincoln District, Tyler County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–1638; CI60–271; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–66; CI61–1622; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–164; G–3737; West Bernard Gasoline Plant, Wharton County, Tex.; Natural Gas Pipeline Co. of America; 17.15310 cents at 14.65 psia.

CI62–658; CI61–1070; Acreage in Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI62–687; CI61–1497; Certain acreage in Noble County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be considered on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests, petitions to intervene, or requests for hearing in these matters 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 April 23, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3322; Filed, Apr. 5, 1962; 8:45 a.m.]

[Docket No. G–13532 etc.]

OHIO OIL CO.

Order Substituting Respondent, Accepting Successors' Undertaking, Making Rate Effective Under Undertaking, and Redesignating Proceedings

MARCH 30, 1962.

The Ohio Oil Co. (successor to Plymouth Oil Co.), Docket Nos. G–13532, G–16631, G–17276, G–17674, G–17702, G–19768, G–20549, RI61–180, and RI62–132.

The Ohio Oil Co. (Operator) (successor to Plymouth Oil Co. (Operator)), Docket Nos. G–14046, G–17265, and G–20551.

The Ohio Oil Co. (Operator) et al. (successor to Plymouth Oil Co. (Operator) et al.), Docket No. G–17686.

On February 26, 1962, The Ohio Oil Co. (Ohio Oil) filed a motion to be substituted for Plymouth Oil Co. (Plymouth) in the above-docketed rate proceedings.[1] Ohio Oil states that by agreement of December 28, 1961, it has conditionally acquired the assets, properties, and rights of Plymouth, including those under the rate schedules subject to said proceedings.

Increased rates are effective subject to refund, under undertakings filed by Plymouth, in all the above proceedings except Docket No. RI62–132. Ohio Oil submits, along with its motion for substitution of respondents, its agreement and undertaking assuming the duties and obligations under the undertakings of Plymouth. In addition Ohio submits in Docket No. RI62–132 its undertaking and a motion to place into effect as of April 2, 1962, the suspended rate contained in Supplement No. 8 to Ohio Oil's FPC Gas Rate Schedule No. 69.[2]

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Ohio Oil be substituted for Plymouth in the above-docketed proceedings, that said proceedings be redesignated accordingly, that the successor's undertaking submitted by Ohio be accepted for filing, and that the rate suspended in Docket No. RI62–132 be made effective subject to refund as of April 2, 1962.

The Commission orders:

(A) The Ohio Oil Co. is substituted for Plymouth Oil Co. in the proceedings in Docket Nos. G–13532, G–16631, G–17276, G–17674, G–17702, G–19768, G–20549, RI61–180, and RI62–132; and said proceedings are redesignated in the name of The Ohio Oil Co.

(B) The Ohio Oil Co. is substituted for Plymouth Oil Co. in the proceedings in Docket Nos. G–14046, G–17265, and G–20551; and said proceedings are redesignated in the name of The Ohio Oil Co. (Operator).

(C) The Ohio Oil Co. is substituted for Plymouth Oil Co. in the proceeding in Docket No. G–17686; and said proceeding is redesignated in the name of The Ohio Oil Co. (Operator) et al.

(D) The undertaking submitted by Ohio Oil on February 26, 1962, to assume the duties and obligations under undertakings heretofore filed by Plymouth is accepted for filing in the proceedings in Docket Nos. G–13532, G–14046, G–16631, G–17265, G–17276, G–17674, G–17686, G–17702, G–19768, G–20549, G–20551, and RI61–180.

(E) The rate, charge, and classifications set forth in Supplement No. 8 to Ohio Oil's FPC Gas Rate Schedule No. 69 is effective as of April 2, 1962, subject to refund under Ohio Oil's undertaking, which is hereby accepted for filing in Docket No. RI62–132.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–3323; Filed, Apr. 5, 1962; 8:45 a.m.]

[Docket Nos. RI62–380—RI62–384]

R. H. SIEGFRIED, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

MARCH 30, 1962.

R. H. Siegfried, Inc., et al., Docket No. RI62–380; Aztec Oil & Gas Company, Docket No. RI62–381; Sun Oil Company, Docket No. RI62–382; Sun Oil Company (Operator), et al., Docket No. RI62–383; Pan American Petroleum Corporation, Docket No. RI62–384.

The above-named Respondents have tendered for filing proposed changes in

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[1] Ohio Oil also filed its motion in Docket Nos. G–15840 and G–15863, which proceedings however were terminated by order of the Commission issued Mar. 5, 1962.

[2] Formerly Plymouth's Rate Schedule No. 10. Plymouth's rate schedules have been redesignated in Ohio Oil's name by letter from the Secretary of the Commission dated Mar. 22, 1962.

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

presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sales by Pan American Petroleum Corporation which are made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase (decrease)	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI62-380	R. H. Siegfried, Inc., et al. National Bank of Tulsa Bldg., Tulsa, Okla.	2	1	Natural Gas Pipeline Co. of America (Wise County, Tex.) (R.R. District No. 9).	$6,675	3-2-62	[3] 4-3-62	9-3-62	13.9	[4 5] 14.95	----
RI62-381	Aztec Oil & Gas Co., 920 Mercantile Securities Bldg., Dallas 1, Tex.	6	7	El Paso Natural Gas Co. (Continental-Stevens B-7 Unit, Lea County, N. Mex.) (Permian Basin area).	[6] 216	3-5-62	[7] 4-5-62	[8] 4-6-62	17.06566	[9 10] 15.55987	RI61-201
RI62-382	Sun Oil Co., P.O. Box 2880, Dallas 21, Tex.	1	[1] 8	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (R.R. District No. 8).	26	3-8-62	[7] 4-8-62	[8] 4-9-62	17.0427	[11] 17.1001	RI61-555
		1	[2] 9	----do----							
RI62-382	Sun Oil Co	30	[1] 7	El Paso Natural Gas Co. (Payton-Devonian Field, Pecos County, Tex.) (R.R. District No. 8).	[6] 573	3-8-62	[7] 4-8-62	[8] 4-9-62	16.000	[10] 15.7093	G-18184
		30	[2] 8	----do----							
RI62-382	----do----	58	[1] 13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin area).	[6] 4,392	3-8-62	[7] 4-8-62	[8] 4-9-62	[12] 16.0	15.501744	G-18181
		58	[2] 14	----do----	[6] 62				[13] 15.5419	[10] 15.043592	
RI62-382	----do----	61	[1] 7	El Paso Natural Gas Co. (Jalmat Field, Lea County, New Mexico) (Permian Basin area).	[6] 407	3-8-62	[7] 4-8-62	[8] 4-9-62	16.0	[10] 15.501744	G-18184
		61	[2] 8	----do----							
RI62-382	----do----	65	[1] 5	El Paso Natural Gas Co. (NE. Noelke Field, Crockett, Tex.) (R.R. District 7-c).	[6] 934	3-8-62	[7] 4-8-62	[8] 4-9-62	16.00	[10] 14.69575	G-18184
		65	[2] 6	----do----							
RI62-383	Sun Oil Co. (Operator), et al., P.O. Box 2880, Dallas 21, Tex.	80	[1] 8	El Paso Natural Gas Co. (Jameson Field, Coke County, Tex.) (R.R. District 7-c).	[6] 1,788	3-8-62	[7] 4-8-62	[8] 4-9-62	17.0427	[11] 17.1046	RI61-556
		80	[2] 9	----do----							
RI62-384	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	307	30	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo).	[6] 6,150	3-9-62	[3] 4-9-62	9-9-62	15.0	[14] 16.0	----

[1] Supplemental agreement.
[2] Notice of change in rate.
[3] The stated effective date is the effective date proposed by respondent.
[4] Periodic rate increase plus Btu adjustment.
[5] Includes 0.70 cents per Mcf for Btu adjustment (1050 Btu gas) and 0.25 cents per Mcf for dehydration charged by seller.
[6] Decrease in rate.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Suspension period is for 1 day.
[9] Deduction of 0.440967 cents per Mcf compression charge by buyer if under 600 psig.
[10] Renegotiated rate decrease.
[11] Renegotiated rate increase.
[12] For gas not requiring compression.
[13] For gas requiring compression.
[14] Subject to deduction for a payment to Belco Petroleum Corp. for providing compression from 250 psig to 500 psia.

The renegotiated rates of Sun Oil Company individually and as (Operator), et al., (Sun) are provided by amendatory agreements entered into pursuant to El Paso Natural Gas Company's contract renegotiation program in the Permian Basin Area. The amendments delete the favored nation clauses from the contracts and provide for the proposed rates until August 1, 1964, with 1.0 cent periodic increases on such date and at 5-year intervals thereafter. The subject renegotiated rates are submitted in replacement of previously filed favored nation rates which are now in effect subject to refund. Aztec Oil & Gas Company's (Aztec) renegotiated rate is provided by an amendatory agreement similar to the ones submitted by Sun. The suspension periods for the renegotiated rate changes of Sun and Aztec may be shortened to one day from the date of expiration of statutory notice.

All of the proposed rates exceed the applicable ceiling rates for increased rates in the particular areas involved. (The Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).)

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

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Aztec Oil & Gas Company in Docket No. RI62–381, and the supplements to the rate schedules filed by Sun Oil Company individually and as Operator et al., in Docket Nos. RI62–382 and RI62–383, respectively, suspended for one day, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 15, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-3324; Filed, Apr. 5, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 3, 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. 37641: *Bituminous coal to Rotan, Ark.* Filed by Illinois Central Railroad Company (No. 3-A), for interested rail carriers. Rates on bituminous coal, in carloads, from mine origins in western Kentucky groups 1 and 2 on the line of the I.C.R.R., to Rotan, Ark.

Grounds for relief: Carrier competition.

Tariff: Supplement 127 to Illinois Central Railroad Company tariff I.C.C. E-1860.

By the Commission.

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

[F.R. Doc. 62-3337; Filed, Apr. 5, 1962; 8:46 a.m.]

[Notice 621]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 3, 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 64740. By order of March 29, 1962, the Transfer Board approved the transfer to Bower Trucking & Warehouse Co., 1101 West 11th Street, Vancouver, Wash., of Certificate No. MC 1083, issued April 22, 1952, to Mitchell G. Bower, doing business as Bower Truck Service, 1101 West 11th Street, Vancouver, Wash., authorizing the transportation of: Edible nuts, from points in Clark County, Wash., to points in Marion and Polk Counties, Oreg., and those in Yamhill County, Oreg., except Dundee and Newberg, Oreg., fresh fruits, from the above-specified destination points to the above-specified origin points; fruit and nuts, between points in Clark County, Wash., on the one hand, and on the other, Dundee and Newberg, Oreg.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Portland, Oreg., on the one hand, and, on the other, points in Clark County, Wash.

No. MC-FC 64748. By order of March 30, 1962, the Transfer Board approved the transfer to Pigeon Fans, Inc., Brooklyn, N.Y., of Certificate No. MC 119658, issued August 25, 1961, to Island Pigeon Training Association, Inc., Maspeth, N.Y., authorizing the transportation of: Pigeons, between points in Queens County, N.Y., on the one hand, and, on the other, points in New Jersey. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., representative for applicants.

No. MC-FC 64795. By order of March 30, 1962, the Transfer Board approved the transfer to George David Chittum, Jr., and John Robert Chittum, a partnership, doing business as O. J. White Transfer Co., Morgantown, W. Va., of Certificate No. MC 285, issued February 17, 1949, to O. J. White and Mabel Hess White, a partnership, doing business as O. J. White Transfer, Morgantown, West Va., authorizing the transportation of household goods, over irregular routes, between points in Monongalia County, W. Va., on the one hand, and, on the other, points in Indiana, Kentucky, Maryland, New York, Pennsylvania, Ohio, Michigan, New Jersey, North Carolina, Virginia, and the District of Columbia. Hale J. Posten, 174 Chancery Row, Morgantown, W. Va., attorney for applicants.

No. MC-FC 64809. By order of March 29, 1962, the Transfer Board approved the transfer to Fox & Ginn Moving & Storage Co., a corporation, Bangor, Maine, of the operating rights in Certificate No. MC 71573, issued August 16, 1950, to Continental Van Service, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of household goods, except new and used pianos as a separate and distinct movement, between points in Connecticut on and west of Connecticut Highway 29, those in Nassau County, N.Y., and those in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Ohio, Indiana, Illinois, and the District of Columbia, and from Chicago, Ill., to points in Ohio, Pennsylvania, New Jersey, and New York. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., transferee's attorney, and Jacob Leo Frank, 35 West End Avenue, New York 23, N.Y., transferor's attorney.

No. MC-FC 64821. By order of March 29, 1962, the Transfer Board approved the transfer to Bushendorf Transfer, Inc., Eau Claire, Wis., of the operating rights in Certificate No. MC 79073, issued December 4, 1956, to Harold A. Bushendorf and Lawrence F. Bushendorf, a partnership, doing business as Bushendorf Transfer, Eau Claire, Wis., authorizing the transportation, over irregular routes, of livestock, between Eau Claire, Wis., and points in the Towns of Colfax, Elk Mound, Spring Brook, and Dunn, Dunn County, Wis., the Towns of Union and Seymour, Eau Claire County, Wis., and points in the Towns of Wheaton, Howard, Tilden, Cooks Valley, Woodmohr, Hallie, and Eagle Points, Chippewa County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn., flour, feed, seed, meat scraps, fertilizer, and groceries, from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to Eau Claire, Wis., feed, seed, fertilizer, glassware, livestock, and agricultural commodities, between Osseo, Wis., and points in the Town of Wheaton, Chippewa County, Wis., and the Towns of Union, Washington, Fairchild, and Brunswick, Eau Claire County, Wis., on the one hand, and, on the other, South St. Paul, Newport, Minneapolis and St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC-FC 64824. By order of March 30, 1962, the Transfer Board approved the transfer to Glen D. Creech, doing business as All American Moving & Storage Co., Lexington, Ky., of Certificate No. MC 106672, issued March 26, 1956, to J. A. Watson, doing business as Try Me Transfer, Lexington, Ky., authorizing the transportation of: Household goods, as defined by the Commission, between Lexington, Ky., and points in Kentucky within 25 miles thereof, on the one hand, and, on the other, points in Indiana, Ohio, Tennessee, and West Virginia. G. E. Reams, P.O. Box 804, Harlan, Ky., attorney for transferee.

No. MC-FC 64877. By order of March 29, 1962, the Transfer Board approved the transfer to Lomar Transportation Co., Inc., Philadelphia, Pa., of portion of Certificate No. MC 103131, issued April 11, 1961, to Frank Snyder, Philadelphia, Pa., authorizing the transportation of: Tinware and tin articles, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

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

[F.R. Doc. 62-3338; Filed, Apr. 5, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HENRY C. M. AND HENDRIK P. M. PELTENBURG

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Henry C. M. Peltenburg, 1, Avenue de la Floride, Uccle-Brussels, Belgium; $17,398.27 in the Treasury of the United States. Hendrik P. M. Peltenburg, 5, Square G. Marlow, Uccle-Brussels, Belgium; $2,820.80 in the Treasury of the United States. Claim No. 40359. Vesting Order No. 10443.

Executed at Washington, D.C., on March 30, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-3319; Filed, Apr. 5, 1962; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.