Pages 1445–1475

FEDERAL REGISTER

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Contents

(*Continued on next page*)

Codification Guide

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Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10994

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

By virtue of the authority vested in me as President of the United States, and in order to provide for the carrying out of the provisions of the Joint Resolution approved July 11, 1949, ch. 302, 63 Stat. 409, as amended, and the provisions of section 8 of the Vocational Rehabilitation Act, as amended (29 U.S.C. 38), it is ordered as follows:

SECTION 1. *Establishment and composition of the President's Committee.* (a) There is hereby established the President's Committee on Employment of the Handicapped (hereinafter referred to as the Committee or as the President's Committee).

(b) The Committee shall be composed of a Chairman and not more than three Vice Chairmen, who shall be appointed by and serve at the pleasure of the President, and of so many other members as may be appointed thereto from time to time by the Chairman of the President's Committee upon the advice of the Executive Committee (hereinafter provided for) from among persons (including representatives of organizations) who can contribute to the achievement of the objectives of the Committee. Members appointed by the Chairman shall be appointed for a term of three years and may be reappointed. The Chairman of the President's Committee, with the approval of the Executive Committee, may at any time terminate the service of any member of the President's Committee, except any member appointed by the President.

(c) The Chairman of the President's Committee, upon the advice of the Executive Committee, may designate as, or invite to be, associate members of the President's Committee (1) any heads of Federal departments and agencies which have responsibility for rehabilitation services or promotional activities touching the field of interest of the Committee or which are leading utilizers of handicapped personnel, (2) Governors of States and possessions, and (3) representatives of such heads or Governors.

(d) Representatives of industry, labor, and public and private agencies may be invited to attend meetings of the Committee.

SEC. 2. *Functions of the Committee.* The President's Committee shall facilitate the development of maximum employment opportunities for the physically and mentally handicapped. To this end the Committee shall supply information to employers, conduct a program of public education, and enlist the aid and cooperation of Federal officials, State officials, Governors' Committees, local committees, professional trade groups, and organized labor. In carrying out the functions vested in it by section 8 of the Vocational Rehabilitation Act, as amended, the Committee shall work closely with the Department of Labor, Department of Health, Education, and Welfare, the Veterans' Administration, State employment-security agencies, and State vocational-rehabilitation agencies.

SEC. 3. *Executive Committee.* (a) There is hereby established the Executive Committee of the President's Committee on Employment of the Handicapped. The Executive Committee shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Executive Committee, the Vice Chairmen of the President's Committee, and so many additional members as will provide an Executive Committee of not less than fifteen and not more than fifty members. The said additional members shall be appointed annually by the Chairman of the President's Committee, from among the members of the President's Committee or otherwise. The Chair-

man of the President's Committee may at any time terminate the service of any member of the Executive Committee.

(b) The Executive Committee shall advise and assist the Chairman of the President's Committee in the conduct of the business of the President's Committee and, as authorized by the President's Committee or the Chairman thereof (with due regard for the responsibilities of other Federal agencies), shall study the problems of the handicapped in obtaining and retaining suitable employment, invite authorities in the various professional, technical, and other pertinent fields to assist in the exploration of those problems, and review and develop plans and projects for promoting the employment of the handicapped.

SEC. 4. *Advisory Council.* There is hereby established the Advisory Council on Employment of the Handicapped, which shall advise the President's Committee with respect to the responsibilities of the Committee. The Council shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Council, and of the following-named officers, or their respective alternates: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of Veterans' Affairs, and the Chairman of the United States Civil Service Commission.

SEC. 5. *Administrative and incidental matters.* (a) The President's Committee, the Executive Committee, and the Advisory Council shall each meet on the call of the Chairman of the President's Committee at a time and place designated by him. In the case of the President's Committee and the Executive Committee, the Chairman shall call at least one meeting and two meetings, respectively, to be held during each calendar year.

(b) In the absence of designation by the President, the Chairman of the President's Committee may from time to time designate a Vice Chairman of the President's Committee to be one or more of the following-named in the absence of the Chairman: Acting Chairman of the President's Committee, Acting Chairman of the Executive Committee, and Acting Chairman of the Advisory Council. The Chairman of the President's Committee shall from time to time assign other duties to the Vice Chairman thereof.

(c) The Chairman of the President's Committee shall on behalf of the President direct the Committee and its functions.

(d) The Chairman may from time to time prescribe such necessary rules, procedures, and policies relating to the President's Committee, the Executive Committee, and the Advisory Council, and their affairs, as are not inconsistent with law or with the provisions of this order.

(e) All members (including the Chairman and Vice Chairmen) of the President's Committee, the Executive Committee, and the Advisory Council shall serve without compensation. The Chairman and the Vice Chairmen of the President's Committee may receive transportation and per diem allowances as authorized by law for persons serving without compensation.

(f) Employees of the Committee shall be appointed, subject to law, and shall be directed, by the Chairman of the Committee. To such extent as may be mutually arranged by the Chairman of the Committee and the Secretary of Labor, employees of the Committee shall be subject to the administrative rules, regulations, and procedures of the Department of Labor.

(g) The Department of Labor is requested to make available to the President's Committee necessary office space and to furnish the Committee, under such arrangements respecting financing as may be appropriate, necessary equipment, supplies, and services. The estimates of appropriations for the operations of the Committee shall be included within the framework of the appropriation structure of the Department of Labor, in such manner as the Director of the Bureau of the Budget may prescribe. The Chairman of the Committee, in cooperation with the Budget Office of the Department of Labor, shall

be responsible for the preparation and justification of the estimates of appropriations for the Committee.

SEC. 6. *Prior orders; transition.* (a) To the extent that this order is inconsistent with any provision of any prior order, or with any provision of any regulation or other measure or disposition, heretofore issued, made, or taken by the President or by any other officer of the executive branch of the Government, this order shall control. Executive Order No. 10640 of October 10, 1955, is hereby superseded.

(b) Without further action by the President or the Chairman of the Committee, all members, employees, records, property, funds, and pending business of the President's Committee on Employment of the Physically Handicapped provided for in Executive Order No. 10640 of October 10, 1955, shall on the date of this order become members, employees, records, property, funds, and pending business of the Committee established by this order.

(c) The tenure of persons as members of the Committee in pursuance of the provisions of section 6(b) of this order (i), in the case of persons appointed to the predecessor Committee by the President, shall be at the pleasure of the President, and (ii), in the case of other members, shall be for periods equal to their respective unexpired terms under Executive Order No. 10640 but shall also be subject to the provisions of the last sentence of section 1(b) of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 14, 1962.

[F.R. Doc. 62-1659; Filed, Feb. 14, 1962; 3:12 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 6th Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52–2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.52–2a are hereby revised to read as follows:

§ 301.52–2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

Arkansas. All counties or parts of counties lying west of a line beginning at the point on the Arkansas-Louisiana line where the eastern boundary of Columbia County intersects the Arkansas-Louisiana line and extending north along the eastern boundary of Columbia County to the southern boundary line of Ouachita County and a northern prolongation of this line into Ouachita County to a point where it intersects U.S. Highway 79, thence northeast on U.S. Highway 79 to the Ouachita River, thence southeast along the Ouachita River to the eastern boundary line of Ouachita County, thence northeast along the eastern boundary line of Ouachita County to the southern boundary line of Dallas County, thence east along the southern boundary line of Dallas County to the eastern boundary line of Dallas County, thence northwest along the eastern boundary line of Dallas County to the northern boundary line of Cleveland County, thence east along the northern boundary line of Cleveland County to the eastern boundary line of Grant County, thence north along the eastern boundary line of Grant County to the southern boundary line of Pulaski County, thence east along the southern boundary line of Pulaski County to the Arkansas River, thence northwest along the Arkansas River to the city limits of North Little Rock, thence along the eastern city limit of North Little Rock to its intersection with the Missouri Pacific Railway, thence northeast along said railway to the Little Red River, thence northwestward along the Little Red River to its intersection with the Cleburne-Van Buren County line, thence north along the Cleburne-Van Buren County line to the intersection of the Cleburne, Van Buren and Stone County lines, thence westward along the northern county boundary lines of Van Buren, Pope, Johnson, Franklin, and Crawford Counties to the intersection of the eastern county line of Washington County, thence northward along the eastern boundary line of Washington County to the northern boundary line of Washington County, thence westward along the northern boundary line of Washington County to the Arkansas-Oklahoma State line.

That part of St. Francis County bounded by a line beginning at the point where the L'Anguille River intersects the northern boundary line of St. Francis County and extending eastward to the St. Francis River, thence southward along the St. Francis River to the Round Pond Internal Control Channel, thence south along the Round Pond Internal Control Channel to its southern intersection with the St. Francis River, thence continuing south along the St. Francis River to the southern boundary line of St. Francis County, thence west along the southern boundary line of St. Francis County to its intersection with the L'Anguille River, thence northward along the L'Anguille River to the point of beginning.

Louisiana. Parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Grant, Lincoln, Natchitoches, Rapides, Red River, Sabine, Union, and Webster.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 19 F.R. 74, as amended; 7 CFR 301.52–2)

These administrative instructions shall become effective February 16, 1962, when they shall supersede P.P.C. 621, 5th Revision, 7 CFR 301.52–2a, effective July 13, 1961.

This revision removes from the regulated area all localities, heretofore included, in the Arkansas Counties of Ashley, Bradley, Calhoun, Cleveland, Drew, Jefferson, and Union; as well as a portion of the Arkansas County of Ouachita; and the Louisiana Parishes of Allen, Beauregard, Calcasieu, Cameron, Jackson, Jefferson Davis, Ouachita, Vermilion, Vernon, and Winn; and thereby relieves restrictions on the interstate movement of regulated articles therefrom. It must be made effective promptly in order to be of maximum benefit to affected shippers. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1962.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62–1597; Filed, Feb. 15, 1962; 8:46 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 816, Amdt.]

PART 816—REQUIREMENTS RELATING TO MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES AND MARKETING OF SUGAR FOR CONSUMPTION IN HAWAII AND PUERTO RICO

Bond Requirements

Basis and purpose. The purpose of this amendment is to change the basic price quotation provided for in § 816.7 (c) (2) of Part 816 (23 F.R. 1943), for determining the monetary amount of an obligation applicable to a bond accepted pursuant to § 816.7. This amendment is necessary because the price quotation previously in effect was discontinued on February 1, 1961.

It has been determined that the "Spot Quotation" (duty paid or duty free) per pound of sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7, as established by that Exchange, will be published regularly and that such quotation will reflect the current value of sugar for consumption in the continental United States and accordingly is appropriate for determining the monetary amount of an obligation applicable to a bond accepted pursuant to § 816.7.

Proper and effective administration of the provision of this regulation, relating to establishing bond obligations, requires that the new basic price quotation for determining the monetary amounts of such obligations be made effective at the earliest possible time. It is, therefore, found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impractical and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Pursuant to the provisions of section 403 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), subpara-

graph (2) of paragraph (c) of § 816.7 is amended to read as follows:

§ 816.7 Bond requirements.

* * * * *

(c) * * *

(2) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder by approved Applications to Market and made subject to the bond by virtue of such approval, and such amount of obligation shall be effective whether or not the surety receives notice from the Secretary of the approval of any such application. The monetary amount applicable to each quantity of sugar covered by each approved Application to Market and made subject to a bond accepted under this part shall be the weight in pounds of sugar determined pursuant to paragraph (d) of this section multiplied by the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7 as established by that Exchange for the last business day before the date of application by the bond principal. The amount applicable to each quantity of liquid sugar covered by each approved Application to Market and made subject to a bond accepted under this part shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101(i) of the act, contained in the quantity of liquid sugar determined as provided in paragraph (d) of this section.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply sec. 209, 212; 61 Stat. 928; 7 U.S.C. 1119, 1122)

Issued this 12th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1598; Filed, Feb. 15, 1962; 8:46 a.m.]

[Sugar Reg. 820, Amdt. 2]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Non-Quota Purchase of Sugar Authorized

For the purpose of increasing the quantity of non-quota sugar authorized for purchase from 1,185,000 tons to 1,400,517 tons, paragraphs (b) and (c) of § 820.22 of Part 820 are hereby amended to read as follows:

§ 820.22 Non-quota 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 six-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 six-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 per centum 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 six-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraph (c) of this section a total of 1,400,517 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. This authorized quantity is based upon a proration in accordance with section 408(b)(2) of the Act of the full 1,574,622 short tons, raw value, to foreign countries for which quotas have been established pursuant to section 202 of the Act. Three 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 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 non-quota sugar from these latter four countries, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. The remaining 174,105 short tons, raw value, is held in reserve for subsequent purchase authorization, including authorization for importation of sugar under barterlike arrangements. The 3,985,279 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

(c) The amounts of non-quota purchase sugar permitted to be imported into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962 through June 30, 1962, are as follows:

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

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. Of the total 1,574,622 tons of non-quota sugar that may be authorized for purchase during the first six months of 1962, authorization for the purchase of 1,185,000 tons was previously announced. The additional 215,517 tons herein authorized are needed to assure adequate supplies of sugar throughout the six-month period. A reserve of 174,105 tons subsequently may be authorized for purchase, including purchases under reciprocal barterlike arrangements.

(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 non-quota 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 requirements 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 12th day of February 1962.

CHARLES S. MURPHY,
Acting Secretary.

Concurred in for the Secretary of State.

EDWIN M. MARTIN,
Assistant Secretary.

[F.R. Doc. 62-1599; Filed, Feb. 15, 1962; 8:46 a.m.]

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

[959.302]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide

methods for limiting the handling of onions grown in the production area defined therein through the issuance of regulations authorized in §§ 959.1 through 959.92, inclusive, of the order. The South Texas Onion Committee, pursuant to § 959.51 of the order, has recommended that regulations limiting the handling of the 1962 crop onions should be issued. Committee recommendations, with information submitted therewith and other information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 959.302 Limitation of shipments.

During the period from February 19, 1962, through March 20, 1962, no person shall handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a), one of the applicable size requirements of paragraph (b), and the container requirements of paragraph (c), or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

(a) *Grade.* U.S. No. 2, or better, grade.

(b) *Size requirements.* For purposes of regulation under this part, the size of onions shall be in accordance with one of the following classifications:

(1) "Small," for white onions only—1 to 2¼ inches in diameter;

(2) "Repackers"—1¾ inches to 3 inches in diameter, with 60 percent or more 2 inches or larger;

(3) 2 inches to 3½ inches in diameter; or

(4) 2⅞ inches or larger in diameter.

(c) *Container requirements.* Onions may be handled only in containers classified by weight, with respective dimensions, as follows:

(1) 25 pound containers, with not to exceed in any lot an average net weight of 27½ pounds per container and, if packed in bags, the bags shall be of outside dimensions not larger than 29 inches by 31 inches.

(2) 50 pound containers, with not to exceed in any lot an average net weight of 55 pounds per container, and, if packed in bags, the bags shall be of outside dimensions not larger than 33 inches by 38½ inches.

(d) *Minimum quantity exemption.* Pursuant to § 959.52(c)(2) of this part, any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a), (b), and (c) of this section, and the assessment requirements of this part, shall not be applicable to onions handled for the following special purposes:

(i) relief or charity; or

(ii) experimental purposes.

(2) The requirements of paragraph (c) of this section shall not be applicable to onions handled for Federal government purchases.

(f) *Safeguards.* (1) Each handler of onions which do not meet the requirements of paragraphs (a), (b), and (c) of this section and which are handled pursuant to paragraph (e) of this section for relief or charity or experimental purposes shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee which shall require the handler to furnish such reports and documents as the committee may require showing that the onions were handled for the purpose specified in the Certificate of Privilege.

(g) *Inspection.* (1) On and after the effective date hereof, no handler shall handle any onions unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each required inspection certificate or form required by the committee as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(h) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meanings as set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195—51.3209 of this title), or United States Standards for Grades of Onions (§§ 51.2830—51.2850 of this title), whichever is applicable to the particular variety, including the tolerances for decay and sizes set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Order No. 959 (Part 959 of this title).

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

Dated: February 9, 1962, to become effective February 19, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–1529; Filed, Feb. 15, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

Recision of Part

CROSS REFERENCE: For recision of Part 33 of Title 14, see F.R. Doc. 62–1675 *infra*, under Chapter III of this title.

[Reg. Docket No. 904; Amdt. 40–36]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61–20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 40.173(f)(2) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended to read as follows, effective March 20, 1962:

§ 40.173 Emergency equipment for all operations.

* * * * *

(f) *Interior emergency exit markings.* * * *

(2) In all passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1607; Filed, Feb. 15, 1962; 8:47 a.m.]

[Reg. Docket No. 904; Amdt. 41-44]

PART 41—CERTIFICATION AND OPERATING RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61-20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 41.23d(b)(2) of Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended to read as follows, effective March 20, 1962:

§ 41.23d Emergency evaucation equipment.

* * * * *

(b) *Interior emergency exit markings.* * * *

(2) In all passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1608; Filed, Feb. 15, 1962; 8:47 a.m.]

[Reg. Docket No. 904; Amdt 42-39]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61-20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42 and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

The amendment adopted herein, as distinguished from that adopted in Parts 40, 41, and 46, excludes small passenger-carrying aircraft. This exclusion is consistent with the present provisions of Part 42 and Draft Release 60-13 (25 F.R. 7452) in regard to interior emergency exit markings for small aircraft.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 42.24c(b)(2) of Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended to read as follows, effective March 20, 1962.

§ 42.24c Emergency evacuation equipment.

* * * * *

(b) *Interior emergency exit markings.* * * *

(2) In all large passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1609; Filed, Feb. 15, 1962; 8:47 a.m.]

[Reg. Docket No. 904; Amdt. 46-5]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61-20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

Interested persons have been afforded an opportunity to participate in the

making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 46.173(d) of Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended) is hereby amended to read as follows, effective March 20, 1962:

§ 46.173 Emergency equipment for all operations.

* * * * *

(d) *Interior emergency exit markings.* All emergency exits, their means of access, and their means of opening shall be marked conspicuously. In all passenger-carrying helicopters, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing. The identity and location of emergency exists shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1610; Filed, Feb. 15, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1008; Amdt. 400]

PART 507—AIRWORTHINESS DIRECTIVES

Marvel-Schebler MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA Carburetors

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of solder safetied float bracket attaching screws and float valve assemblies in Marvel-Schebler carburetors with parts incorporating nylon inserts was published in 26 F.R. 12256.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

MARVEL-SCHEBLER. Applies to all aircraft equipped with Marvel-Schebler MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA carburetors used on various models of Franklin (Aircooled), Continental, Lycoming, and Ranger engines.

Compliance required at the next carburetor replacement or overhaul of either the carburetor or engine, whichever occurs first, after the effective date of this AD.

Failure of the solder safety on the two Marvel-Schebler P/N A15-A21 screws which secure the float bracket to throttle body of the carburetor allows the screws to back out, thus causing loosening of the float bracket and loss of normal needle valve action resulting in reduction of engine power, and complete engine stoppage at reduced throttle settings. To preclude this, the following shall be accomplished:

Replace all soldersafetied float bracket attaching screws, P/N A15-A21, with "Long-Lok" safety screws incorporating nylon inserts, and replace all soldersafetied float valve assemblies with "Long-Lok" matched float valves and float valve seats, in the manner described in Marvel-Schebler Service Bulletins Nos. 9-60 and 15-60.

(Marvel-Schebler Service Bulletins Nos. 9-60 and 15-60 cover this same subject.)

This amendment shall become effective March 20, 1962.

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

Issued in Washington, D.C., on February 9, 1962.

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

[F.R. Doc. 62-1590; Filed, Feb. 15, 1962; 8:45 a.m.]

[Regulatory Docket No. 1075]

PART 450—INTER-AMERICAN AVIATION TRAINING GRANTS

PART 560—REIMBURSEMENT FOR DAMAGE TO PUBLIC AIRPORTS BY FEDERAL AGENCIES

PART 580—ANCHORAGE AIRPORT AND FAIRBANKS AIRPORT

Recision

Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) outlined the objectives of this Agency's recodification program. One of these objectives is the elimination of obsolete regulatory material. Accordingly, this amendment rescinds Parts 33, 450, 560, and 580 of Title 14 of the Code of Federal Regulations.

Part 33 contains certification and general operating rules for flight radio operators. Aircraft communication equipment has been improved to the point where flight radio operators are no longer utilized in air commerce and there is, consequently, no longer a need for the rules in Part 33.

Part 450 prescribes the requirements for the awarding of Inter-American aviation training grants. This Part has not been used for several years and there are no present appropriations budgeted for its use. Aviation training of this type is now being provided under technical assistance programs under the Mutual Security Act.

Part 560 prescribes procedures under which public agencies may request reimbursement for the repair or rehabilitation of public airports damaged by a Federal agency. These procedures were prescribed under section 17 of the Federal Airport Act (49 U.S.C. 1116). Section 17 prohibits consideration of any request submitted after March 31, 1954. Accordingly, Part 560 should be deleted from the regulations.

Part 580 prescribes rules governing the operation of the Anchorage and Fairbanks Airports in Alaska. These rules no longer have any applicability as the FAA has turned over the operation of these airports to the State of Alaska.

As this amendment imposes no additional burden on any person but simply deletes obsolete regulatory material, compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act is unnecessary.

In view of the foregoing, effective February 15, 1962, Chapter I of Title 14 is amended by deleting Part 33 and Chapter III of Title 14 is amended by deleting Parts 450, 560, and 580.

(Sec. 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354) and sec. 17 of the Federal Airport Act (49 U.S.C. 1116))

Issued in Washington, D.C., on February 14, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1675; Filed, Feb. 15, 1962; 9:36 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Federal Airways and Associated Control Areas, Control Area Extension, Control Zone, Reporting Point, Jet Routes and Jet Advisory Areas

The purpose of these amendments to Parts 600, 601 and 602 of the Regulations of the Administrator is to change the name of the Mission Bay, Calif., VOR to San Diego, Calif., VOR, and to change the name of the San Diego-Lindbergh, Calif., VOR to Lindbergh Field, Calif., VOR wherever they appear in these Parts. This action will associate the en route navigational aid with the principal city in this area and associate the

terminal navigational aid with the municipal airport serving this city. Better communications and improved charting clarity will result from this action.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary and they may be made effective on less than 30 days notice.

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

1. Section 600.6023 (14 CFR 600.6023, 26 F.R. 572, 1209, 4052, 11727, 27 F.R. 98) is amended as follows:

a. In the caption "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

b. In the text "From the Mission Bay, Calif.," is deleted "and From the San Diego, Calif.," is substituted therefor.

2. Section 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052, 7803, 11727) is amended as follows:

a. In the caption "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

b. In the text "From the Mission Bay, Calif.," is deleted and "From the San Diego, Calif.," is substituted therefor.

3. In the text of § 600.6066 (14 CFR 600.6066) "From the Mission Bay, Calif.," is deleted and "From the San Diego, Calif.," is substituted therefor.

4. In the text of § 600.615 (14 CFR 600.6165, 26 F.R. 11727) "From the San Diego-Lindbergh, Calif., TVOR via the INT of the San Diego-Lindbergh TVOR 287°" is deleted and "From the Lindbergh Field, Calif., VOR via the INT of the Lindbergh Field VOR 287°" is substituted therefor.

5. In the text of § 600.1540 (26 F.R. 1085) "From the Mission Bay, Calif., VOR 12 mile wide airway to the INT of the Mission Bay VOR 090°" is deleted and "From the San Diego, Calif., VOR 12-mile wide airway to the INT of the San Diego VOR 090°" is substituted therefor.

6. In the text of § 600.1542 (26 F.R. 1086, 6231) "From the Mission Bay, Calif., VOR 12 mile wide airway to the INT of the Mission Bay VOR 090°" is deleted and "From the San Diego, Calif., VOR 12-mile wide airway to the INT of the San Diego VOR 090°" is substituted therefor.

7. In the text of § 600.1557 (26 F.R. 1087, 10428, 27 F.R. 616) "From the Mission Bay, Calif., VOR" is deleted and "From the San Diego, Calif., VOR" is substituted therefor.

8. In the text of § 600.1613 (26 F.R. 1088) "From the Mission Bay, Calif., VOR;" is deleted and "From the San Diego, Calif., VOR;" is substituted therefor.

9. In the caption of § 601.6023 (14 CFR 601.6023, 26 F.R. 4052, 27 F.R. 98) "Mission Bay, Calif., is deleted and "San Diego, Calif.," is substituted therefor.

10. In the caption of § 601.6025 (14 CFR 601.6025, 26 F.R. 4052) "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

11. The text of § 601.1111 (14 CFR 601.1111) is amended to read as follows:

Within a 21-mile radius of the San Diego, Calif., VOR extending counterclockwise from the San Diego VOR 251° radial to the boundary of the Miramar, Calif., control area extension (§ 601.-1223), within 5 miles either side of the 251° radial of the San Diego VOR extending from the VOR to 28 miles SW, and within 5 miles either side of the 287° radial of the Lindbergh Field VOR extending from the VOR to 28 miles NW, excluding the portion under the jurisdiction of Mexico and within the Imperial Beach, Calif., Warning Area (W–536).

12. In the text of § 601.2186 (26 F.R. 7262) "within 2 miles either side of the San Diego-Lindbergh VOR 287° radial" is deleted and "within 2 miles either side of the Lindbergh Field VOR 287° radial" is substituted therefor.

13. In the text of § 601.7001 (14 CFR 601.7001) "Mission Bay, Calif., VOR." is deleted and "San Diego, Calif., VOR." is substituted therefor.

14. In § 602.100 Jet routes (26 F.R. 7080, 12561) Jet Routes Nos. 1, 2 and 3 are amended as follows:

a. In the caption "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

b. In the text "From Mission Bay, Calif.," is deleted and "From San Diego, Calif.," is substituted therefor.

15. In § 602.200 En route jet advisory areas (26 F.R. 7082, 12561) Jet Route Nos. 1 and 2 jet advisory areas are amended as follows: "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

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

Issued in Washington, D.C., on February 13, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1604; Filed, Feb. 15, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8419 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Todd Brothers Apparel Co. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Todd Brothers Apparel Company et al., Cincinnati, Ohio, Docket 8419, Oct. 19, 1961]

In the Matter of Todd Brothers Apparel Company, a Corporation, and Samuel P. Todd and Sidney Rosenfeld, Individually and as Officers of said Corporation

Consent order requiring Cincinnati furriers to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing fur products, to show the true animal name of the fur in the product, the country of origin, and when the fur was dyed; by failing to keep adequate records as a basis for price and value representations made in advertising; and failing in other respects to comply with requirements of the Act.

The order to cease and desist is as follows:

It is ordered, That Todd Brothers Apparel Company, a corporation and its officers, and Samuel P. Todd and Sidney Rosenfeld, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in section 4(2)(A) of the Fur Products Labeling Act;

C. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5 (b) (1) of the Fur Products Labeling Act;

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

C. Failing to set forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

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

It is ordered, That the above-named respondents 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: October 19, 1961.

By the Commission.

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

[F.R. Doc. 62-1594; Filed, Feb. 15, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-53—CONTRACT ADMINISTRATION

Miscellaneous Amendments

1. Section 5-53.000 is added to read as follows:

§ 5-53.000 Scope of part.

This Part 5-53 establishes policies and procedures relating to the administration of contracts.

2. Subparts 5-53.1, 5-53.4, 5-53.5, and 5-53.6 are added to read as follows:

Subpart 5-53.1—General

§ 5-53.101 Definition.

Contract administration is the performance or coordination of actions necessary to assure that both the Government and the contractor fulfill their obligations under existing contracts and that both receive the benefits to which they are entitled.

Subpart 5-53.4—Contract Performance

§ 5-53.401 General.

(a) In order to obtain contractor performance and to assure Government performance in accordance with contract terms, action shall be taken, consistent with sound business practice and based on the circumstances in each case, as prescribed in this Subpart 5-53.4.

(b) A system shall be maintained for obtaining contractor performance and assuring Government performance as required by the contract within the time period established in the contract. This system should be based on determinations by the contracting officer, early in the existence of the contract, regarding the specific contract administration actions to be taken, who shall take them, and when and where they will be performed. Followup action should include coordination with appropriate elements of GSA.

(c) Decisions regarding extension of performance time, suspension of work, and termination of a contractor's right to proceed shall be made only by the contracting officer or, when specifically vested with such authority, another person or ordering office.

§ 5-53.402 Contractor performance under supply or service contracts.

(a) Followup action on performance by a contractor may be initiated before the required time of performance if, after inquiry, no definite indication is received that the contractor intends to perform in accordance with the contract terms. Subsequent followup, before the required performance date, should be scheduled on the basis of the reply to the inquiry.

(b) When performance time under a contract has expired, and the contractor has not performed, or given substantial indication that performance will be completed within a reasonable period of time, satisfactory results can often be obtained through the use of collect telegrams or collect telephone calls, or by personal contact with the contractor or his representative.

(c) If it becomes apparent that the contractor cannot, or will not, perform in accordance with the terms of the contract, the contracting officer, as indicated in § 5-53.401(c), shall take appropriate action as provided in § 5-53.501.

§ 5-53.403 Contractor performance under construction contracts.

The administration of construction contracts is a continuous process from the time the contractor is given a notice to proceed to the time of final acceptance of the work and payment therefor. Careful adherence to the following will aid in successful completion of the contract:

(a) Frequent and timely inspections should be scheduled to determine if satisfactory progress is being made and, in the event of any delay, to take appropriate action.

(b) Prompt action should be taken to provide required approvals of shop drawings, equipment, and materials, and to expedite necessary change orders as authorized.

(c) Progress and advance payments should be made promptly in accordance with contract terms.

(d) Materials to be furnished by the Government and installed by the contractor should be delivered at the proper time.

Subpart 5-53.5—Termination

§ 5-53.501 Termination for default.

(a) Termination for default, as discussed in this § 5-53.501, is that action taken by the Government against a contractor for a breach (actual or anticipatory) of contract in which exercise of remedial steps provided for by law are substituted for the right to full contract performance. Termination may be directed to the whole or any part of the remaining performance depending on the circumstances of each situation. The actions taken in the exercise of the remedial steps are, from a legal standpoint, separated into the following two major parts:

(1) Termination by written notice of the contractor's right to proceed with performance of the contract in whole or in part.

(2) Final adjustment of the rights of the parties on the unperformed or misperformed portion of the contract by mutual agreement or disputes-appeal process.

§ 5-53.501-1 General.

(a) Action to terminate a contractor's right to proceed with the performance of a contract shall be taken by the contracting officer or, when specifically vested with such authority, another individual or ordering office.

(b) The termination of a contractor's right to proceed with the performance of a contract for default depends upon the provisions of each particular contract. Every failure of a contractor to perform in accordance with the contract terms does not, in itself, create a necessity to terminate the right of a contractor to proceed with performance. Before termination action is taken a contracting officer shall consider the factors in § 5-53.501-4.

(c) A contractor shall not be held liable for actual or liquidated damages when a delay in performance arises out of causes beyond the control and without the fault or negligence of the contractor, as defined in the default provisions of the contract. The timely procurement of materials required for the performance of a contract is the responsibility of a prime contractor, and he is responsible for obtaining and submitting data to justify delays caused by subcontractors and suppliers.

(d) Under a contract which contains a performance bond, the surety has a right to an opportunity to complete the defaulted contract or portion thereof. If a surety takes over the performance of a contract, ordinarily a new agreement incorporating the terms of the original contract should be executed with the surety and the original contractor. The agreement should also include necessary

adjustments of the obligations of the original contract (such as accrued liquidated damages, if any) and necessary arrangements for the continued contract performance (such as appointment by the surety of a new contractor acceptable to, and determined responsible by, the contracting officer).

§ 5–53.501–2 Termination of fixed-price supply or service contracts.

(a) Termination action under the Default clause (see § 1–7.101–11) may be taken to terminate the whole or any part of a contract for default if the contractor fails to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, fails to make progress so as to endanger performance of the contract, or fails to perform any other provision of the contract. When the contracting officer waives the delay, he may not terminate. Termination action, however, may be taken by the contracting officer, where desirable, even if an excusable cause for delay has been found. When action to terminate for default is to be taken, proper notice shall be given in accordance with the Default clause and as set forth in §§ 5–53.501–5 and 5–53.501–6.

(b) When action to terminate for default is properly taken, the Government is not liable for the contractor's costs on undelivered work and is entitled to repayment of any advance payments and of any progress payments applicable to such work. If the Government elects to take all or any part of the completed supplies and the manufacturing materials (as defined in the Default clause) or the completed services, the contractor shall be paid the contract price for such completed supplies and services as may be accepted and the amount agreed on by the contractor and the contracting officer for the manufacturing materials.

(c) When a contract is terminated, the contractor shall be liable for any excess costs for supplies or services procured by the Government and for any other damages legally chargeable under the contract, unless the clauses are excusable under the contract (e.g., if the failure to perform arises out of causes beyond the control and without the fault or negligence of the contractor; or failure is caused by the default of a subcontractor and his default is without his fault or negligence or that of the contractor).

§ 5–53.501–3 Termination of fixed-price construction contracts.

Under contracts containing the Termination for Default-Damages for Delay-Time Extensions clause contained in § 1–16.901–19 or § 1–16.901–23A, the Government has the right to terminate the contractor's right to proceed with the work if the contractor, except for excusable causes (see (a), below), refuses or fails to prosecute the work required by the contract, or any separable part thereof, with such diligence as will insure its completion within the time specified in the contract or any extension thereof, or fails to complete the work required under the contract within such time. The contractor's right to proceed may also be terminated for violation of paragraph 1, Standard Form 19A, Labor Standards Provisions (illustrated at § 1–16.901–19A).

(a) Where the delay is due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, the contractor's right to proceed shall not be terminated if written notice of such causes has been furnished the contracting officer within 10 days from the beginning of such delay. This period may be extended by the contracting officer but not beyond the date of final payment. The extended date becomes the new date from which the Government's right to terminate proceeds.

(b) If a contractor's right to proceed is terminated for default, and the surety does not desire to take over and complete the work or, if the contracting officer determines that action proposed by the surety will not be in the best interests of the Government, the Government may take over the work and complete it or cause it to be completed, taking possession of and utilizing such materials, appliances, and plant as may be on the site and necessary for such completion, and the contractor and his surety shall be liable to the Government for any excess costs caused thereby. If after taking over the work the Government is not reasonably able to complete it, or have it completed, within the time specified for completion in the defaulted contract, the contractor and his surety shall be liable for, in addition to any excess costs, any liquidated damages for the delay as may be specified in the contract, or for actual damages caused by the delay if liquidated damages are not so specified.

§ 5–53.501–4 Basic considerations for termination action.

Upon failure of a contractor to perform in accordance with the terms of the contract, the following factors shall be considered in determining whether or not to terminate his right to proceed:

(a) The provisions of the contract, and applicable laws and regulations;

(b) The significance of the failure or failures of the contractor;

(c) The availability of the supplies or services from other sources, or, in the case of construction contracts, the availability of a substitute contractor;

(d) In the case of supply or service contracts, the urgency of the need for such supplies or services and the period of time which would be required to obtain the supplies or services from other sources as compared with the time in which delivery or performance could be obtained from the delinquent contractor; or, in the case of construction contracts, the period of time which would be required for the Government or another contractor to complete the work as compared with the time required for completion by the delinquent contractor;

(e) The essentiality of the contractor in the Government procurement program and the effect of a termination for default upon the contractor's capability as a supplier under other contracts;

(f) The effect of a termination for default on the ability of the contractor to liquidate guaranteed loans, progress payments, or advance payments; and

(g) Any other pertinent facts and circumstances.

§ 5–53.501–5 Notice of intent to terminate for default.

When the contract so requires or when urgent action to terminate for default is not required and, in any event, the contractor has not been excused from the specific failure to perform, the contractor shall be furnished a preliminary notice in writing advising that termination action will be taken after the expiration of 10 days (or longer period as authorized by the contracting officer) unless the contractor has cured the failure within that period of time. The preliminary notice shall be specific with respect to the contract number and date, the contract provision under which action is contemplated, the failure which will cause termination action unless corrected, and the length of time for corrective action. If the need for performance is urgent and the specific failure to perform has not been excused, the contracting officer may take immediate termination action without issuance of a preliminary notice unless the notice is required by the terms of the contract (e.g., paragraph 11(a)(ii), Standard Form 32, General Provisions (Supply Contract) requires such a notice).

§ 5–53.501–6 Termination notice.

(a) After decision by the contracting officer to terminate a contractor's right to proceed, a written notice of such termination shall be forwarded to the contractor. Language suggesting cancellation of the contract should be avoided. The written notice to the contractor shall be specific with respect to the following:

(1) Identification of the contract, its date, and the provision of the contract permitting termination;

(2) Description of the acts or omissions constituting the default;

(3) A statement terminating the contractor's right to proceed with performance of the contract, or the specific portion thereof, and the effective date of the termination;

(4) A statement that the Government reserves all rights and remedies provided by law or under the contract;

(5) A statement that the notice constitutes a decision that the contractor is in default as specified, and that the contractor has the right to appeal under the applicable Disputes clause;

(6) A statement that the contractor will be liable for any excess costs to the Government occasioned by the termination action;

(7) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(8) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work or secure delivery, as the case may be, in addition to any excess

costs involved in obtaining performance elsewhere; and

(9) Instructions regarding the acquisition by the Government of such materials, appliances, and plant as may be on the site of the construction work and necessary therefor; or any completed supplies or manufacturing materials.

(b) The termination notice shall be signed by the contracting officer or other person properly vested with such authority.

(c) In order to assure that the contractor receives the termination notice, the contracting officer shall forward such notice via certified mail, return receipt requested, or other appropriate means which will assure a signed receipt for the notice.

(d) In addition to internal distribution within the service or staff office involved, copies of termination notices shall be furnished to Office of General Counsel, Office of Comptroller, and the Compliance Division. A copy of the notice shall also be furnished to any assignee or surety of the contractor for the particular contract involved. At the same time, the surety shall be given an opportunity to take over and complete the contract.

§ 5–53.501–7 Reprocurement against defaulting contractor.

(a) If property or services (including construction) are to be reprocured against a defaulting contractor, such reprocurement shall be done as soon as practicable after termination of the contractor's right to proceed, and shall be for the same or similar property or services (in the case of construction, for the unfinished work) as covered by the termination notice. Such reprocurement shall be made at as reasonable a price as practicable considering the quality, quantity, and time of performance required by the Government.

(b) Reprocurement may, at the discretion of the contracting officer, be made by negotiation.

Subpart 5–53.6—Disputes

§ 5–53.601 General.

Questions of fact arising under contracts which are not disposed of by agreement shall be decided by the contracting officer and the decision, if appealed, processed in accordance with this Subpart 5–53.6.

§ 5–53.602 Notice to contractor.

When a contracting officer has decided a disputed matter involving a question of fact, the contractor shall be notified of such decision in writing. The notice shall contain a paragraph substantially as follows: This is the final decision of the contracting officer. Decisions on disputed questions of fact and on other questions that are subject to the Disputes clause may be appealed in accordance with the provisions of the Disputes clause. If you decide to make such an appeal from this decision, the appeal (in triplicate) addressed to the Administrator of General Services, General Services Administration, General Services Building, Washington 25, D.C., must be mailed or otherwise furnished to the contracting officer within thirty days from the date you receive this decision. Such appeal should reference this decision and identify the contract. Pending final decision of the dispute, you must proceed diligently with the performance of the contract.

§ 5–53.603 Appeals.

(a) Upon receipt of an appeal or notice of appeal timely filed (or notice from the Board of Contract Appeals that an appeal has been filed), the contracting officer shall compile and transmit to the Board of Contract Appeals copies of all documents pertinent to the appeal. Timeliness of the appeal may be raised by the Government and heard as a preliminary matter of the Board's jurisdiction. In assembling the documents the contracting officer should obtain advice from the appropriate legal counsel on the adequacy of the documents and the need for additional supporting information, findings, or statements.

(b) The documents should include, but not be limited to, the following when pertinent:

(1) The findings of fact and the decision from which the appeal is taken;

(2) The invitation for bids, the contract, pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data material to the appeal;

(4) Transcripts of any testimony taken during the course of the proceedings of the matter prior to the filing of the appeal;

(5) Such additional information as the contracting officer or other official may consider material; and

(6) A brief stating the position of the Government.

§ 5–53.604 Decision on appeal.

After consideration of the disputed matter, the Board of Contract Appeals will render its decision which shall be final and conclusive with respect to any question of fact. This does not preclude the rendition by the Board of Contract Appeals of a decision on a question of law incident to a decision on a disputed question of fact. The Board of Contract Appeals shall advise both the contractor and the contracting officer of its decision.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 12, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62–1618; Filed, Feb. 15, 1962; 8:48 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 11]

[Docket No. 14499; FCC 62-123]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; AND INDUSTRIAL RADIO SERVICES

Proposed Amendment of Regulations To Substitute Frequencies Available for Assignment to Non-Government Stations Transmitting Hydrological and Meteorological Data in Cooperation With Agencies of Federal Government

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

2. The band 162–174 Mc/s is allocated nationally to Government radio services; however, Footnote US13 to the Commission's Part 2 Table of Frequency Allocations and Part 11 permit the use of certain specific frequencies in this band by non-Government stations to transmit hydrological and meteorological data in cooperation with agencies of the Federal Government.

3. In the interest of more efficient spectrum utilization, Government users have adopted a narrow-band frequency assignment plan which specifies the following 25 kc/s channels in the 162–174 Mc/s band for hydrologic use by all Government agencies, shared with non-Government stations under the terms of Footnote US13:

169.425	170.225	171.025	171.825
.450	.250	.050	.850
.475	.275	.075	.875
.500	.300	.100	.900
.525	.325	.125	.925

4. Inasmuch as non-Government use of this band is limited to cooperation with agencies of the Federal Government, it is hereby proposed to amend Footnote US13 of Part 2 and Part 11 of the Commission's rules as shown below, to substitute the above-mentioned frequencies for those presently specified.

5. It is proposed that non-Government stations currently licensed to use frequencies 169.575, 170.375, 171.175 or 171.975 Mc/s may continue to operate on these presently assigned frequencies on a non-interference basis.

6. The proposed amendment to the Commission's rules, as set forth below, is issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

7. All interested persons are invited to file, on or before March 16, 1962, comments supporting or opposing the proposal set out here, or submitting any modifications or counter-proposals the parties may wish to submit. Comments in reply thereto may be submitted on or before March 26, 1962. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

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

Adopted: February 6, 1962.

Released: February 9, 1962.

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

§ 2.106 [Amendment]

1. Footnote US13 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
169.425	170.275	171.125	406.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	406.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.025	412.775

§ 11.254 [Amendment]

2. Section 11.254(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	4
169.450	do	4
169.475	do	4
169.500	do	4
169.525	do	4
170.225	do	4
170.250	do	4
170.275	do	4
170.300	do	4
170.325	do	4
171.025	do	4
171.050	do	4
171.075	do	4
171.100	do	4
171.125	do	4
171.825	do	4
171.850	do	4
171.875	do	4
171.900	do	4
171.925	do	4

§ 11.304 [Amendment]

3. Section 11.304(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2

§ 11.354 [Amendment]

4. Section 11.354(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2

§ 11.504 [Amendment]

5. Section 11.504(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
• •	• •	• •	•
169.425	Operational fixed	Hydrological	4
169.450	do	do	4
169.475	do	do	4
169.500	do	do	4
169.525	do	do	4
170.225	do	do	4
170.250	do	do	4
170.275	do	do	4
170.300	do	do	4
170.325	do	do	4
171.025	do	do	4
171.050	do	do	4
171.075	do	do	4
171.100	do	do	4
171.125	do	do	4
171.825	do	do	4
171.850	do	do	4
171.875	do	do	4
171.900	do	do	4
171.925	do	do	4
• •	• •	• •	•

§ 11.554 [Amendment]

6. Section 11.554(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
•	• •	• •	•
169.425	Operational fixed	Hydrological	4
169.450	do	do	4
169.475	do	do	4
169.500	do	do	4
169.525	do	do	4
170.225	do	do	4
170.250	do	do	4
170.275	do	do	4
170.300	do	do	4
170.325	do	do	4
171.025	do	do	4
171.050	do	do	4
171.075	do	do	4
171.100	do	do	4
171.125	do	do	4
171.825	do	do	4
171.850	do	do	4
171.875	do	do	4
171.900	do	do	4
171.925	do	do	4
•	• •	• •	•

[F.R. Doc. 62-1521; Filed, Feb. 15, 1962; 8:45 a.m.]

[47 CFR Part 3]

[Docket No. 14267]

DEINTERMIXTURE OF SPRINGFIELD, ILLINOIS

Order Extending Time To Respond to Motion To Strike

1. The Commission has before it for consideration a motion, filed on February 8, 1962, by Wabash Valley Broadcasting Corporation, to extend the time from February 5, 1962, to February 19, 1962 for it to file a response to the "Motion to Strike Portion of Wabash Valley Reply Comments," filed on January 26, 1962, by Fort Harrison Telecasting Corporation in this proceeding.

2. Wabash Valley states that it needs additional time to prepare and file a response to the Fort Harrison motion and that Fort Harrison has advised that it has no objection to the extension of time it requests.

3. Upon consideration of the subject motion and the matters raised by the Fort Harrison motion to strike, the Commission believes that the extension requested for filing a response to the Fort Harrison motion is warranted.

4. In view of the foregoing: *It is ordered,* This 9th day of February 1962, That the motion of Wabash Valley Broadcasting Corporation is granted, and that the time for filing responses to the above-mentioned motion to strike of Fort Harrison Telecasting Corporation is extended to February 19, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Adopted: February 9, 1962.

Released: February 13, 1962.

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

[F.R. Doc. 62-1616; Filed, Feb. 15, 1962; 8:48 a.m.]

[47 CFR Parts 7, 8]

[Docket No. 14423]

USE OF CERTAIN FREQUENCY FOR SAFETY AND OPERATIONAL COMMUNICATIONS

Order Accepting Comments and Extending Time for Filing

In the matter of amendment of Parts 7 and 8 of the Commission's rules concerning use of the frequency 2003 kc/s for safety and operational communications between ship stations and limited coast stations at causeways, bridges, waterways and similar locations, and between ship stations and U.S. Coast Guard coast stations for port security communications.

The Commission having under consideration petitions filed February 5 and 7, 1962, by E. M. Webster and Lake Carriers' Association, respectively, to accept late-filed comments in this proceeding;

It appearing that the Commission's notice of proposed rule making in this proceeding specified that comments should be filed on or before January 23, 1962; and

It further appearing that although the failure to meet the comment period date was the fault of the respective petitioners, the public interest will be served by accepting the late-filed comments of these petitioners;

It is ordered, That the late-filed comments of E. M. Webster and Lake Carriers' Association are accepted and made a part of this proceeding;

It is further ordered, That the time for filing reply comments in this proceeding is hereby extended from February 2, 1962 to February 12, 1962.

Adopted: February 12, 1962.

Released: February 13, 1962.

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

[F.R. Doc. 62-1617; Filed, Feb. 15, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that there is under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) pertaining to operations under the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Consideration will be given to written data, views, and arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than fifteen days after publication of this notice in the FEDERAL REGISTER.

The proposal is:

(a) Amend paragraph (b) of § 981.450 by adding the following subpart (5):

(5) Identification of surplus almonds shall be further preserved in that no handler shall issue, or permit to be issued, any warehouse receipt or other storage document covering surplus almonds, which fails to state that it covers almonds which are subject to the terms of the order and regulations issued thereunder.

(b) Amend paragraph (a)(5) of § 981.452 by adding the following sentence: "Each inspection certificate for shelled almonds shall show the highest grade which such almonds meet as set forth in the effective United States Standards for Grades of Shelled Almonds and, if such almonds grade at least U.S. No. 1, the kernel size in terms of the average number of kernels per ounce."

(c) Amend paragraph (a) of § 981.467 by adding the following sentence: "During the period of such agency, such handlers may obtain loans on surplus almonds by hypothecating such almonds as security for the loans: *Provided,* Such handlers inform the lender, in the hypothecation agreement, that the disposition of the pledged surplus almonds is controlled by the Almond Control Board and the lender shall have no recourse against the Board. Each loan on surplus almonds shall be repaid by the handler prior to the termination of the agency, except loans obtained from the Commodity Credit Corporation which recognize the disposition requirements of this part and loans on almonds sold but held for delivery during the time permitted by the Board, in which case the loan shall be repaid upon shipment or at the end of the permitted period, whichever occurs first."

Dated: February 13, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-1606; Filed, Feb. 15, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 679) has been filed jointly by Armour Chemical Division, Armour and Company, 1355 W. Thirty-first Street, Chicago 9, Illinois; Betz Laboratories, Inc., Gillingham & Worth Streets, Philadelphia 24, Pennsylvania; Dearborn Chemical Company, 375 Merchandise Mart Plaza, Chicago 54, Illinois, and Hagan Chemicals & Controls, Inc., P.O. Box 1346, Pittsburgh 30, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of 3.0 parts per million (0.0003 percent) of octadecylamine in steam, as a corrosion inhibitor in steam systems of food-processing plants.

Dated: February 12, 1962.

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

[F.R. Doc. 62-1596; Filed, Feb. 15; 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airpsace Docket No. 61-LA-74]

FEDERAL AIRWAYS

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 (FAA) is considering amendments to §§ 600.6111 and 600.6485 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 111 presently extends in part from the Salinas, Calif., VORTAC to the intersection of the Salinas VORTAC 041° True radial with the Los Banos, Calif., VOR direct radial to the Oakland, Calif., VORTAC. VOR Federal airway No. 485 presently extends in part from the Priest, Calif., VOR via the intersection of the Priest VOR 334° and the Oakland VORTAC 131° True radials to the Oakland VORTAC.

The FAA has under consideration the following airspace proposals:

1. Alter the above-mentioned segment of Victor 111 from Salinas to the intersection of the Salinas 026° True radial with the Los Banos VOR direct radial to the Oakland VORTAC. This realignment will provide the lowest possible minimum en route altitude (MEA) between Salinas and Low altitude VOR Federal airway No. 107 at the relocated Cathedral Intersection (intersection of the Los Banos VOR 311° and the Stockton, Calif., VORTAC 183° True radials).

2. Alter the above-mentioned segment of Victor 485 from the Priest VOR via the intersection of the Priest VOR 331° and the Oakland VORTAC 131° True radials to the Oakland VORTAC. This realignment would form a common intersection with Victor 111 and VOR Federal airway No. 107. Indications are that this action will allow for a lower MEA on Victor 485 between the Priest VOR and the Rancho Intersection (to be located at the INT of the Los Banos VOR 266° and the Priest VOR 331° True radials).

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, 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 submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on February 9, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1587; Filed, Feb. 15, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-47]

CONTROLLED AIRSPACE

Withdrawal of Proposal To Designate Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-FW-47 on June 10, 1961 (26 F.R. 5235), it was stated that the Federal Aviation Agency (FAA) proposed to designate a transition area at Tupelo, Miss.

Subsequent to publication of the notice, the FAA has determined that a further review of this area is desirable prior to taking any action to alter the controlled airspace associated with the Tupelo area. Accordingly, the notice is

being withdrawn, and a new proposal will be issued upon completion of this review.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61–FW–47 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–1588; Filed, Feb. 15, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

VICTOR AHBEL

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

Victor Ahbel, Nice A.M., France; Claim No. 43992, Vesting Order No. 11553; $11,493.83 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-1561; Filed, Feb. 14, 1962; 8:49 a.m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

Delegation of Authority

The following is the text of various orders of the Acting Assistant Postmaster General, Bureau of Facilities:

ORDER 211

JANUARY 15, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 179 dated September 29, 1960 (25 F.R. 9959-9960) is amended to substitute the title "Chief, Real Estate Branch," for the title "Regional Real Estate Manager."

ORDER 212

JANUARY 15, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 173 dated October 15, 1959 (24 F.R. 8750-8751) is amended to substitute the title "Chief, Realty Acquisition Branch, Realty Division," for "Director of Real Estate Leasing, Division of Real Estate."

ORDER 213

JANUARY 15, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 157 dated March 24, 1958 (23 F.R. 2754) is amended to substitute "Assistant Chief, Real Estate Branch," for the title of "Assistant Regional Real Estate Manager."

ORDER 215

JANUARY 29, 1962.

(a) Pursuant to Order No. 55941 of the Postmaster General, dated July 1, 1955 (20 F.R. 5269) and for the purposes of paragraph (b) thereof, the Director, Procurement Division, Bureau of Facilities, or any person acting in that position, is hereby designated as the Chief Procurement Officer for the Post Office Department, to exercise the authority and perform the functions vested in that officer by such Order No. 55941, and within the $25,000 limitation as prescribed, in addition to the functions and authority heretofore, or which may hereafter be, assigned to him.

(b) This Order supersedes and cancels Order No. 112 dated November 14, 1955 (21 F.R. 162).

ORDER 216

JANUARY 29, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 113 dated November 14, 1955 (21 F.R. 162) is amended to substitute the title, "Director, Procurement Division," for "Director, Division of Supplies,"

ORDER 217

JANUARY 29, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 114 dated November 14, 1955 (21 F.R. 162) is amended to substitute the title, "Director, Procurement Division," for the title "Director, Division of Supplies."

ORDER 218

JANUARY 31, 1962.

In the absence of the Assistant Postmaster General or the Deputy Assistant Postmaster General, Bureau of Facilities, or persons duly designated to act in these positions, the following Division Directors or those officially designated as Acting Directors, shall serve in the order named as Acting Assistant Postmaster General:

Director, Realty Division
Director, Procurement Division
Director, Maintenance Division

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-1595; Filed, Feb. 15, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12193]

AIRFREIGHT FORWARDER AUTHORITY CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 27, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., February 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1622; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket 13249]

BRANIFF AIRWAYS, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.; INTERCHANGE

Notice of Reassignment of Prehearing Conference

In the matter of the application of Braniff Airways, Incorporated and Pan American World Airways, Inc. for approval of an equipment interchange lease agreement.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for February 20 is reassigned for February 19, 1962, at 10 a.m., e.s.t. in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., February 12, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1623; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket No. 12726 etc.]

CITY OF ANDERSON, IND., ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of February 1962.

In the matter of the application of the City of Anderson, Indiana, Anderson Chamber of Commerce, for air service on Lake Central's Route 88, Docket 12726; in the matter of the joint petition of the Fort Wayne Board of Aviation Commissioners, and the Chamber of Commerce of Fort Wayne, Indiana and Board of Aviation Commissioners of Delaware County, Indiana and Muncie Chamber of Commerce, Inc., for an order to show cause to add a segment on Lake Central's Route 88, Docket 12793; in the matter of the applications of Lake Central Airlines, Inc., for an amendment of its certificate for Route 88, Dockets 12957, 13259; in the matter of the applications of North Central Airlines, Inc., for an amendment of its certificate for Route 86, Dockets 12202, 12839; in the matter of the application of Trans World Airlines, Inc., for an amendment of its

certificate for Route 2, Docket 13255; in the matter of the Fort Wayne-Muncie Area Investigation, Docket 13391.

son, Indiana, and the Anderson Chamber of Commerce (Anderson) filed application (Docket 12726) requesting the inauguration of air service at Anderson by certain route extensions of Route 88, operated by Lake Central Airlines, Inc. (Lake Central), connecting Anderson with Indianapolis-Detroit-Chicago-Cincinnati.

On July 17, 1961, the Fort Wayne Board of Aviation Commissioners and the Chamber of Commerce of Fort Wayne, Indiana, and the Board of Aviation Commissioners of Delaware County, Indiana, and the Muncie Chamber of Commerce, Inc. (Fort Wayne-Muncie) filed a joint petition (Docket 12793) requesting the issuance of an order to show cause why Lake Central's certificate of public convenience and necessity for Route 88 should not be amended so as to add thereto a new segment to provide air service between Indianapolis, Muncie-Anderson-New Castle, Fort Wayne, Lima, Toledo, and Detroit. An application (Docket 12839), requesting authority to serve the same segment, was filed on July 25, 1961 by North Central Airlines, Inc. (North Central), as an amendment to its certificate of public convenience and necessity for Route 86. North Central, also on July 25, 1961, moved for consolidation with the Fort Wayne-Muncie joint application, its applications in Docket 12839 and its earlier application (Docket 12202) filed March 9, 1961, and amended December 27, 1961, which requests an amendment of its certificate for Route 86, to authorize service, (a) from Chicago to South Bend, to Fort Wayne, to Dayton, and beyond Fort Wayne to Cleveland via the intermediate point, Toledo; and (b) from Grand Rapids to Fort Wayne, via the intermediate point Kalamazoo, Mich.

By application, Docket 12957, filed August 24, 1961, Lake Central applied for authority to serve the Chicago-Cleveland segment, and the Grand Rapids-Fort Wayne segment, as proposed by North Central. In addition, on December 8, 1961, Lake Central filed an application (Docket 13259) to serve between Chicago and Dayton via South Bend and Fort Wayne.

On December 8, 1961, Trans World Airlines, Inc. (Trans World) filed an application (Docket 13255) alleging that the public convenience and necessity do not require its services at South Bend and Fort Wayne, and requesting the deletion of the two points from its certificate for Route 2.

Answers and replies have been received from the interested parties and intervenors in support of, and/or in opposition to, the various applications, counter-applications, motions and requests in the foregoing referenced proceedings.

Upon consideration of the foregoing and in the light of all the circumstances, the Board concludes that there are involved here, as evidenced in the pleadings, a number of issues with respect to the precise needs for air service at the cities named in the various applications listed in terms of quality and quantity, raising controversial questions which should be resolved pursuant to section 401(g) of the Act after public hearing. In order to give the Board the necessary flexibility in deciding how services should be provided and who should provide them, we have decided that it is appropriate at this time to institute a limited review of the route structures of the area's certificated air carriers.

Anderson has requested air service at the Anderson Municipal Airport by Lake Central on two routes: (1) Between Indianapolis and Detroit; and (2) between Cincinnati and Chicago. The city has been designated for many years as the point Anderson-Muncie-New Castle on Routes 8 and 54 of Delta Air Lines, Inc. (Delta), but it has never received air service through its own municipal airport and Delta has not provided service at the hyphenated point. However, Muncie, a city closely adjacent to the northeast, does receive air service from Lake Central on a Chicago-Cincinnati route, which essentially duplicates one of Anderson's route proposals. As to the proposals of Anderson and of Fort Wayne and Muncie, for a Detroit-Indianapolis route, the institution of this investigation in the area covered by this request will render unnecessary consideration of the Fort Wayne and Muncie joint application for the issuance of an order to show cause.

The application of North Central for a route between Indianapolis and Detroit, which duplicates that which is proposed as a subject of Board investigation, will be consolidated and considered since it involves substantially the same issues of public convenience and necessity.

We have decided to include in our investigation an issue as to the need for imposition of a long-haul restriction on, or possible elimination of, Delta's service at Fort Wayne, which may render feasible better short-haul local service by a local air carrier. Delta's answer to the petition of Fort Wayne and Muncie opposed the possible deletion or restriction of its service at Fort Wayne, although it supported deletion of its service at Anderson-Muncie-New Castle and authorization of local service at both points.

Additionally, we shall include the issue of the possible suspension or deletion of Trans World at Fort Wayne and South Bend for which the carrier has applied. Trans World provides these cities with one daily round trip. United Air Lines, Inc. (United) provides five daily round trips, and carries the bulk of traffic. However, deletion of Trans World alone may not make available sufficient traffic to warrant the addition of a local service carrier in these markets.

In this connection, we will include an issue as to whether United's service at South Bend and Fort Wayne should be made subject to a long-haul restriction if it should be concluded that improved local service is required in these markets, and that the local service carrier would require such protection in order to conduct a reasonably economic operation. Inclusion of such issue will permit the Board to consider and resolve such issue on the basis of a full evidentiary record.

A complete survey of Fort Wayne's air service requirements also requires the consolidation of North Central's application in Docket 12839, requesting authority to serve between the terminal points Indianapolis, Ind., and Detroit, Mich., via the intermediate points Muncie and Fort Wayne, Ind., and Lima and Toledo, Ohio. Consideration of this and other North Central applications and the related Lake Central filings will permit consideration of the need for service from Fort Wayne to Grand Rapids on the north, Fort Wayne to Dayton on the south, Fort Wayne to Cleveland on the east, and Fort Wayne to Chicago on the west. Thus, Fort Wayne becomes the axis of a small area case in which the local service air requirements will be examined. The maps attached [1] as Appendices A, B, and C are illustrative of the proposed scope of the proceeding instituted herein.

Finally, we find that the joint petition of the cities of Fort Wayne and Muncie in Docket 12793 for the issuance of a show cause order should be denied, and that the other enumerated applications are essentially connected and can most appropriately be disposed of with the proceeding instituted herein. Consequently, these matters will be consolidated.

Accordingly, it is ordered:

1. That an investigation, to be known as the Fort Wayne-Muncie Area Investigation, Docket 13391, be and it hereby is instituted, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require the alteration, amendment, modification, suspension, or deletion of service in air transportation now rendered or authorized to be rendered by the certificated air carriers in central Indiana, western Ohio, and southern Michigan, as illustrated in Appendices A, B, and C, and, in particular, to determine the following issues involving the public convenience and necessity:

(a) Should the following segment be added to either North Central's or Lake Central's routes: Between the terminal points Indianapolis, Ind., and Detroit, Mich., via the intermediate points Muncie-Anderson-New Castle, Ind., Fort Wayne, Ind., Lima, Ohio, and Toledo, Ohio?

(b) Should Delta's authority to serve Fort Wayne be amended to require a "closed door" or a "long-haul" restriction, or be suspended or deleted?

(c) Should Delta's authority to serve Muncie-Anderson-New Castle be deleted?

(d) Should the point Muncie on Lake Central's Route 88 be redesignated as Muncie-Anderson-New Castle?

(e) Should United be restricted so as to require all flights serving South Bend and/or Fort Wayne to originate or terminate at a point west of Chicago or Milwaukee?;

2. That the Fort Wayne-Muncie joint petition in Docket 12793, insofar as it seeks the issuance of a show cause order for an amendment of Lake Central's certificate for Route 88, be and it hereby is denied;

[1] Filed as part of the original document.

3. That the applications and/or petitions in Dockets 12726, 12793, 12957, 13259, 12202, 12839, and 13255, except to the extent denied herein, be consolidated in the proceeding hereby instituted;

4. That a copy of this order be served on Lake Central Airlines, Inc., North Central Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Delta Air Lines, Inc., the City and Chamber of Commerce of Anderson, Ind., the Fort Wayne Board of Aviation Commissioners and the Chamber of Commerce of Fort Wayne, Ind., the Board of Commissioners of Delaware County and the Muncie Chamber of Commerce, Ind., the City of New Castle, Ind., and the Postmaster General, all of whom are hereby made parties to this proceeding;

5. That all other motions, petitions and requests, or portions thereof not otherwise granted herein, be and they hereby are denied; and

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1624; Filed, Feb. 15, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14479; FCC 62M-207]

DeKALB BROADCASTING CO.

Order Continuing Hearing

In re application of Samuel C. Chafin and N. W. Griffin d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479; File No. BP-14133; for construction permit.

A prehearing conference in the above-entitled matter having been held on February 8, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which properly should be formalized by order;

It is ordered, This 8th day of February 1962, that:

(1) All written exhibits to be offered in evidence in the presentation of the direct affirmative cases of the parties[1] shall be under oath and exchanged among the parties and copies thereof supplied the Hearing Examiner on April 16, 1962;

(2) Notification of witnesses responsible for the preparation of exhibits to be called for cross-examination shall be given on or before April 23, 1962. In the event no notice is given for the production of a witness responsible for the preparation of an exchanged exhibit, such exhibit, to the extent it is otherwise acceptable, will be admitted into evidence as if such witness were present and the exhibit was offered through him;

It is further ordered, That the hearing herein heretofore scheduled to commence on March 8, 1962, is continued to May 1, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: February 13, 1962.

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

[F.R. Doc. 62-1611; Filed, Feb. 15, 1962; 8:47 a.m.]

[1] While the burdens of proof and proceeding with the evidence herein lie on the applicant, the Commission's order of Designation (FCC 62-29, Mimeo. No. 13860) makes clear that the fundamental factual question in dispute is the location of the 0.5 mv/m contours of the applicant's proposed station and the existing station of respondent. Although the development of the proceeding may persuade the respondent and the Broadcast Bureau that they do not wish to offer any exhibits, the possibility of the necessity of exhibit evidence in this area by parties which may not agree with the applicant's showing is sufficiently clear that in the interest of expedition, all parties will be required to prepare in advance and exchange their exhibits directed to this matter.

[Docket No. 14523; FCC 62-145]

HIAWATHA VALLEY BROADCASTING CO., INC., AND NORTHLAND RADIO CORP.

Order Designating Application for Hearing on Stated Issues

In re Application of Hiawatha Valley Broadcasting Co., Inc. (Assignor), Docket No. 14523, File No. BAL-4172; Northland Radio Corporation (Assignee), for assignment of license of Station KCUE, Red Wing, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

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

It appearing that, a grant of the subject application would give to the proposed assignee its second standard broadcast facility in Southeastern Minnesota; and that, as noted below, the service areas of the two stations would overlap to a substantial degree; and

It further appearing that, because of this fact, Northland Radio Corporation was requested to submit a showing covering the matters set forth in § 3.35 of the Commission's rules; and

It further appearing that, on the basis of the showing submitted, the Commission is unable to make a fiinding that a grant of the subject application would serve the public interest, convenience and necessity; and

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

1. Northland Radio Corporation (Northland) is the licensee of Station KWEB, Rochester, Minnesota, and through its officers, directors and stockholders, owns and controls Station KOTE, Fergus Falls, Minnesota, and its principals are the applicants for a construction permit for a new standard broadcast station at Northfield, Minnesota. Engineering studies relating to the primary service contours of Stations KWEB and KCUE indicate that the same presently overlap.

2. The cities of Red Wing and Rochester are approximately 39 miles apart. Commission consent to a grant of the subject application would place the ownership and control of Stations KCUE and KWEB under the corporate direction of Northland. Northland's control of two standard broadcast stations with such close proximity to each other would create a substantial duplication of service, for both area and population, involving approximately one-third of the service areas of the respective stations.

3. In view of the foregoing, and after full consideration of the information contained in the application, it appears that a grant of the subject application would contravene the provisions of § 3.35 of the Commission's rules, since the applicant has not shown that the public interest, convenience and necessity will be served through such multiple ownership situation.

4. In reaching a determination on the question raised by the § 3.35 issue, it will be important to consider, among other things, the size, extent and locations of the overlapping service areas of Stations KWEB and KCUE; the populations residing in the overlapping service areas; the classes and power of the stations involved; the extent of other competitive service to the areas in question; the distribution of population within the overlapping service areas; the location of trade areas, metropolitan districts, and political boundaries; the areas and populations to which the service of each station is directed; the manner in which the business affairs of the stations are conducted, including any plans the assignee may have for the use of joint rates or discounts for multiple use of the stations under common control; the program plans of the proposed assignee for each station, including, among other things, diversification of presentations, prospective use of similar or identical programs for broadcast by the stations under common control; a comparison of the program plans of the assignee as compared with the existing programming of the station; coverage claims made or which the assignee anticipates will be made with respect to the joint operation of Stations KWEB and KCUE; statistical data on the audience preferences for other standard broadcast stations operating in the area, with a view toward establishing the percentage of the population in the overlap area that will rely on the service of the stations under common control; the planned location of main and secondary studios; factors relating to the use of local talent, program sources, broadcast of local news, and availability of facilities for local public service programs; and the assignee's plants for management (personnel) for each of the stations involved.

It further appearing, that, in view of the foregoing, the Commission 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 above-entitled ap-

plication is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the subject application would be in contravention of § 3.35 of the Commission's rules;

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 themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with 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, 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: February 13, 1962.

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

[F.R. Doc. 62-1612; Filed, Feb. 15, 1962; 8:47 a.m.]

[Docket Nos. 14510-14514; FCC 62-151]

ROCKLAND BROADCASTING CO. ET AL.

Order Designating Aplications for Consolidated Hearing on Stated Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, requests: 1300 kc, 500 w, DA-D, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, has: 1300 kc, 250 w, Day, requests: 1300 kc, 5 kw, DA-2, U, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, requests: 1300 kc, 500 w, DA-D, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, requests: 1300 kc, 1 kw, DA-D, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, has: 1310 kc, 250 w, U, requests: 1310 kc, 250 w, 1 kw-LS, DA-D, U, Docket No. 14514, File No. BP-14469; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 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:

(A) The proposal of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WADO, New York, N.Y.
WHBI, Newark, N.J.
WVIP, Mount Kisco, N.Y.
BP-14054 (WAAT) Trenton, N.J.
BP-14461,[1] Spring Valley, N.Y.
BP-14462,[1] Spring Valley, N.Y.
From—
WAAT, Trenton, N.J.
WAVZ, New Haven, Conn.
WVIP.
WEEE, Rensselaer, N.Y.
BP-14054 (WAAT).
BP-14461.
BP-14462.

[1] Mutually exclusive with subject proposal. (BP-13477.)

It has not been determined whether or not this proposal will comply with § 3.28(d)(3) of the Commission's rules regarding interference received from existing stations.

2. The population of Blauvelt, New York is not listed separately from the county in which it is located in the 1960 United States Census report; however, Blauvelt does have a post office; and thus a question obtains as to this proposal's compliance with § 3.30(a) of the Commission's rules relating to identification of a station with an ascertainable community.

3. The subject applicant requested that any comparative hearing be held in Rockland County, New York. However, since the issues to be decided in this proceeding are primarily of an engineering nature, and can best be tried at the Commission's offices in Washington, D.C.; the request is being denied.

(B) The proposal of Delaware Valley Broadcasting Co. (WAAT):

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WTHT, Hazelton, Pa.
WKAP, Allentown, Pa.
WOOD, Grand Rapids, Mich.
WFBR, Baltimore, Md.
BP-13477, Blauvelt, N.Y.
BP-14461, Spring Valley, N.Y.
BP-14462, Spring Valley, N.Y.
From—
WCAM, Camden, N.J.
WAVZ, New Haven, Conn.
WJLK, Asbury Park, N.J.
WFBR.
BP-13477.
BP-14461.
BP-14462.
BP-14469 (WJKL), Asbury Park, N.J.

2. The Baltimore Radio Show, Inc., licensee of Station WFBR, Baltimore, Maryland, filed a petition to deny on August 14, 1961 contending that the proposed operation of WAAT will cause objectionable interference within its normally protected nighttime contour, and that any pre-sunrise operation with daytime facilities would constitute a modification of the license of WFBR. This order includes an issue to determine the nature and extent of nighttime interference the proposed operation of WAAT will cause to WFBR, and also includes a condition prohibiting the use of daytime facilities in the pre-sunrise operation of WAAT.

3. Pursuant to § 3.28(d)(3) of the Commission's rules, the applicant indicates that the percentage of population loss from existing stations is greater than 10 percent to both its daytime and nighttime operations. Applicant shows the loss to the proposed daytime operation from existing stations to be 13.7 percent and the proposed nighttime operation will suffer a population loss of 48.2 percent and an area loss of 84.8 percent (nighttime limitation is 19.0 mv/m). A waiver of § 3.28(d)(3) of the Commission's rules is requested. This Order includes an issue to determine if the proposed operation would be consistent with § 3.24(b) of the rules.

4. The proposed RCA type 335-BR frequency is not type accepted by the Commission.

(C) The proposal of Rockland Radio Corporation:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WAVZ, New Haven, Conn.
WADO, New York, N.Y.
WHBI, Newark, N.J.
WEEE, Rensselaer, N.Y.
BP-13477,[1] Blauvelt, N.Y.
BP-14462,[1] Spring Valley, N.Y.
BP-14054 (WAAT), Trenton, N.J.
From—
WAVZ.
WAAT, Trenton, N.J.
WEEE.
BP-13477.
BP-14462.
BP-14054.

[1] Mutually exclusive with the subject proposal. (BP-14461.)

(D) The proposal of Rockland Broadcasters, Inc.:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WAVZ, New Haven, Conn.
WADO, New York, N.Y.
WHBI, Newark, N.J.
WTHT, Hazelton, Pa.
BP-14054 (WAAT), Trenton, N.J.
BP-13477,[1] Blauvelt, N.Y.
BP-14461,[1] Spring Valley, N.Y.
From—
WAVZ.
WEEE, Rensselaer, N.Y.
WAAT, Trenton, N.J.
BP-14054.
BP-13477.
BP-14461.

[1] Mutually exclusive with subject proposal. (BP-14462.)

2. Applicant, by its own calculation, indicates that the subject proposal will involve an overlap of the proposed 25 mv/m contour with the existing 2 mv/m contour of Station WADO resulting in a violation of § 3.37 of the Commission's rules. A waiver of said § 3.37 has been requested.

(E) The proposal of Asbury Park Press, Inc. (WJLK):

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WPOW, New York, N.Y.
WEVD, New York, N.Y.
BP-14054 (WAAT), Trenton, N.J.
From—
WVIP, Mt. Kisco, N.Y.
WCAM, Camden, N.J.

2. Pursuant to the provisions of § 3.28 (d)(3) of the Commission's rules, the applicant in this proposal indicates a percentage of population loss of 18.41 percent. The present operation shows a percentage of population loss of 20.01 percent. A waiver of § 3.28(d)(3) of the rules is requested.

3. The proposed 25 mv/m contour of WJLK's proposal involves an overlap of the 2 mv/m contour of Station WEVD in violation of § 3.37 of the Commission's rules. It is necessary to determine if the circumstances warrant waiver of said § 3.37 of the rules.

4. WJLK presently operates as a Class IV station on a regional channel. This proposal is for a Class III daytime operation, and to continue the existing Class IV operation in the nighttime hours.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding prior to a final decision in Docket 14419, should be appropriately conditioned.

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 the proposals of Rockland Broadcasting Company, Rockland Radio Corporation and Rockland Broadcasters, Inc., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WAAT and Station WJLK and the availability of other primary service to such areas and populations.

3. 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.

4. To determine whether the instant proposal of Rockland Broadcasting Company would cause objectionable interference to Station WADO, Station WHBI, Station WVIP, 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.

5. To determine whether the instant proposal of Station WAAT would cause objectionable interference to Station WTHT, Station WKAP, Station WOOD, Station WFBR, 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.

6. To determine whether the instant proposal of Rockland Radio Corporation would cause objectionable interference to Station WAVZ, Station WADO, Station WHBI, Station WEEE, 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.

7. To determine whether the instant proposal of Rockland Broadcasters, Inc., would cause objectionable interference to Station WAVZ, Station WADO, Station WHBI, Station WTHT, 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.

8. To determine whether the instant proposal of Station WJLK would cause objectionable interference to Station WPOW, Station WEVD, 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.

9. 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 ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of said section.

10. To determine whether the instant proposal of Rockland Broadcasting Company would serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

11. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Rockland Broadcasters, Inc., and Station WADO in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Station WJLK and Station WEVD in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether, because of interference received, the proposed nighttime operation of Delaware Valley Broadcasting Co. (WAAT) would be consistent with § 3.24(b) of the rules.

14. To determine, in the light of the section 307(b) of the Communications Act of 1934, as amended, which one of the proposals for Spring Valley, New York, or the proposal for Trenton, New Jersey, or the proposal for Asbury Park, New Jersey, or the proposal for Blauvelt, New York (should Issue No. 10 be decided favorably for Rockland Broadcasting Company) would best provide a fair, efficient, and equitable distribution of radio service.

15. To determine in the event it is concluded pursuant to Issue No. 14 that one of the proposals for Spring Valley, New York, or the proposal for Blauvelt, New York, should be favored, which of the said proposals would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programing services proposed in each of the said applications.

16. 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 following licensees of the stations indicated are made parties to the proceeding:

	Licensee	*Station*
(1)	Bartell Broadcasters of New York, Inc.	WADO
(2)	May Radio Broadcast Corp.	WHBI
(3)	Suburban Broadcasting Co., Inc	WVIP
(4)	Radio 13, Inc.	WTHT
(5)	WKAP, Inc.	WKAP
(6)	Time-Life Broadcast, Inc.	WOOD
(7)	The WAVZ Broadcasting Corp.	WAVZ
(8)	Fairview Broadcasters, Co., Inc.	WEEE
(9)	WPOW, Inc.	WPOW
(10)	Debs Memorial Radio Fund, Inc	WEVD
(11)	The Baltimore Radio Show, Inc	WFBR

It is further ordered, That in the event of a grant of the application of Delaware Valley Broadcasting Co., the construction permit shall contain the following condition: To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission's rules is not applicable to this authorization and such operation is prohibited.

It is further ordered, That the Petition to Deny filed by the Baltimore Radio Show, Inc., is granted to the extent set forth in the next preceding ordering clause and is denied in all other respects.

It is further ordered, That in the event of a grant of the application of Delaware Valley Broadcasting Co., the construction permit shall contain the following condition: Permittee shall install an approved type of frequency monitor.

It is further ordered, That the request of Rockland Broadcasting Company that the hearings be held in Rockland County, New York is denied.

It is further ordered, That any grant of the proposals in this proceeding, except the Delaware Valley Broadcasting Co. proposal, will be conditioned as follows, if the grants are made prior to a final decision in Docket 14419: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the 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: February 12, 1962.

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

[F.R. Doc. 62-1613; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket No. 12949; FCC 62-149]

SOUTH MINNEAPOLIS BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, requests: 740 kc, 250 w, DA-D, Class II, Docket No. 12949, File No. BP-14046; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 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 subject proposal appears to cause objectionable interference to Station KBOE, Oskaloosa, Iowa.

2. The proposed 25 mv/m contour apparently covers substantially less than the entire business area of Bloomington, in contravention of § 3.188(b)(1) of the Commission's rules. Similarly, the proposed 5 mv/m contour would fail to cover the entire residential area of the city, in contravention of § 3.188(b)(2) of the rules.

3. A substantial question exists as to whether the proposed operation represents sound engineering practice, since a considerable portion of the city of Bloomington is located in the area of maximum signal suppression.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419 should be appropriately conditioned.

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 the areas and populations which would receive primary service from the subject proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station KBOE, Oskaloosa, Iowa, 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.

3. To determine whether the instant proposal would provide coverage of the city sought to be served, as required by § 3.188(b) (1) and (2) of the Commission's rules and, if not, whether circumstances exist which warrant a waiver of said section.

4. To determine whether a portion of the city sought to be served is in an area of maximum signal suppression, and, if so, whether the proposed directional antenna system represents good engineering practice, especially in light of the normally expected variations in signal strength occurring in null areas of directional patterns.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Oskaloosa Broadcasting Company, licensee of Station KBOE, Oskaloosa, Iowa is made a party to the proceeding.

It is further ordered, that any grant of the instant proposal, prior to a final decision in Docket No. 14419, will be conditioned as follows: "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 rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and party 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 applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission 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: February 12, 1962.

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

[F.R. Doc. 62-1614; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket No. 14515; FCC 62-154]

WDSU BROADCASTING CORP. (WDSU)

Order Designating Application for Hearing on Stated Issues

In re application of WDSU Broadcasting Corporation (WDSU), New Orleans, Louisiana, has: 1280 kc, 5 kw, DA-1, U, requests: 1280 kc, 5 kw, DA-N, U,

Docket No. 14515, File No. BMP-9055; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

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

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate WDSU as proposed but that the proposed operation will cause interference to Stations WDSP, De Funiak Springs, Florida, and WSCM, Panama City Beach, Florida.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419 should be appropriately conditioned.

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 the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WDSU and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations WDSP, De Funiak Springs, Florida, and WSCM, Panama City Beach, Florida, 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.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That the Euchee Valley Broadcasting Co., and WSCM Broadcasting, Inc., licensees of Stations WDSP and WSCM, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of the WDSU Broadcasting Corporation, program tests will not be authorized until Station WSJC, Magee, Mississippi, has begun program tests on a frequency other than 1280 kilocycles and a license will not be issued until WSJC has been licensed on a frequency other than 1280 kilocycles.

It is further ordered, That any grant of the instant proposal, prior to a final decision in Docket No. 14419 will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant 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 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: February 12, 1962.

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

[F.R. Doc. 62-1615; Filed, Feb. 15, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-98]

TAYLORSTOWN NATURAL GAS CO.

Notice of Application

FEBRUARY 9, 1962.

Take notice that on October 16, 1961, as supplemented on January 2, 1962, Taylorstown Natural Gas Company (Applicant), P.O. Box 87, Taylorstown, Pennsylvania, filed in Docket No. CP62-98 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing The Manufacturers Light and Heat Company (Manufacturers) to establish physical connection of its facilites with those which Applicant operates, and to sell and deliver to Applicant natural gas for resale and distribution in Blaine, Buffalo, Donegal, and East Finley Townships and Claysville Borough, all in Washington County, Pennsylvania, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant, which is regulated by the Pennsylvania Public Utility Commission, states that it serves about 1,000 customers at retail in the above-named communities. For more than 60 years Applicant's source of natural gas supply has been from local wells in this area, called the Taylorstown Field. Applicant both produces and purchases gas in this area. The application states that this field is now diminishing in production and approaching depletion; and since no further development of the field is anticipated, Applicant finds it necessary to augment its gas supply by purchase of gas from Manufacturers, an interstate pipeline whose facilities are located in this area.

To serve Applicant as requested, Manufacturers would have to build two separate connections with Applicant's system and meters in the vicinity of Taylorstown, Pennsylvania. Applicant proposes to construct the necessary pipeline between the taps on Manufacturers system and its own system at a cost of about $200 to be defrayed from cash.

Applicant considers the 1960 requirements of 190,186 Mcf of gas at 14.73 psia and the peak and average days, respectively, of 2,184 and 522 Mcf of gas to be typical of the area's future requirements. Applicant estimates the total remaining reserve in the Taylorstown field to be 1,000,000 Mcf of gas and the decline in production to be about 10 percent annually. To meet this decline in production, Applicant states that it will require from Manufacturers annual volumes of about 40,000 Mcf of gas and up to 1,000 Mcf of gas per day on peak days. Applicant would purchase gas under Manufacturers' CDS-1 Rate Schedule.

Manufacturers filed its answer to the subject application on November 17, 1961, as supplemented on December 18, 1961, stating that it is able and willing to render the proposed service.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1593; Filed, Feb. 15, 1962; 8:45 a.m.]

[Docket No. RI62-321 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 9, 1962.

Humble Oil & Refining Company, Docket No. RI62-321; Walters Drilling Company (Operator), et al., Docket No. RI62-322; Hamilton Brothers, Ltd., Docket No. RI62-323; Socony Mobil Oil Company, Inc., Docket No. RI62-324; Sunray Mid-Continent Oil Company, Docket No. RI62-325; Shell Oil Company, Docket No. RI62-326; Cities Service Petroleum Company, Docket No. RI62-327; The British-American Oil Producing Company, Docket No. RI62-328.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[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.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents Per Mcf [2]		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI62-321	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	123	6	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	$37,922	1-11-62	2-11-62	7-11-62	20.25	[3] 22.25	
RI62-322	Walters Drilling Co. (Operator), et al., 510 Orpheum Building, Wichita 2, Kans.	1	1	Cities Service Gas Co., (North West Sharon Field, Barker County, Kan.)	1,500	1-15-62	2-15-62	7-15-62	12.0	[3] 13.0	
RI62-323	Hamilton Bros., Ltd., c/o Tippit & Haskell, Attorney, Denver Club Building, Denver 2, Colo.	13	1	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	1,484	1-16-62	2-16-62	7-16-62	16.8	[3] 17.0	
RI62-324	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	147	28	Warren Petroleum Corp. (Panhandle Field, Wheeler County, Tex.) (R.R. District No 10).	32	1-18-62	2-18-62	7-18-62	11.6292	[4] 11.7168	RI61-360
		148	30	do	17	1-18-62	2-18-62	7-18-62	11.6292	[4] 11.7168	RI61-360
RI62-325	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.	135	7	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	158	1-19-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-346
		162	6	do	42	1-19-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-360
		165	5	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.).	78	1-19-62	3-22-62	8-22-62	16.8	[3] 17.0	RI61-360
		170	6	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	44	1-19-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-360
RI62-326	Shell Oil Co., 50 West 50th Street, New York 20, N.Y.	152	2	Northern Natural Gas Co. (Farnsworth Field, Ochiltree County, Tex.) (R.R. District No. 10).	1,318	1-22-62	4- 1-62	9- 1-62	15.5	[3] 16.5	
RI62-327	Cities Service Petroleum Co., Cities Service Building, Bartlesville, Okla.	101	3	Panhandle Eastern Pipe Line Co. (Morton County, Kans.).	100	1-22-62	4- 1-62	9- 1-62	16.0	[3] 17.0	
		129	4	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	74	1-22-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-361
RI62-328	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	7	7	Mississippi River Fuel Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	1,454	1-19-62	3- 1-62	8- 1-62	14.1344	[3] 14.6392	G-18472

[1] The stated effective date is the 1st day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.
[2] The pressure base for all sales is 14.65 psia, except for that of Humble Oil & Refining Co., which is 15.025 psia.
[3] Periodic rate increase.
[4] Redetermined rate increase based on weighted average price in the Panhandle Field as determined by the Texas Railroad Commission.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the 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 increased rates and charges contained in the above-designated supplements.

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 3, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1545; Filed, Feb. 15, 1962; 8:45 a.m.]

[Docket No. CI60–652]

F. A. CALLERY, INC., ET AL.

Notice of Application and Date of Hearing

FEBRUARY 9, 1962.

Take notice that on May 23, 1960, F. A. Callery, Inc., et al. (Applicant), Bank of the Southwest Building, Houston 2, Texas, filed in Docket No. CI60–652 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to United Fuel Gas Company from the Luling Field, St. Charles Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized in Docket No. G–10996 on April 27, 1957 to render the subject service.

The application states that the gas supply from which the subject service was rendered is depleted.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 1, 1962. Failure of any party

to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1592; Filed, Feb. 15, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-800]

GAULEY MOUNTAIN CO.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 9, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that The Gauley Mountain Company ("Applicant"), 500 Fifth Avenue, New York, N.Y., a registered closed-end investment company, has ceased to be an investment company.

The application represents that, pursuant to shareholder approval of a Plan of Complete Liquidation given on November 21, 1958, Applicant was dissolved on December 12, 1958, upon the issuance of a Certificate of Dissolution by the Secretary of State of the State of West Virginia. The application further represents that all of Applicant's outstanding shares have been surrendered and all assets available after satisfying Applicant's liabilities have been distributed to the shareholders.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 28, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1619; Filed, Feb. 15, 1962; 8:48 a.m.]

[File No. 24S-1859]

PACIFIC ALASKAN LAND & LIVESTOCK CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 12, 1962.

I. Pacific Alaskan Land & Livestock Company (issuer), P.O. Box 2111, Fairbanks, Alaska, an Alaskan corporation, filed with the Commission on October 19, 1961, a notification on Form 1-A and an offering circular relating to a proposed offering of 30,000 shares of no par value common stock at $10 per share, an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification does not disclose information concerning affiliates as required by Item 2(b) of Form 1-A;

2. The financial statements filed by the issuer are not prepared in accordance with generally accepted accounting principles and practices and do not meet the requirements of Regulation A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose accurately and adequately the past history of the issuer and the activities of Mr. Cline S. Koonz in connection with the promotion thereof;

2. The failure to disclose accurately and adequately the direct and indirect interests of officers and directors of the issuer, the consideration paid for the interests and the circumstances relating to the acquisition of such interests;

3. The failure to disclose accurately and adequately the extent and nature of the control exercised by Mr. Cline S. Koonz over the past, present and future activities of the issuer;

4. The failure to disclose accurately and adequately the current financial status of the issuer and the possible adverse effect thereof on the operation of the issuer's proposed business;

5. The failure to disclose accurately and adequately the extent and nature of the financing necessary to enable the issuer to undertake operation of its proposed business as set forth in the offering circular and the failure to disclose accurately and adequately what the effect would be on the issuer's proposed operations if less than the entire offering is sold;

6. The failure to disclose accurately and adequately whether the issuer will have the ability to operate successfully if only $100,000 is raised from the offering;

7. The failure to disclose accurately and adequately the difficulties to be encountered and the expense involved in acquiring, sheltering, feeding and raising cattle in the Aleutians, and in transporting cattle, feed and supplies between the sources of supplies, the Aleutian Islands and the markets for beef;

8. The failure to disclose accurately and adequately the possible tracts available for purchase or lease for the conduct of the issuer's proposed business, their exact location, the probable terms and conditions of such leases, the number of acres of such land needed for its operations, and the feasibility of such location from the standpoint of climatic conditions favorable for raising cattle, the availability of feed and the difficulties and expense of transportation of cattle and feed;

9. The failure to disclose accurately and adequately the length of time required to build up a herd and the failure to disclose that during such time the company will have little or no income and considerable expense;

10. The failure to disclose accurately and adequately the location of the markets for the beef the issuer proposes to grow, process and market;

11. The failure to disclose accurately and adequately the effect on issuer's ability to operate and market its meat successfully if cattle cannot be slaughtered under government standards and inspection;

12. The use of financial statements of the company which are not prepared in conformance with generally accepted accounting principles and practices.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission,

this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

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

[F.R. Doc. 62-1620; Filed, Feb. 15, 1962; 8:48 a.m.]

[File No. 812-1480]

PROVIDENT FUND FOR INCOME, INC., AND PROVIDENT MANAGEMENT CORP.

Notice of Filing of Application for Order of Exemption

FEBRUARY 8, 1962.

Notice is hereby given that Provident Fund for Income, Inc. ("Fund"), of 3 Penn Center Plaza, Philadelphia, Pennsylvania, a Delaware corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act") and Provident Management Corporation of 3 Penn Center Plaza, Philadelphia, Pennsylvania, a Delaware corporation and the Fund's principal underwriter, have filed a joint application pursuant to section 6(c) of the Act for an order of the Commission exempting certain sales of Fund shares from the provisions of section 22(d) of the Act.

The price at which the Fund's shares are offered currently to the public, as described in its prospectus, is the net asset value of the shares plus a sales load varying with the dollar amount of the purchase. The sales load is expected to be increased on the effective date of a registration statement amendment which will be filed by the Fund under the provisions of the Securities Act of 1933. The following table shows the current and proposed sales load expressed as a percentage of the applicable offering price:

Amount of purchase	Present sales load	Proposed sales load
Under $5,000	8.5	8.5
$5,000-$24,999	6.0	7.5
$25,000-$49,999	4.0	5.0
$50,000-$99,999	3.0	4.0
$100,000-$199,999	2.0	2.0
Over $200,000	1.0	2.0

The sales load which is currently applicable to a single purchase of a given quantity of shares is also applicable if such quantity is purchased during any consecutive 13-month period pursuant to a so-called "Letter of Intention" entered into between the purchaser and Provident Management Corporation. This is an agreement in which the purchaser states that within the next thirteen months he intends, but is not committed, to make purchases aggregating a specified amount, and in which it is agreed, and procedures are provided to assure, that the sales load charged on such purchases will be that described in the prospectus for a single transaction of the aggregate amount actually purchased.

Exemption from the provisions of section 22(d) is sought to permit those investors who executed such an agreement within 13 months prior to the effective date of the new public offering price to complete purchases of Fund shares under such agreements at the then current rather than the proposed public offering price, if the then current price was lower.

Section 22(d) of the Act, with certain exceptions not here relevant, prohibits a registered investment company, its principal underwriter, or a dealer from selling its redeemable securities to any person except at a current public offering price described in its prospectus. Generally speaking, Rule 22d-1 adopted under the Act, among other things, exempts from the provisions of section 22(d) the sale of such securities in accordance with a scale of reducing sales load varying with the aggregate quantity of securities purchased by any person within a period of not more than thirteen months pursuant to a written statement of his intention, if the procedures utilized are described in the prospectus and applicable to sales to all persons. Section 6(c) of the Act provides that the Commission, by rule, regulation, or order, may exempt any person or transaction from any provisions of the Act if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the Act.

Notice is further given that any interested person may, not later than February 23, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 62-1621; Filed, Feb. 15, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 12, 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. 37554: *Roofing and building materials from Shreveport, La.* Filed by Southwestern Freight Bureau, agent (No. B-8152), for interested rail carriers. Rates on roofing and building materials and slate, as described in the application, in carloads, Shreveport, La., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4450.

FSA No. 37555: *Cattle from and to stations on the C&NW Ry.* Filed by Chicago and North Western Railway Company (No. 4-A), for themselves. Rates on cattle, ordinary, for slaughtering purposes, in carloads, between all stations on the Chicago and North Western Railway.

Grounds for relief: Contract and unregulated motor competition.

Tariff: Supplement 51 to Chicago and North Western Railway tariff I.C.C. 11243.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1557; Filed, Feb. 14, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 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. 37556: *Clay from Cartersville, Ga.* Filed by O. W. South, Jr., Agent (No. A4154), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Cartersville, Ga., to points in official (including Illinois) and western trunk-line territories, also Ohio River crossings and Virginia Cities gateway points.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Supplement 108 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 37557: *T.O.F.C. class rates from and to Crystal City, Mo.* Filed by Southwestern Freight Bureau, Agent (No. B-8153), for interested rail carriers. Rates on various commodities moving on class rates, loaded in trailers or de-

mountable trailer bodies, and transported on railroad flat or open-top equipment, between Crystal City, Mo., on the one hand, and points in southwestern territory, also Mississippi River crossings, Memphis, Tenn., and south thereof, on the other hand.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 61 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 37558: *Sugar cane bagasse boards or sheets from Armant, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8155), for interested rail carriers. Rates on boards or sheets made from sugar cane bagasse, in carloads as described in the application, from Armant, La., to points in southwestern territory, also Kansas and Illinois and Mississippi River crossings.

Grounds for relief: Carrier competition.

Tariffs: Supplement 136 to Southwestern Freight Bureau tariff I.C.C. 3850 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1600; Filed, Feb. 15, 1962; 8:46 a.m.]

[Notice 596]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 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 64439. By order of February 7, 1962, the Transfer Board approved the transfer to General Transit, Inc., 2012 H Avenue NE., Cedar Rapids, Iowa, of a portion of the operating rights in Certificate No. MC 981, issued by the Commission September 13, 1961, to Able Transportation, Inc., 2026 Scott Street (P.O. Box 711), Des Moines, Iowa, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Chicago, Ill., to Iowa City, Iowa.

No. MC-FC 64658. By order of February 7, 1962, the Transfer Board approved the transfer to Crouthamel, Inc., Wilmington, Del., of Certificate No. MC 42487 Sub 510, issued July 7, 1961, to Consolidated Freightways Corporation of Delaware, Menlo Park, Calif., authorizing the transportation of: General commodities, excepting, among others, household goods and commodities in bulk, between points within 1 mile of Philadelphia, Norristown, Bridgeport, and Conshohocken, Pa., including the points named. Eugene T. Liipfert, 1616 H Street NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 64693. By order of February 9, 1962, the Transfer Board approved the transfer to Langemeier, Inc., Wayne, Nebr., of Certificate in No. MC 89633 issued November 6, 1958, to Roy H. Langemeier, doing business as Langemeier Transportation, Wayne, Nebr., authorizing the transportation of: Liquid petroleum products, from refining and distributing points in Kansas to Albion, Petersburg, and Newman Grove, Nebr.; liquid petroleum products, in bulk, from refining and distributing points in Kansas to St. Edward, Nebr.; petroleum products, in bulk, from refining and distributing points in Kansas to Tilden, Neligh, and Lindsay, Nebr.; petroleum products, in bulk, in tank vehicles, from Council Bluffs, Iowa, and points in Iowa within 10 miles of Council Bluffs to Petersburg, Lindsay, St. Edward, Raeville, Albion, and Newman Grove, Nebr.; from refining and distributing points in Kansas to Raeville, Nebr.; and refined petroleum products, from refining and distributing points in Kansas to Columbus, David City, Duncan, Fullerton, Lindsay, Osceola, McCool Junction, and Shelby, Nebr. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1601; Filed, Feb. 15, 1962; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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 February.

3 CFR

5 CFR

6 CFR

7 CFR

7 CFR—Continued

8 CFR

9 CFR

10 CFR

12 CFR

13 CFR

14 CFR

14 CFR—Continued

16 CFR

17 CFR

18 CFR

19 CFR

20 CFR

21 CFR