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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 29—RETIREMENT

##### Miscellaneous Amendments

Paragraph (a) of § 29.9 and paragraph (d) of § 29.18 are amended as set out below.

##### § 29.9 Military service.

(a) Periods of honorable active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service shall, after the employee has completed 5 years' civilian service, be credited under the retirement law. No credit for any military service shall be allowed if the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in Chapter 11 of Title 38, U.S.C.), or (3) under Chapter 67, Title 10, U.S.C.

##### § 29.18 Reemployment of annuitants.

(d) This paragraph shall apply to each annuitant who is not described in the first sentence of paragraph (c) of this section. If such annuitant becomes employed on or after October 1, 1956, in an elective or appointive position, (1) his annuity shall continue, (2) no retirement deductions shall be made from his salary, and (3) there shall be deducted from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment. If such annuitant who becomes employed on or after October 1, 1956, or who was serving on July 31, 1956, serves continuously for at least one year in full-time employment not excluded from coverage by section 2(b) of the Civil Service Retirement Act, he shall, upon termination of such employment by separation for more than three calendar days or by conversion to other than full-time status, receive a supplemental annuity. Such supplemental annuity (i) shall be computed under the formula provided by the law in effect at the date of termination of employment, (ii) shall be based on all periods of full-time employment performed after his retirement, with such periods considered as part of his total service, and (iii) shall be based on the average basic salary (before annuity deduction) received during such periods of full-time employment. If the annuitant serves continuously for at least five years in

full-time employment not excluded from coverage by section 2(b) of the Retirement Act, and his separation therefrom occurs after July 11, 1960, he may make deposit in the retirement fund covering such employment and elect, in lieu of the supplemental annuity described herein, to have his retirement rights redetermined under the law in effect at separation date. Employment shall be considered continuous unless interrupted by a separation from service exceeding three calendar days, but credit will not be allowed for any period of separation or nonpay status which exceeds three calendar days.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] MARY V. WENZEL,  
*Executive Assistant to  
the Commissioners.*

[F.R. Doc. 60-7247; Filed, Aug. 3, 1960;  
8:51 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

#### PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)<sup>1</sup>

##### Subpart—Regulations

###### MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.) for the provision of a service for the inspection and certification of the class, quality and condition of agricultural products, including the assessment and collection of fees to cover the cost of such service, §§ 51.37 and 51.45(d) of the regulations governing the inspection and certification of fresh fruits, vegetables and other products (§§ 51.1 through 51.67) are hereby amended by deleting the same and inserting in lieu thereof the following:

##### § 51.37 Basis for charges.

(a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, \$15.00 when the quantity involved is more than one-half of a carload of the customary size for such products

<sup>1</sup> Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.

in the area from which shipped but not more than a full carload, and \$9.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be \$30.00. For an inspection covering condition-only, \$12.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$18.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be \$24.00. When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$5.00 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be \$2.50 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

##### § 51.45 Schedule of fees.

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than August 15, 1960 (5 U.S.C. 1001-1011) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation (Public Law 86-568); (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional time is not required by users of the inspection service to comply with this revision.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: August 1, 1960, to become effective at 12:01 a.m., August 15, 1960.

Roy W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 60-7260; Filed, Aug. 3, 1960;  
8:52 a.m.]

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS<sup>1</sup>

### Subpart—Regulations Governing Inspection and Certification

#### HOURLY RATE OF CHARGE FOR INSPECTION SERVICE

Pursuant to the provisions of the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627) authorizing the establishment of a service for the inspection and certification of the class, quality, and condition of agricultural products, and the assessment and collection of fees to cover the cost of such service, the Regulations (§§ 52.1 through 52.87) Governing the Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products are hereby amended as set forth below. This amendment increases the hourly rate of charge for inspection service from \$5.00 per hour to \$5.50 per hour on and after August 15, 1960, as herein-after specified.

1. Section 52.42(a) is revised to read as follows:

#### § 52.42 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations

<sup>1</sup> Among such other processed food products are the following: Honey; Molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of \$5.50 per hour.

2. In § 52.42(b) (1) under "Officially Drawn Samples" and concerning the schedule of fees for sampling of honey, the phrase "(a) For sampling the honey including travel time, per hour----\$5.00" is revised to read as follows:

(a) For sampling the honey, including travel time, per hour----- \$5.50

3. In § 52.42(b) (5) under "Officially and Unofficially Drawn Samples" the phrase "(a) For sampling the product, including travel time per hour----\$5.00" is revised to read as follows:

(a) For sampling the product, including travel time, per hour-- \$5.50

4. In § 52.42(b) (6) under "Officially and Unofficially Drawn Samples" the phrase "(a) For sampling the coffee, including travel time, per hour ---- \$5.00" is revised to read as follows:

(a) For sampling the coffee, including travel time per hour----- \$5.50

5. In § 52.42(b), subparagraph (7) is hereby revised to read as follows:

(7) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph shall be at the rate of \$5.50 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided*, That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

6. Section 52.44 is revised to read as follows:

#### § 52.44 Inspection fees when charges for sampling have been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of \$5.50 per hour prescribed in this part.

7. Section 52.45 is revised to read as follows:

#### § 52.45 Inspection fees when charges for sampling have not been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be

determined by the Administrator: *Provided*, That if the fee charged is based on the hourly rate, the fee shall be at the rate of \$5.50 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

8. Section 52.48 is revised to read as follows:

#### § 52.48 When charges are to be based on hourly rate not otherwise provided for in this part.

When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of \$5.50 per hour.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than August 15, 1960 (5 U.S.C. 1001-1011) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation (Public Law 86-568); (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional time is not required by users of the inspection service to comply with this revision.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: August 1, 1960, to become effective at 12:01 a.m. August 15, 1960.

Roy W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 60-7261; Filed, Aug. 3, 1960;  
8:52 a.m.]

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

### PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

#### Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Period

Pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

**§ 1020.204 Expenses and rate of assessment for the 1960-61 fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1960, and ending March 31, 1961, will amount to \$6,831.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and twenty cents (\$1.20) per ton of apricots so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of apricots are now being made; (2) the rate of assessment is applicable to all apricots shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles apricots; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Apricot Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: August 1, 1960.

FLOYD F. HEDLUND,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[F.R. Doc. 60-7262; Filed, Aug. 3, 1960;  
8:52 a.m.]

**PART 1022—SWEET CHERRIES  
GROWN IN DESIGNATED COUN-  
TRIES IN WASHINGTON**

**Expenses and Fixing of Rate of  
Assessment for 1960-61 Fiscal  
Period**

Pursuant to the marketing agreement  
and Order No. 122 (7 CFR Part 1022),

regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

**§ 1022.205 Expenses and rate of assessment for the 1960-61 fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1960, and ending March 31, 1961, will amount to \$8,996.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles cherries shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and twenty cents (\$1.20) per ton of cherries so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of cherries are now being made; (2) the rate of assessment is applicable to all cherries shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler, until such handler handles cherries; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Cherry Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: August 1, 1960.

FLOYD F. HEDLUND,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[F.R. Doc. 60-7263; Filed, Aug. 3, 1960;  
8:53 a.m.]

**Title 9—ANIMALS AND  
ANIMAL PRODUCTS**

**Chapter I—Agricultural Research  
Service, Department of Agriculture**

**SUBCHAPTER C—INTERSTATE TRANSPORTATION  
OF ANIMALS AND POULTRY**

**PART 72—TEXAS (SPLENETIC) FEVER  
IN CATTLE**

**Changes in Areas Quarantined**

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended (21 U.S.C. 123, 125), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111-113, 120), and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 117), § 72.5, Part 72, Title 9, Code of Federal Regulations, which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended to read:

**§ 72.5 Area quarantined in Texas.**

The following portions of the specified Counties in Texas are quarantined:

(a) That portion of Cameron County lying south of the following described line:

Beginning at a point where the Brownsville ship channel enters the Gulf of Mexico, following said ship channel in a southwesterly direction to where the large Hydrocol ditch enters the ship channel, approximately 18 miles; thence, following the ditch in a northerly direction to the intersection of this ditch and the Rancho Viejo Floodway, approximately 2 miles; thence, following the meanderings of the Rancho Viejo Floodway (part of which is known as Ranchito Viejo Resaca) to where the Rancho Viejo Floodway crosses a dirt road known as the Grove Park Highway, approximately 12 miles; thence, in a northerly direction along this road to Farm Road No. 511, approximately 1½ miles; thence, in a westerly direction along Farm Road No. 511 to Farm Road No. 1421, approximately 2½ miles; thence, in a northerly direction along Farm Road 1421 to the Ranchito Viejo Resaca, approximately ½ mile; thence, following the meanderings of Ranchito Viejo Resaca in a northwesterly direction to where it intersects Cameron County water district drain ditch, approximately 8½ miles; thence, following the Cameron County water district drain ditch in a westerly direction to where it intersects the Ohio Station Road, approximately 6¼ miles; thence, following the Ohio Station Road in a northeasterly direction, to where it intersects the County Road which follows the old road bed of the M.P. Railroad, approximately 1 mile; thence, following said County Road in a westerly direction, to where it intersects Farm to Market Road No. 1479, approximately 1¾ miles; thence, crossing Farm to Market Road No. 1479 and following the Double Pole C.P. & L. Company power line in a westerly direction to where it intersects the Willacy County Canal, approximately 7¼ miles; thence, south along the Willacy County Canal to where it intersects U.S. Highway No. 281, approximately ½ mile; thence, following U.S. Highway 281 in a westerly direc-

tion to where it intersects the Cameron-Hidalgo County line, approximately 200 yards.

(b) That portion of Hidalgo County lying south and west of the following-described line:

Beginning at a point where U.S. Highway 281 intersects the Cameron-Hidalgo County line, following U.S. Highway 281 in a westerly direction to where it intersects the East McAllen Road No. 336, approximately 26 miles; thence, along the East McAllen Road in a northerly direction to where it intersects the M.P. Railroad, approximately  $\frac{1}{4}$  mile; thence, following the M.P. Railroad in a westerly direction to where it crosses Farm Road No. 1926, approximately  $\frac{1}{4}$  miles; thence, in a northerly direction along this railroad to a curve, approximately 2 miles; thence, in a westerly direction along this railroad to where it intersects the Taylor Road, approximately  $1\frac{1}{2}$  miles; thence, in a southerly direction along this road to where it intersects the International Boundary Commission levee, approximately  $\frac{1}{2}$  mile; thence, in a westerly direction along the north boundary of this levee to where it intersects the Granjeno Main Canal, approximately  $1\frac{1}{2}$  miles; thence, in a westerly direction along the north boundary of this canal to where it intersects the Old Military Road, approximately  $\frac{3}{4}$  mile; thence, in a westerly direction along the north boundary of this road to where it intersects the Abram Road, approximately 8 miles; thence, in a northerly direction along the east boundary of this road to where it intersects U.S. Highway No. 83, approximately 2 miles; thence, in a westerly direction along U.S. Highway 83 to where it intersects the east double fence of the Bannworth Brothers Ranch Headquarters trap, approximately  $6\frac{3}{4}$  miles; thence, along the east double fence of the Bannworth trap in a southerly direction to a corner, approximately  $\frac{1}{4}$  mile; thence, following the meanderings of the Bannworth trap double fence in a northwesterly direction to where it intersects U.S. Highway 83, approximately  $\frac{1}{2}$  mile; thence, following U.S. Highway 83 in a westerly direction to where it intersects the Starr-Hidalgo County line, approximately  $5\frac{1}{4}$  miles.

(c) That portion of Starr County lying south and west of the following-described line:

Beginning at a point where the Hidalgo County line intersects the Starr County line following the north fence of U.S. Highway 83 in a westerly direction to where it intersects the west fence of the North Salado pasture, approximately 4 miles; thence, north along the west fence of the North Salado pasture to the northeast corner of the C. Block pasture, approximately  $1\frac{3}{4}$  miles; thence, following the north fence of the C. Block pasture in a westerly direction to where it intersects the Sun Camp-Alto Bonito Road, approximately  $\frac{3}{4}$  mile; thence, south along Sun Camp-Alto Bonito Road to where it intersects the north fence of the Alto Bonito Community pasture, approximately  $\frac{1}{2}$  mile; thence, following the north fence of the Alto Bonito Community pasture in a westerly direction to a corner, approximately  $\frac{3}{4}$  mile; thence, following the west fence of the Alto Bonito Community pasture in a southerly direction to where it intersects the north fence of U.S. Highway 83, approximately  $\frac{3}{4}$  mile; thence, following the fence on north side of U.S. Highway 83 in a northwesterly direction to where it joins the west fence of the Richmond Brothers pasture, approximately  $5\frac{3}{4}$  miles; thence, following the west fence of the Richmond Brothers pasture in a northerly direction to where it intersects the south fence of the Tomas Vela pasture, approximately 2 miles; thence, following the south fence of the Tomas Vela pasture in a

westerly direction to the southwest corner of the same, approximately  $\frac{3}{4}$  mile; thence, following the west fence of the Tomas Vela pasture in a northerly direction to where it intersects the north fence of the Rio Grande City open range, approximately  $2\frac{1}{4}$  miles; thence, following the north fence of the Rio Grande City open range in a westerly direction to where it intersects the east fence of the Ismael Salinas pasture, approximately  $\frac{3}{4}$  mile; thence, north along the east fence of the Ismael Salinas pasture to the northeast corner of same, approximately  $\frac{1}{2}$  mile; thence, following the north fence of the Ismael Salinas pasture in a westerly direction to where it intersects Farm to Market Road No. 755, approximately  $\frac{1}{8}$  mile; thence, following the east fence of Highway 755 in a northeasterly direction to a cattle guard crossing Highway 755 on the Luis Martinez north fence, approximately 1 mile; thence, across Highway 755 at this cattle guard, to the west fence of Highway 755, approximately 80 feet; thence, following the west fence of Highway 755 in a southwesterly direction to where it intersects the east fence of the E. V. Laurel pasture, approximately  $2\frac{3}{4}$  miles; thence, following the east fence of the E. V. Laurel pasture in a northerly direction to the northeast corner of the same, approximately  $1\frac{1}{2}$  miles; thence, following the north fence of the E. V. Laurel pasture in a westerly direction to where it intersects the east fence of the Samuel Pena and Brothers pasture, approximately  $\frac{1}{4}$  mile; thence, following the east fence of the Samuel Pena and Brothers pasture in a southerly direction to a corner, approximately  $\frac{1}{2}$  mile; thence, following the same fence in a westerly direction to the northwest corner of the E. V. Laurel pasture, approximately  $\frac{3}{4}$  mile; thence, following the west fence of the E. V. Laurel pasture in a southerly direction to where it intersects the north fence of the Julian Gonzales south pasture, approximately  $\frac{1}{2}$  mile; thence, following the north fence of the Julian Gonzales south pasture to a corner, approximately  $\frac{1}{4}$  mile; thence, north along the east fence of Julian Gonzales north pasture to the northeast corner of same, approximately  $\frac{7}{8}$  mile; thence, following the north fence of Julian Gonzales north pasture in a westerly direction to the northwest corner of same, approximately  $\frac{1}{4}$  mile; thence, following the west fence of Julian Gonzales north pasture in a southerly direction to where it intersects the south fence of the Ysidoro Gonzales pasture, approximately  $\frac{1}{2}$  mile; thence, following the south fence of the Ysidoro Gonzales pasture in a westerly direction to where it intersects the east fence of the S. Carrera Presa Colorado pasture, approximately 1 mile; thence, following the east fence of the S. Carrera Presa Colorado pasture in a southerly direction to the southeast corner of the same, approximately  $\frac{3}{4}$  mile; thence, following the south fence of the S. Carrera Presa Colorado pasture in a westerly direction to where it intersects the west fence of S. Carrera's south pasture, approximately  $\frac{1}{2}$  mile; thence, following the west fence of S. Carrera's south pasture in a southerly direction to where it intersects the north fence of the A. Salinas pasture, approximately  $\frac{1}{2}$  mile; thence, following the north fence of the A. Salinas pasture in a westerly direction to where it intersects the east fence of the C. Laurel pasture, approximately  $\frac{1}{4}$  mile; thence, following the east fence of the C. Laurel pasture in a northerly direction to the northeast corner of same, approximately  $\frac{3}{4}$  mile; thence, following the north fence of C. Laurel pasture in a westerly direction to the east fence of the A. J. Vale pasture, approximately  $\frac{3}{8}$  mile; thence, following the east fence of the A. J. Vale pasture in a southerly direction to the southeast corner of the same, approximately  $\frac{1}{2}$  mile; thence, following the south fence of the A. J. Vale pasture in a westerly direction to the southwest corner of same, approximately 1 mile;

thence, following the west fence of the A. J. Vale pasture in a northerly direction to where it intersects the Mauricio Garza pasture south fence, approximately  $\frac{1}{4}$  mile; thence, following the south fence of the Mauricio Garza pasture in a westerly direction to where it intersects the east fence of the Charles Thompson Peyote pasture, approximately  $\frac{1}{4}$  mile; thence, following the east fence of the Charles Thompson Peyote pasture in a southerly direction to the Rio Grande City-El Sauz County Road, approximately  $\frac{1}{2}$  mile; thence, across this road to the southeast corner of the Charles Thompson Peyote pasture and following the south fence of the Charles Thompson Peyote pasture in a westerly direction to where it intersects the Guerrero Brothers pasture east fence, approximately  $1\frac{1}{4}$  miles; thence, following the east fence of the Guerrero Brothers pasture in a northerly direction to the northeast corner of the same, approximately  $\frac{1}{4}$  mile; thence, following the north fence of the Guerrero Brothers pasture in a westerly direction to a corner, approximately  $\frac{3}{8}$  mile; thence, following the same fence in a southerly direction to a corner, approximately  $\frac{3}{8}$  mile; thence, following the same fence in a westerly direction to the west fence of the Guerrero Brothers pasture, approximately  $\frac{1}{2}$  mile; thence, following the west fence of the Guerrero Brothers pasture in a southerly direction to the northeast corner of the Sun Tex Farm, approximately  $\frac{1}{2}$  mile; thence, following the fence along the north side of the Sun Tex Farm in a westerly direction to where it intersects the east fence of the Alvarez Brothers Agua Verde ranch, approximately  $1\frac{1}{2}$  miles; thence, following the east fence of the Alvarez Brothers Agua Verde ranch to the southeast corner of the same, approximately  $\frac{1}{2}$  mile; thence, following the south fence of the Alvarez Brothers Agua Verde ranch in a westerly direction to a corner, approximately  $\frac{3}{8}$  mile; thence, following the same fence in a northerly direction to a corner, approximately 120 yards; thence, following same fence in a westerly direction to where it intersects the Juan Garza ranch east fence, approximately  $\frac{3}{8}$  mile; thence, following the east fence of the Juan Garza ranch in a northerly direction to a corner, approximately  $\frac{1}{4}$  mile; thence, following the same fence in a westerly direction to the southwest corner of the Alvarez Brothers Agua Verde ranch, approximately 1 mile; thence, following the west fence of the Alvarez Brothers Agua Verde ranch in a northerly direction to a corner, approximately  $\frac{3}{8}$  mile; thence, following said fence west  $\frac{1}{8}$  mile, thence north  $\frac{1}{4}$  mile, thence west 200 yards, thence north 200 yards, to where it intersects the Juan Garza ranch south fence; thence, following the south fence of the Juan Garza ranch in a westerly direction, crossing the Garcano Hebronville Highway and intersecting the east fence of the T. Munoz pasture, approximately  $\frac{3}{8}$  mile; thence, following the east fence of the T. Munoz pasture in a northerly direction to the T. Munoz pasture north fence, approximately  $\frac{1}{4}$  mile; thence, following the T. Munoz pasture north fence in a westerly direction to where it intersects the east fence of the F. Munoz pasture, approximately  $\frac{1}{2}$  mile; thence, following this fence in a northwesterly direction to where it intersects the F. Escobar pasture east fence, approximately  $\frac{1}{2}$  mile; thence, following this fence in a southwesterly direction to where it intersects the east fence of the San Julian Community pasture, approximately  $\frac{1}{2}$  mile; thence, following the east fence of the San Julian Community pasture in a northerly direction to a corner, approximately  $\frac{1}{4}$  mile; thence, west on this same fence and across the Escobares Las Hojas Road to the west fence of the Francisco Escobar pasture, approximately  $\frac{3}{8}$  mile; thence, following the west fence of the Francisco Escobar pasture in a northerly direc-

tion to the northwest corner of the same, approximately  $1\frac{1}{8}$  miles; thence, following the north fence of the Francisco Escobar pasture in an easterly direction to where it intersects the Escobares-Las Hojas Road, approximately  $\frac{1}{4}$  mile; thence, following the Escobares-Las Hojas Road in a northerly direction to where it intersects the F. De Los Santos pasture east fence, approximately  $1\frac{1}{4}$  miles; thence, continuing north along the F. De Los Santos pasture east fence to the northeast corner of the same, approximately  $\frac{3}{8}$  mile; thence, following the north fence of the F. De Los Santos pasture in a westerly direction to the northwest corner of same, approximately 1 mile; thence, following the west fence of the F. De Los Santos pasture in a southerly direction to where it intersects the north fence of the F. Garza pasture, approximately  $\frac{1}{2}$  mile; thence, following the north fence of the F. Garza pasture in a southwesterly direction to where it intersects the east fence of the J. Moreno pasture, approximately  $\frac{3}{8}$  mile; thence, following the east fence of the J. Moreno pasture in a northerly direction to the northeast corner of same, approximately 300 yards; thence, following the north fence of the J. Moreno pasture in a southwesterly direction to where it intersects the north fence of the Mateo Herrera pasture, approximately  $\frac{1}{4}$  mile; thence, following the Mateo Herrera pasture north fence in a southwesterly direction to where it intersects the north fence of the A. O. Trevino pasture, approximately  $\frac{1}{2}$  mile; thence, following the meanderings of the north fence of the A. O. Trevino pasture to the west fence of the same, approximately  $1\frac{1}{4}$  miles; thence, following the west fence of the A. O. Trevino pasture in a southerly direction to the south fence of the L. Martinez pasture, approximately 2 miles; thence, following the south fence of the L. Martinez pasture in a westerly direction to U.S. Highway 83, approximately  $1\frac{1}{2}$  miles; thence, following U.S. Highway 83 in a northwesterly direction to where it intersects the east fence of M. Guerra and Sons Casas Verdes ranch, approximately  $12\frac{1}{2}$  miles; thence, along the east fence of the Casas Verdes ranch in a southerly direction to the south fence of the same, approximately  $2\frac{1}{2}$  miles; thence, following the south fence of this ranch in a westerly direction to where it intersects the old Roma-Zapata Highway, approximately 1 mile; thence, following along the old Roma-Zapata Highway in a westerly direction to where it intersects the Starr-Zapata County line.

(d) That portion of Zapata County lying west of the following-described line:

Beginning at a point where the Starr-Zapata County line intersects the old Laredo-Roma Highway, following the south fence of the Rafael Guerra and Brothers ranch in a northeasterly direction to where it intersects U.S. Highway 83, approximately  $3\frac{1}{4}$  miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the city limits of the Town of Zapata, Texas, approximately 24 miles; thence, west along the city limits fence approximately  $\frac{1}{10}$  mile; thence, northwest along the city limits fence approximately  $1\frac{3}{8}$  miles; thence, northeast along the city limits fence to where it intersects U.S. Highway 83, approximately  $\frac{1}{4}$  mile; thence, following U.S. Highway 83 in a northwesterly direction to where it intersects the La Perla farm east fence approximately  $21\frac{1}{2}$  miles; thence, following the east fence of the La Perla farm in a northerly direction to where it intersects the south fence of the Tejones farm, approximately  $2\frac{1}{4}$  miles; thence, following the east fence of the Tejones farm in a northerly direction to where it intersects the south fence of the Akin farm, approximately  $2\frac{3}{4}$  miles; thence, following the east fence of the Akin farm in a northerly

direction to where it intersects the north fence of the Akin farm, approximately  $\frac{3}{8}$  mile; thence, following the north fence of the Akin farm in a westerly direction to where it intersects U.S. Highway 83, approximately  $1\frac{1}{4}$  miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the southeast corner of the H. B. Zachary ranch, approximately 5 miles.

(e) That portion of Webb County lying south and west of the following-described line:

Beginning at a point where U.S. Highway 83 intersects the Webb-Zapata County line, at the southeast corner of the H. B. Zachary ranch double fence; thence, following the south double fence of the H. B. Zachary ranch in a westerly direction to where it intersects the east double fence of the Olsen farm, approximately  $3\frac{1}{4}$  miles; thence, north along the east double fence of the Olsen farm to the northeast corner of same, approximately  $\frac{3}{4}$  mile; thence, west along the north double fence of the Olsen farm to where it intersects the H. B. Zachary ranch double fence, approximately  $\frac{1}{4}$  mile; thence, following the meanderings of the H. B. Zachary ranch double fence along the Rio Grande river in a northwesterly direction to where it intersects the east double fence of the Vela farm approximately 3 miles; thence, in a northerly direction along the east double fence of the Vela farm to where it intersects the Norman Clark farm south double fence line, approximately  $\frac{1}{4}$  mile; thence, along the south double fence of the Norman Clark farm in an easterly direction to where it intersects Zapata-Laredo Highway 83, approximately 5 miles; thence, following the Zapata-Laredo Highway 83 in a northerly direction to where it intersects the north fence of the Dr. L. A. Wright ranch, approximately 11 miles; thence, following the north fence of the Dr. L. A. Wright ranch in an easterly direction to a corner in this fence, approximately  $\frac{3}{4}$  mile; thence, north along this same fence line to the Wormser Road, approximately  $\frac{3}{4}$  mile; thence, crossing Wormser Road and following the continuation of this fence in a northerly direction, which is now the west fence line of the Salvador Vasquez farm, to the northwest corner of the same, approximately  $\frac{3}{4}$  mile; thence, following the north fence of the Vasquez farm in an easterly direction to where it intersects the west fence of the Gill ranch, approximately  $\frac{3}{8}$  mile; thence, north on the Gill ranch west fence in a northerly direction to where it intersects the Hebronville-Zapata Highway cutoff road, approximately  $\frac{3}{8}$  mile; thence, following the Hebronville-Zapata cutoff road in an easterly direction to where it intersects the Laredo-Hebronville Highway, approximately  $1\frac{1}{2}$  miles; thence, west along Laredo-Hebronville Highway to where it intersects the west fence of the Benavides farm, approximately 75 yards; thence, north along the west fence of the Benavides farm to a corner, approximately  $\frac{1}{2}$  mile; thence, east along the north fence of the Benavides farm to where it intersects the west fence of the Ricardo Chavana rodeo grounds, approximately  $\frac{1}{2}$  mile; thence, north along the west fence of the Ricardo Chavana rodeo grounds to where it intersects the Tex-Mex Railroad right-of-way, approximately  $\frac{1}{2}$  mile; thence, east along the Tex-Mex Railroad right-of-way to where it intersects the west fence of the A. M. Bruni estate and O. W. Killam ranch, approximately  $\frac{1}{2}$  mile; thence, north along the west fence of the O. W. Killam ranch to where it intersects the north fence of the O. W. Killam ranch, approximately  $\frac{3}{4}$  mile; thence, following the north fence of the O. W. Killam ranch in an easterly direction to a corner in this fence, approximately  $\frac{1}{4}$  mile; thence, north along this same fence to the northwest corner of the O. W. Killam

ranch, approximately  $\frac{3}{8}$  mile; thence, east along the north fence of the O. W. Killam ranch to a corner where the same fence turns north, approximately  $1\frac{1}{2}$  miles; thence, north along this same fence to a corner, approximately  $\frac{3}{8}$  mile; thence, east along this same fence to where it intersects the west fence of the winch trap, approximately 100 yards; thence, north along the west fence of the winch trap to a corner, approximately 100 yards; thence, west to the southwest corner of the winch trap, approximately 100 yards; thence, north along the west fence of the winch trap to where it intersects the south fence of the O. W. Killam ranch, approximately  $\frac{3}{4}$  mile; thence, west and across the Freer-Laredo Highway along the south fence of the O. W. Killam ranch, to where it intersects the Casa Blanca lake, approximately  $1\frac{1}{4}$  miles; thence, after crossing Casa Blanca lake there is an offset of  $\frac{1}{4}$  mile to the north on this south fence of the O. W. Killam ranch; thence, continuing west along the south fence of the O. W. Killam ranch to where it intersects the east fence of the Laredo Air Force Base, approximately  $\frac{1}{4}$  mile; thence, north along the east fence of the Laredo Air Force Base to where it intersects the north fence of the Laredo Air Force Base, approximately  $1\frac{3}{8}$  miles; thence, west along the north fence of the Laredo Air Force Base to where it intersects the Laredo Air Force Base Road, approximately  $\frac{3}{4}$  mile; thence, along the Laredo Air Force Base Road in a northeasterly direction to where it intersects the south fence of the Quiote ranch, approximately  $2\frac{3}{4}$  miles; thence, following this fence in a northwesterly direction to a corner, approximately 100 yards; thence, following same fence in a southerly direction to a corner, approximately  $\frac{1}{4}$  mile; thence, following this same fence in a northwesterly direction to where it intersects the south fence of the Farias porcion, approximately  $1\frac{1}{2}$  miles; thence, west along the south fence of the Farias porcion to where it intersects U.S. Highway 83, approximately  $3\frac{1}{4}$  miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the north fence of the Farias farm, approximately  $1\frac{3}{4}$  miles; thence, west along the north fence of the Farias farm to where it intersects the southeast corner of the Laredo Municipal Airport fence, approximately  $1\frac{1}{2}$  miles; thence, north along the east fence of the Laredo Municipal Airport to the northeast corner of same, approximately  $\frac{1}{2}$  mile; thence, west along the north fence of the Laredo Municipal Airport to where it intersects the Laredo-Eagle Pass Road, approximately  $\frac{1}{4}$  mile; thence, following this road in a northerly direction to where it intersects the south fence of the Dolores Ranch of Charles W. Dick, approximately  $14\frac{1}{10}$  miles; thence, following the double south fence (this Dolores ranch is double fence, 60 foot dead space on the south, west, north and east) of the Dolores ranch in a westerly direction to where it turns north, approximately  $1\frac{1}{2}$  miles; thence, following the west double fence of this ranch in a northerly direction to where it turns east, approximately  $3\frac{1}{2}$  miles; thence, following the north double fence of this ranch in an easterly direction to where it intersects the Laredo-Eagle Pass Road, approximately  $1\frac{1}{4}$  miles; thence, north along this road to where it intersects the Webb-Maverick County line, approximately  $43\frac{3}{8}$  miles.

(f) That portion of Maverick County lying west of the following-described line:

Beginning at a point where the Laredo-Eagle Pass Road intersects the Webb-Maverick County line, following this Laredo-Eagle Pass Road to where it intersects the south fence of the John A. Wuensche feed lot (Wuensche feed lot is double fenced with a 20 foot dead space), approximately  $18\frac{1}{2}$

miles; thence, southwest along the south double fence line of feed lot to the southwest corner, approximately  $\frac{1}{4}$  mile; thence, along the west double fence of feed lot, to the northwest corner, approximately  $\frac{1}{8}$  mile; thence, along the north double fence of feed lot to where it intersects the Laredo-Eagle Pass Road, approximately 200 yards; thence, following the Laredo-Eagle Pass Road in a northwesterly direction to where it intersects the northeast corner of the Eidson farm, approximately  $23\frac{3}{4}$  miles; thence, following the north fence of the Eidson farm in a westerly direction and across the Eidson Drive Road to the north fence of the Thompkins ranch, approximately  $\frac{1}{4}$  mile; thence, along the north fence of the Thompkins pasture in a westerly direction to a corner, approximately  $\frac{1}{4}$  mile; thence, south along same fence to a corner, approximately  $\frac{1}{2}$  mile; thence, following the north fence of Thompkins pasture in a westerly direction to the southeast corner of the Tom Bowles pasture, approximately  $\frac{1}{4}$  mile; thence, north along the east fence of Tom Bowles pasture in a northerly direction to a corner, approximately  $\frac{1}{8}$  mile; thence, following the north fence of the Tom Bowles pasture in a westerly direction to a corner, approximately  $\frac{1}{2}$  mile; thence, following the meanderings of the Eagle Pass City Vega fence in a northerly direction to where it intersects the south fence of the Jack Spence premises, approximately  $1\frac{1}{2}$  miles; thence, following the fence around the Jack Spence premises in a northeasterly direction to where it intersects the southeast corner of the Meyers Vega fence, approximately  $\frac{1}{2}$  mile; thence, following the east fence of the Meyers Vega fence in a northerly direction to where it intersects the south fence of the Mrs. Pascal De Bona pasture, approximately  $\frac{1}{2}$  mile; thence, following the south fence of the De Bona pasture in an easterly direction to where it intersects the Eagle Pass-Del Rio Highway, approximately  $\frac{3}{8}$  mile; thence, following the Eagle Pass-Del Rio Highway in a northerly direction to where it intersects the south fence of the Beer Joint trap, approximately  $9\frac{1}{4}$  miles; thence, following the south fence of the Beer Joint trap in a westerly direction to the southwest corner of the same, approximately  $\frac{1}{2}$  mile; thence, north along the west fence of the Beer Joint trap to where it intersects the C.P.&L. Power Plant Road, approximately  $\frac{1}{2}$  mile; thence, following the C.P.&L. Power Plant Road in a westerly direction to where it intersects the Maverick County main canal, approximately  $1\frac{1}{2}$  miles; thence, following the meanderings of this canal in a northerly direction to where it intersects the Maverick County quarantine fence, approximately 3 miles; thence, following this quarantine fence in a northwesterly direction to where it intersects the Everett Townsend ranch fence, approximately 9 miles; thence, following the east fence of the Townsend ranch in a northerly direction to where it intersects U.S. Highway No. 277, approximately  $\frac{3}{4}$  mile; thence, following U.S. Highway No. 277 in a northerly direction to where it intersects the Maverick-Kinney County line, approximately 6 miles.

(g) That portion of Kinney County lying west of the following-described line:

Beginning at a point where U.S. Highway No. 277 intersects the Maverick-Kinney County line, following U.S. Highway No. 277 in a northerly direction to where it intersects the Kinney-Val Verde County line at Sycamore Creek, approximately  $9\frac{1}{2}$  miles.

(h) That portion of Val Verde County lying south and west of the following-described line:

Beginning at a point where U.S. Highway No. 277 intersects the Kinney-Val Verde County line at Sycamore Creek, following U.S. Highway No. 277 in a northerly direction to the north corner of the W. L. Moody ranch silo pasture, adjacent to the Del Rio townsite, approximately  $4\frac{1}{2}$  miles; thence, following the Moody ranch north fence in a westerly direction to where it intersects the South Loop Road at a corner post, approximately 3 miles; thence, following the South Loop Road or city boundary line in a northerly direction to where it intersects the Southern Pacific Railroad, approximately  $3\frac{1}{4}$  miles; thence, following the Southern Pacific Railroad in a northerly direction to a point on the bank of the Rio Grande River known as the Hanging Rock of the Southern Pacific, approximately  $3\frac{1}{4}$  miles. (There is a narrow shelf, railroad bed width, extending from Hanging Rock to Devil's River that is not passable to livestock.)

(Sec. 2, 32 Stat. 792, Ch. 30, 45 Stat. 59; 21 U.S.C. 111. Interprets or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 120, 117, 112, 113, 123, 125)

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment includes certain additional portions of Texas within the area quarantined because of splenic or tick fever. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from or through such quarantined area, contained in 9 CFR Part 72, will apply thereto.

The amendment also excludes certain portions of Texas from the area quarantined because of that disease. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from such quarantined area, contained in 9 CFR Part 72, will not apply thereto. However, the other restrictions on the interstate movement of certain animals and materials because of that disease, contained in said Part 72, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of splenic or tick fever, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of August 1960.

B. T. SHAW,  
Administrator,  
Agricultural Research Service.

[F.R. Doc. 60-7265; Filed, Aug. 3, 1960; 8:53 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T, Supp.]

### PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

#### Maximum Loan Value; Margin Required for Short Sales

1. Effective July 28, 1960, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

##### § 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 30 percent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d)(3), as margin required for short sales of securities (other than exempted securities) shall be 70 percent of the current market value of each such security.

(c) *Retention requirement for general accounts.* In the case of a general account which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, the "retention requirement" of a registered security (other than an exempted security), pursuant to § 220.3(b)(2), shall be 50 percent of its current market value.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the Act.

(b) The notice and public procedure described in section 4(a) and 4(b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4(c) of such Act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2(e) of the Board's rules of procedure (Part 262 of this chapter).

(Secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 60-7219; Filed, Aug. 3, 1960; 8:46 a.m.]

**SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

[Reg. U, Supp.]

**PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS**

**Maximum Loan Value of Stocks**

1. Effective July 28, 1960, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

**§ 221.4 Supplement.**

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 30 percent of its current market value, as determined by any reasonable method.

(b) *Retention requirement.* For the purpose of § 221.1, in the case of a loan which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "retention requirement" of a stock, whether or not registered on a national securities exchange, shall be 50 percent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the Act.

(b) The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4(c) of such Act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2(e) of the Board's rules of procedure (Part 262 of this chapter).

(Secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,  
*Secretary.*

[F.R. Doc. 60-7220; Filed, Aug. 3, 1960; 8:46 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter III—Federal Aviation Agency**

**SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 415; Amdt. 186]

**PART 507—AIRWORTHINESS DIRECTIVES**

**Beech C45 Series Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification to certain Beech C45 Series aircraft was published in 25 F.R. 5106.

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) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**BEECH.** Applies to all Beech Model C45G, C45H, TC45G, and TC45H airplanes which have been converted from military status to civil certification.

Compliance required not later than October 1, 1960.

The emergency position switch of the electrical turn and bank indicator that bypasses the master switch arrangement contrary to CAR 3.688, must be removed. The live wire connected to the switch must be disconnected at the battery terminal and either removed from the airplane or carefully insulated and secured.

Passenger seats (P/N 734-183302) which partially block the emergency exit must be removed, relocated, or reversed to provide a clear and unobstructed opening as required by CAR 3.387. Two configurations of seat P/N 734-183302 were delivered to the military only one of which has been structurally substantiated for aft facing mounting. This seat can be identified by the triangular shaped closed rear leg formed from 2 sheets of .040 alal with a long stiffening bead on the outer face of the leg. FAA approval must be obtained for any modification of the seating arrangement, other than removing or reversing (if applicable) the obstructing seat.

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

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,  
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 60-7209; Filed, Aug. 3, 1960; 8:45 a.m.]

[Reg. Docket No. 463; Amdt. 185]

**PART 507—AIRWORTHINESS DIRECTIVES**

**Douglas DC-6 Series Aircraft**

AD 59-13-6, 24 F.R. 5635, was based on information contained in the manufacturer's service bulletin dated March 13, 1959. Subsequent to the adoption of AD 59-13-6, a corrected service bulletin was issued changing the applicability of such bulletin by deleting DC-6A aircraft Serial Numbers 44074 and 44075, DC-6B aircraft Serial Number 43742, and by adding DC-6 aircraft Serial Number 43152 and DC-6B aircraft Serial Number 43548 which are, however, not currently under U.S. registry. AD 59-13-6 is being amended by deleting aircraft Serial Numbers 44074 and 44075 from the applicability provision. However, this AD will not be applicable to aircraft Serial Numbers 43152 and 43548 until such time as application is made for recertification of the aircraft in the U.S. An appropriate note to this effect is contained in the AD.

Since this amendment constitutes a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

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

Amendment 30, AD 59-13-6, Douglas DC-6A and DC-6B aircraft as it appeared in 24 F.R. 5635, is amended:

1. By deleting DC-6A Serial Numbers 44074 and 44075 and DC-6B Serial Number 43742 from the applicability statement.

2. By changing the date of Douglas Service Bulletin DC-6 No. A-821 in the final parenthetical paragraph from March 13, 1959, to March 19, 1960.

3. By adding a note at the end thereof to read as follows:

Note: This AD is not presently applicable to aircraft Serial Numbers 43548 and 43152 since they are not currently under U.S. registry. However, compliance with this AD will be required at the time application is made for recertification of such aircraft in the U.S.

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,  
*Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 60-7210; Filed, Aug. 3, 1960; 8:45 a.m.]

**Title 19—CUSTOMS DUTIES**

**Chapter I—Bureau of Customs, Department of the Treasury**

[T.D. 55188]

**PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE**

**Notices of Probable Increased Duties**

Presently the form used by appraisers in notifying importers of probable increases varies from district to district and is reproduced locally. It has been determined that sufficient quantities of these forms are used annually to make centralized printing and distribution more economical and desirable. Therefore, customs Form 5555 has been designed for this purpose and § 8.29(c) of the Customs Regulations is amended by deleting "on such form as may be appropriate at the port, and specify" in the first sentence of the said provision and substituting therefor: "on customs Form 5555, specifying".

(R.S. 161, as amended, sec. 499, 46 Stat. 728, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1499, 1624)

[SEAL] RALPH KELLY,  
*Commissioner of Customs.*

Approved: July 27, 1960.

A. GILMORE FLUES,  
*Acting Secretary of the Treasury.*

[F.R. Doc. 60-7244; Filed, Aug. 3, 1960; 8:51 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Extension of Effective Date of Public Law 86-139 As It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86-139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The lists previously published in § 120.35 are amended by adding thereto the following item:

##### § 120.35 Extension of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

Magnesium chlorate... On sorghum (milo) as a desiccant and defoliant.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1969 were contemplated by the statute as a relief of restrictions on the agricultural industry.

**Effective date.** This order shall become effective on the date of signature. (Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86-139 (73 Stat. 288; 7 U.S.C. 135, et seq.))

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-7236; Filed, Aug. 3, 1960; 8:49 a.m.]

#### PART 121—FOOD ADDITIVES

##### Subpart A—Definitions and Procedural and Interpretative Regulations

##### EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R.

9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied. *It is ordered*, That the food additive regulations (24 F.R. 2434, 25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837) be amended by inserting in § 121.86 the following new items:

##### § 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that

no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemption from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
p-Aminobenzole acid	30 milligrams per day	Dietary supplement.
Betaine hydrochloride	100 milligrams per day	Do.
Citrus bioflavonoids (including hesperidin)	60 milligrams per day	Do.
Iron chlorophyllin	2.5 milligrams per day	Do.
Liver-stomach concentrate (with intrinsic factor complex)	125 milligrams per day	Do.
DL-Methionine	200 milligrams per day	Do.
Rutin	50 milligrams per day	Do.
Titanium dioxide	0.5 percent	As a pigment in capsules and tablets.
Menadione	1 milligram per day	Dietary supplement.
Menadione sodium bisulfite	1 milligram menadione per day	Do.
Copper (from copper sulfate, copper chloride cupric oxide)	10 milligrams copper per day	Dietary supplement.
Cobalt (from cobalt gluconate, cobalt sulfate, cobalt chloride, cobalt carbonate)	1.0 milligram cobalt per day	Do.
Iron (from ferrous fumarate)	115 milligrams iron per day	Do.
Iodine (from kelp, potassium iodide, potassium iodate)	0.7 milligram iodine per day	Do.
Nickel (from nickel sulfate)	1.0 milligram nickel per day	Do.
Boron (from sodium borate, boric acid)	0.03 milligram boron per day	Do.
Fluorine (from sodium fluoride, potassium fluoride, calcium fluoride)	0.5 milligram fluorine per day	Do.
Molybdenum (from sodium molybdate, molybdenum trioxide, molybdenum sesquioxide, ammonium molybdate)	2.0 milligrams molybdenum per day	Do.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

**Effective date.** This order shall become effective as of the date of signature. (Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-7231; Filed, Aug. 3, 1960; 8:48 a.m.]

#### PART 121—FOOD ADDITIVES

##### Subpart A—Definitions and Procedural and Interpretative Regulations

##### EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the

Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education and Welfare (23 F.R. 9500, 25 F.R. 5611), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837, 3525) is amended by adding thereto the following items:

##### § 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of one year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
Acetone	30 parts per million	As a residual solvent in manufacture of spice oleoresins.
Butoxy polyethylene polypropylene glycol, 2500-2600 molecular weight.	2 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.

Product	Limits	Specified uses or restrictions
Disodium calcium ethylenediamine tetraacetate dihydrate.	35 parts per million..... 110 parts per million.....	As a sequestrant in carbonated beverages As a sequestrant in nonstandardized dressings. Do.
Disodium dihydrogen ethylenediamine tetraacetate dihydrate.	100 parts per million..... 200 parts per million.....	As a sequestrant in vinegar.
Disodium ethylenediamine tetraacetate.....	.....do.....	As a sequestrant in trace mineral-fortified animal feeds.
Fucellaria fastigiata, aqueous extract of.....	.....do.....	As a gum used in foods.
Hexane.....	25 parts per million.....	As a residual solvent in manufacture of spice oleoresins.
Hydrocarbon oil (deodorized), kerosene aliphatic type.	30 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.
Isopropanol.....	50 parts per million.....	As a residual solvent in manufacture of spice oleoresins.
Methanol.....	.....do.....	As a residue in processed olives and olive oil.
Methylene chloride.....	30 parts per million.....	As a constituent of coating on fruits and vegetables.
N-Monomethylamide of <i>o</i> , <i>o</i> -dimethylthiophosphoryl-acetic acid.	1.0 part per million.....	As a defoaming agent in manufacture of beet sugar.
Morpholine.....	3 parts per million.....	As a solubilizing agent in pickles.
Polyethylene glycol 400 tallow diester.....	3 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.
Polyethylene glycol 800 ester of cottonseed oil fatty acids.	500 parts per million.....	As a defoaming agent in manufacture of beet sugar.
Polyethylene glycol ester of mixed fatty acids from tall oil (abietic, oleic, linoleic), average molecular weight 1050.	2 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.
Polypropylene glycol, average molecular weight 2000.	.....do.....	In smoked, cured fish as a preservative.
Sodium nitrate or a combination of sodium nitrate and sodium nitrite.	200 parts per million, as sodium nitrite.	In meat-curing salt under directions for use that will result in residues of not more than 200 parts per million, calculated as sodium nitrite, in home-cured meat.
Do.....	.....do.....	As a defoaming agent in manufacture of beet sugar.
Soybean and cottonseed fatty acids (palmitic, stearic, oleic, linoleic, linolenic, myristic)	25 parts per million.....	As a residual solvent in manufacture of spice oleoresins.
Trichloroethylene.....	30 parts per million.....	As a residual solvent in manufacture of spice oleoresins.

Cyclohexanone and formaldehyde condensate.  
*N*-Cyclohexyl *p*-toluene sulfonamide.  
 Diethyleneglycol hydrogenated tallowate, monoester.  
 Dimethyl formamide.  
 Dinonylphenol.  
 Diphenyl and terphenyl, hydrogenated.  
 Ethylene dichloride.  
 di-(2-Ethylhexoate).  
 di-2-Ethylhexyl adipate.  
 2-Ethylhexyldiphenylphosphate.  
 Ethyl-*p*-hydroxybenzoate.  
 Ferric chloride.  
 Fish glue.  
 Formaldehyde-reacted starch.  
 Formaldehyde *o*- and *p*-toluene sulfonamide.  
 Furfural.  
 Furfuryl alcohol.  
 Glyceryl borate, modified (glycol borate resin).  
 Glyceryl monohydroxy stearate.  
 Glyceryl monohydroxytallowate.  
 Hydroquinone monobenzyl ether.  
 di-Isodecyl adipate.  
 di-Isobutyl phthalate.  
 di-Isodecyl phthalate.  
 4,4'-isopropylidenediphenol (polybutylated) mixture.  
 Japan wax.  
 Lauryl pyridinium salt of 5-chloro-2-mercaptobenzothiazole.  
 Limed wood resin.  
 Magnesium oxide.  
 Manganese acetate.  
 Melamine-formaldehyde.  
 Methyleneethyl ketone and formaldehyde condensate.  
 1-Methyl-2-hydroxy-4-isopropyl benzene.  
 Methyl salicylate.  
 Monochlorobenzene.  
 Myristochromic chloride.  
 di- $\beta$ -Naphthyl-*p*-phenylenediamine.  
 2-Nitropropane.  
 Nonyl phenolethylene oxide condensates (with 40 mols ethylene oxide).  
 di-*n*-Octyldecyl adipate.  
 Octyldecyl phthalate.  
 Octylphenol.  
 Octylphenoxyethanols.  
 Paraffin wax (70% chlorinated).  
 Petroleum hydrocarbon resins manufactured by copolymerization of dienes and olefins from low boiling cracked petroleum stocks.  
 Phenyl- $\beta$ -naphthylamine (free of  $\beta$ -naphthylamine).  
*o*-Phenylphenol.  
 $\beta$ -Pinene, polymerized.  
 $\beta$ -Pinene, resin.  
 Pine oil.  
 Polyethylene glycol 400 stearate.  
 Polyethylene glycol 600 dioleate.  
 Polyethylene glycol 600 oleate.  
 Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with vegetable oils (soybean, linseed, castor, coconut), benzoic acid, rosin, styrene, vinyl toluene.  
 Polyoxyethylated nonyl phenol.  
 Polypropylene glycol 1200.  
 Polyvinyl ethyl ether.  
 Polyvinyl pyrrolidone.  
 Potassium permanganate.  
 Potassium sodium tartrate.  
 Potassium tripolyphosphate.  
 Propylene glycol monolaurate.  
 Quaternary ammonium chloride (hexadecyl, octadecyl, octadecenyl derivative).  
 Salicylic acid.  
 Sodium chlorite.  
 Sodium  $\alpha$ -naphthalene sulfonate.  
 Sodium chromate.  
 Sodium heptadecyl sulfate.  
 Sodium hypochlorite.  
 Sodium mercaptobenzol.  
 Sodium pentachlorophenate.  
 Sodium polystyrene sulfonate.  
 Stearic acid.  
 Stearyl dimethyl-benzyl ammonium chloride.]

2. Section 121.87 (25 F.R. 1727, 1772, 2203, 2395, 3526, 4079, 4505, 5339) is amended by adding to paragraphs (a) and (c) the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in con-

nection with the production, packaging, and storage of food products, under certain specified conditions for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) General list. \* \* \*

Product	Limits	Specified uses or restrictions
Gum rosin.....	.....do.....	In cotton bagging for dry food packaging. In milk-processing equipment.
Nylon resin (polyhexamethylene adipamide), average molecular weight 18,000.	.....do.....	Do.
Nylon resin (polyhexamethylene sebacamide, average molecular weight 18,000).	.....do.....	Do.
Polyvinyl alcohol and polyvinyl alcohol with melamine formaldehyde resin.	Not to exceed 1.2 parts per million in milk.	From use as binders in fiber milk-filter discs.
Polyethylene glycol 200 diacetate.....	.....do.....	As a constituent of defoaming agent used in manufacture of food-packaging materials.
Sodium alkyl (tertiary butyl; tertiary amyl; isopropyl and ethyl; hexyl, heptyl and octyl) benzene sulfonates.	.....do.....	In coating and adhesives used in food packaging.
Sodium <i>O</i> -phenyl phenate.....	.....do.....	As a constituent of defoaming agent used in manufacture of food-packaging materials.

(c) Substances migrating from adhesives used in food packaging.

*N*-Acetylanthranolamine.  
 Aminomethylpropanol.  
 Ammonium borate.  
 Ammonium sulfamate.  
 2,5-di-*tert*-Amylhydroquinone.  
 Antimony oxide.  
 Balata rubber.  
 Barium peroxide.  
*p*-Benzoyloxyphenol.  
 Bisphenol A (polybutylated) mixture.

di-Butoxy ethyl phthalate.  
 Butoxy polypropylene glycol.  
 di-Butylmaleate.  
 Butyldecylphthalate.  
 4,4-thiobis-6-*tert*-Butyl-*m*-cresol.  
 2,6-di-*tert*-Butyl-4-methylphenol.  
 Butyloctyl phthalate.  
 Butylphthalyl butylglycolate.  
 Butyl rubber dispersion.  
 Butyl titanate (polymerized).  
 Calcium nitrate.  
 Chlorinated rubber (natural rubber containing approximately 67% chlorine).  
 tri- $\beta$ -Chloroethyl phosphate.  
 Cresyldiphenylphosphate.

Styrene-butadiene rubber.  
Styrene with maleic anhydride copolymers.  
Sulfated rice bran oil.  
Sulfur.  
Tall oil.  
Tallow, sulfated.  
Tetrahydro furfuryl alcohol.  
o- and p-Toluene sulfonamide.  
1,1,1-Trichloroethane.  
Triethyleneglycol di-(2-ethyl) hexoate.  
Triethylphosphate.  
Triphenylphosphate.  
Trisodium ethylenediaminetetraacetate monohydrate.  
Zeln.  
Zinc acetate.  
Zinc ammonium chloride.  
Zinc chloride.  
Zinc dibutylidithiocarbamate.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

**Effective date.** This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-7234; Filed, Aug. 3, 1960;  
8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Foods For Human Consumption

#### CALCIUM DISODIUM ETHYLENEDIAMINETETRAACETATE; PERMITTED ADDITION TO CERTAIN FOODS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dow Chemical Company, Midland, Michigan, and other relevant material has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive calcium disodium ethylenediaminetetraacetate. Therefore, pursuant to the provisions of the act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (24 F.R. 9500, 25 F.R. 5611): *It is ordered*, That subpart D be amended by adding thereto the following new section:

§ 121.1017 Calcium disodium ethylenediaminetetraacetate (calcium disodium (ethylenedinitrilo) tetraacetate; calcium disodium EDTA).

The food additive calcium disodium ethylenediaminetetraacetate may be used as a preservative in sandwich spread, nonstandardized dressings and sauces, and as an antigushing ingredient in fermented malt beverages in accordance with the following prescribed conditions:

(a) The additive contains a minimum of 99.0 percent by weight of the dihydrate  $C_{10}H_{12}O_8N_2 \cdot CaNa_2 \cdot 2H_2O$ .

(b) It is used or intended for use in the following foods at not to exceed the levels indicated, calculated as the anhydrous compound:

	Parts per million
Fermented malt beverages-----	25
Nonstandardized dressing and sauces--	75
Sandwich spread-----	100

(c) To insure safe use of the additive, the label and labeling of the food additive shall bear, in addition to the other information required by the act:

(1) The name of the additive, calcium disodium ethylenediaminetetraacetate, or, in lieu thereof, the proposed common name calcium disodium EDTA, followed by the chemical name in parentheses.

(2) Adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section:

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-7235; Filed, Aug. 3, 1960;  
8:49 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### Myakka River, Florida

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (i) (3) to change the name of the river to Myakka River and to exclude the highway drawbridge across Myakka River near Charlotte Beach, Fla., the bridge having been removed from the waterway, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* \* \* \* (3) Myakka River, Fla.; railroad drawbridge near Charlotte Beach. At least 36 hours' advance notice required.

[Regs., July 25, 1960, 285/91 (Myakka River, Fla.)—ENG CW-0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 60-7205; Filed, Aug. 3, 1960;  
8:45 a.m.]

## PART 203—BRIDGE REGULATIONS

### White River, Arkansas

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.560 is hereby amended with respect to paragraph (f) (20) to change the name of the recipient of the notice to open the Missouri Pacific Railroad Company bridge across White River near Augusta, Ark., as follows:

§ 203.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(f) *Lower Mississippi River.* \* \* \*

(20) White River, Ark., Missouri Pacific Railroad Company bridge near Augusta. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice for openings on Saturday and Sunday. Notice to be given to the Dispatcher, Missouri Pacific Lines, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

[Regs., July 20, 1960, 285/91 (White River, Ark.)—ENG CW-0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 60-7206; Filed, Aug. 3, 1960;  
8:45 a.m.]

## Title 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

## PART 4—OPERATIONS AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

### Determination of Excessive Draft

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR

4.11 as adopted by Canal Zone Order 30, January 6, 1953 (18 F.R. 280), § 4.3a *Termination of excessive draft* of such title is revoked.

Issued at Balboa Heights, Canal Zone, July 19, 1960.

[SEAL] W. A. CARTER,  
Governor.  
[F.R. Doc. 60-7230; Filed, Aug. 3, 1960;  
8:48 a.m.]

## Title 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONU- MENTS

##### Lake Mead National Recreation Area, Nevada; Mineral Leasing

The following reference is added at the end of § 7.48, Chapter I, Title 36, CFR.

##### § 7.48 Lake Mead National Recreation Area.

REFERENCE: Leases for minerals in lands withdrawn for reclamation purposes within Lake Mead National Recreation Area are subject to the laws and regulations of the Bureau of Land Management as set forth in § 199.70 through and including § 199.81, Chapter I, Title 43, Code of Federal Regulations.

This reference is published herewith so that the public may be informed that such has been and is the case since August 10, 1955.

CHARLES A. RICHEY,  
Superintendent,

Lake Mead National Recreation Area.  
[F.R. Doc. 60-7225; Filed, Aug. 3, 1960;  
8:47 a.m.]

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

##### PART 73—BIOLOGIC PRODUCTS

##### Additional Standards for Poliomyelitis Vaccine

On June 25, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER proposing two amendments to the Additional Standards for Poliomyelitis Vaccine. One amendment corrects a technical error and permits the omission under certain conditions of the filtration process during inactivation of the virus. The other amendment prohibits the release of any lot unless it is one of a series of five consecutive lots, all of which have shown negative results with respect to the presence of live polio virus. Views and arguments respecting

the proposed amendments were invited to be submitted and notice was given of intention to make such amendments effective upon their publication in the FEDERAL REGISTER.

One manufacturer submitted comments expressing agreement in principle with the proposed amendments. After consideration it has been determined that no further changes are indicated. Accordingly, the following amendments to Part 73 of the Public Health Service Regulations are hereby adopted to become effective on the date of publication in the FEDERAL REGISTER.

1. The last sentence of § 73.101(d) is amended to read as follows: "Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated base-line time (time at which the 50 percent end-point reaches one tissue culture infective dose per milliliter), but prior to sampling for the first single strain tissue culture test required in § 73.102(b), except that this filtration may be omitted for strains of a virulence for monkeys equal to or less than that of the MEF-1 Type 2 strain of poliovirus."

2. The last sentence of § 73.104(a) is amended to read as follows: "In addition, no lot of final vaccine shall be released unless it is one of a series of five consecutive lots produced by the same manufacturing process, all of which have shown negative results with respect to all tests for the presence of live poliovirus, and unless each of the monovalent pools of which a polyvalent final vaccine is composed similarly is one of a series of five consecutive monovalent pools of the same type of inactivated poliovirus, all of which have shown negative results in all tests for the presence of live poliovirus."

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply section 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: July 22, 1960.

[SEAL] L. E. BURNEY,  
Surgeon General.

Approved: July 28, 1960.

PARKE M. BANTA,  
Acting Secretary.

[F.R. Doc. 60-7240; Filed, Aug. 3, 1960;  
8:50 a.m.]

## Title 45—PUBLIC WELFARE

### Subtitle A—Department of Health, Education, and Welfare, General Administration

#### PART 13—ALLOCATION AND UTILI- ZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DE- FENSE PURPOSES

##### Donations

Section 13.5 *Donations of personal property*, of Part 13, Title 45 CFR is hereby amended by striking out the references to "§ 13.8" and "§ 13.9" each time they appear in paragraphs (a), (c), and

(d), and substituting therefor "§ 13.9" and "§ 13.10" respectively.

Dated: July 29, 1960.

[SEAL] PARKE M. BANTA,  
Acting Secretary.

[F.R. Doc. 60-7239; Filed, Aug. 3, 1960;  
8:50 a.m.]

#### PART 13—ALLOCATION AND UTILI- ZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DE- FENSE PURPOSES

##### Terms and Conditions Applicable to Transfers or Retransfers of Donable Property

F.R. Doc. 60-6560, published July 14, 1960, the word "respect" in the second line of the third column on page 6622 (in the second sentence of § 13.9(a)(4)) is changed to read "receipt".

Dated: July 29, 1960.

[SEAL] PARKE M. BANTA,  
Acting Secretary.

[F.R. Doc. 60-7238; Filed, Aug. 3, 1960;  
8:50 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 12116; FCC 60-967]

#### PART 4—EXPERIMENTAL, AUX- ILIARY, AND SPECIAL BROADCAST SERVICES

##### Operation of Low Power Television Broadcast Repeater Stations

1. On December 2, 1959, the Commission adopted a notice of further proposed rule making in the above-entitled matter (FCC 59-1211) setting forth proposed rules to govern the operation of low power TV broadcast translators in the VHF television bands and certain other modifications of the present rules governing such operation in the UHF television band. This proceeding was instituted pursuant to requests for reconsideration of the Commission's decision of December 30, 1958, in this same Docket (FCC 58-1255) which declined to provide for the licensing of low power TV repeater devices in the VHF television bands. Interested parties were given until January 11, 1960, to file comments on the proposed rules and until January 21, 1960, to file replies to those comments.

2. The Commission has always been concerned with the problem of bringing television service to all sectors of the nation, both in large cities and in sparsely settled regions. One of our basic functions under section 1 of the Communications Act is to regulate interstate commerce in radio communication "so as to make available, so far as possible, to all the people in the United States, a rapid, efficient, nation-wide \* \* \* radio communication service". As the United States Court of Appeals has said (C.J.

Community Services, Inc. v. F.C.C., 246 F. 2d 660), "it is the clear duty of the Commission to devise through its rule making authority, the basis upon which 'all the people of the United States' may receive service through a licensed station". Much of our time in the past few years has been spent on this problem and on efforts to resolve it in a manner consistent with our overall responsibilities under the Communications Act. In view of the very limited availability of VHF channels and because VHF channel assignments have virtually saturated these channels under the standard requirements for minimum geographic separation, the Commission determined in 1956 to authorize a new type of service—UHF translators—as an additional means of providing service to sparsely settled areas. Nonetheless, the Commission, still responsive to petitions by proponents of VHF repeaters, continued its study of the problems involved in the licensing of such a service under standards and conditions reduced to the barest minimum consistent with the need for protection against interference to other television services. UHF translator facilities were still found to be the most satisfactory method of bringing television service to sparsely settled regions. Coincident with this determination, made on December 30, 1958, the Commission issued a public notice calling for the gradual termination of operation of existing unlicensed VHF repeaters or their conversion to licensed operation under the UHF translator rules. To remove a legal obstacle to the licensing of such facilities in the event the interference problems in VHF operations were resolved, the Commission proposed to the Congress in June 1959, the enactment of legislation to amend section 319 of the Communications Act so as to eliminate obstacles to the licensing of facilities the construction of which was started prior to the issuance of a construction permit. Thereafter, the Commission continued its examination of the problems associated with the licensing of low power repeater stations in the VHF band and endeavored to re-evaluate these problems in the light of the foreseeable advantages and disadvantages which might flow from the licensing of VHF translators under a number of alternative sets of technical and operating conditions. This culminated in the adoption on December 2, 1959, of a notice of further proposed rule making with reference to the licensing of low power VHF translators. We indicated therein that it was obvious that the more restricted and rigid were technical and operating requirements to be drawn, the greater protection they would afford against the interference and other undesirable results which might flow from the licensed operation of repeaters in the VHF band. We also recognized that the more such requirements were to be relaxed, the lower would be the costs of construction and installation of new equipment and of conversion of existing facilities to licensed operation. Our proposed rules endeavored to seek a balance between extremes and reflected our view as to such a balance. We recognize, from our own long-term study of this matter and from the comments sub-

mitted by interested parties, that there exists today no obvious and simple solution to the problems involved in licensing operation of VHF translators. We are still of the opinion that the extremely limited availability of VHF channels for all broadcasting contains within itself a substantial deterrent to the ability of VHF translators, as against UHF translators, to serve as a broad vehicle for providing service to sparsely settled areas. Nonetheless, we are persuaded to the view that the licensed operation of VHF translators under the rules and restrictions adopted herein would be in the public interest as another technique by which television service may be brought to more and more of our nationwide population.

3. Section 4.701-4.784 will apply at the outset only to new VHF translators. There are reported to be several hundred unauthorized TV "repeaters" now in operation. The exact number is not known. These devices were installed and placed in operation without prior authority of the Commission. Under section 319 of the Communications Act the Commission could not license their operation. On July 7, 1960, an amendment to the Act removed this bar to the licensing of TV repeaters constructed on or before that date. The Commission recognizes that VHF repeaters then in operation will need a reasonable opportunity to request and obtain authorization to modify equipment now in use and to bring it into compliance with all regular requirements for the operation of VHF translators. This opportunity will be afforded on the following basis, which is provided for in § 4.790 of the rules adopted herein. No later than October 31, 1960 application must be made to the Commission for temporary authority to continue to operate the station. The Commission proposes to issue such authorizations upon the receipt of applications containing the basic information called for on FCC Form 347-A which will be issued shortly, and which is designed to insure that the basic statutory requirements are met. These include the requirement that written consent be obtained from the station whose programs are being rebroadcast (section 325(a) of the Communications Act) and the prohibition against issuance to aliens of a license for operation of a radio transmitter (section 310 of the Act). The temporary authorizations which it is proposed to issue upon the receipt and approval of applications so filed will permit the continued operation of existing devices until October 31, 1961. On or before that date all necessary steps must be taken to meet the requirements established in §§ 4.701 through 4.784 of the rules which contain the requirements applicable immediately to new VHF translators (i.e., all VHF translators which were not constructed on or before July 7, 1960). Additionally, existing stations eligible to obtain temporary authorization, under § 4.790 of the rules, for continued operation with their present equipment must, on or before February 1, 1961, file with the Commission an application for authorization to construct a station or modify existing

equipment so as to comply with all of the requirements of §§ 4.701 through 4.784 of the rules. The legislation specifically empowering the Commission to license VHF repeater devices installed prior to an issuance of a construction permit applies only to repeaters constructed on or before July 7, 1960. Accordingly, no modification or new installation should be made until after the Commission has issued a construction permit authorizing it.

*Impact of TV translators on TV broadcasting stations.* 4. Most of the comments filed by licensees of television broadcast stations or organizations representing the broadcasting industry, expressed grave concern about the economic impact of TV translators on regular TV broadcast stations, particularly those operating in the smaller markets. Northeastern Pennsylvania Broadcasting, Inc., licensee of WNEP-TV, Channel 16, Scranton-Wilkes-Barre, Pennsylvania, avers that the unrestricted use of VHF translators in areas now served by UHF television broadcast stations poses an economic threat to UHF television stations. Where such translators would bring in the programs of distant VHF stations, the local station would be deprived of audience and advertising revenue. Although not unequivocally opposed to the authorization of VHF translators, Northeastern urges that VHF translators be excluded from the calculated Grade B service area of any UHF television broadcast station. Springfield Television Broadcasting Corporation, licensee of UHF television broadcast stations, WWLP, Channel 22, Springfield, Massachusetts, WRLP, Channel 32, Greenfield, Massachusetts, and WWOR, Channel 14, Worcester, Massachusetts, and also authorized to operate several UHF translators in Massachusetts and New Hampshire, likewise points out the serious economic effect that could result from the indiscriminate use of VHF translators in areas served by UHF television broadcast stations. Springfield cites its successful experience with UHF translators and is convinced that they are capable of providing good TV service to small remote communities. Springfield is not greatly concerned with the impact of UHF translators on UHF television broadcast stations since the diversion of audience which might result is offset to some extent by the stimulation of UHF receiver procurement which results in an overall increase in the potential UHF audience. Springfield contends that the Commission properly disposed of all arguments for VHF television repeaters in earlier proceedings and should not now revise its former position. If the Commission does so, Springfield urges that we at least forbid their use within the Grade B service areas of UHF television broadcast stations.

5. The concern about economic impact is not limited to UHF television station licensees. KLIX Corporation, licensee of KLIX-TV, Channel 11, Twin Falls, Idaho; Frontier Broadcasting Company, licensee of KSTF, Channel 10, Scottsbluff, Nebraska; the Curators of the University of Missouri, licensee of KOMU-

TV, Channel 8, Columbia, Missouri; and the Association of Maximum Service Telecasters (AMST) all stress the importance of keeping VHF translators out of the service areas of existing TV broadcast stations. They feel that the diversion of audience and the duplication of programs carried by the local TV stations or the bringing in of programs from distant TV stations which might otherwise be carried by the local station would seriously impair their ability to obtain advertising revenue.

6. In reply comments, Washington State TV Reflector Association (WSTRA) argues that the Commission considered the matter of economic impact of TV translators in Docket No. 12443 and concluded that the problem could best be handled on a case-by-case basis. Insofar as the impact of VHF translators on UHF television broadcast stations is concerned,WSTRA asserted that the public must be permitted to decide whether it will watch a UHF television station or a VHF translator.WSTRA opposes any rule which would prohibit the use of VHF translators within the service area of a UHF station on the grounds that such a rule would allow the operator of a community antenna system to place an inferior UHF station in operation in a given area merely to prevent the use of TV translators and thereby deprive the public of the better programs that could be brought in by the translator. Van Curler Broadcasting Corporation, licensee of WAST-TV, Channel 13, Albany, New York, is opposed to an absolute prohibition against the use of VHF translators in areas served by 2 or more VHF television broadcast stations as was suggested by the Curators of the University of Missouri. Van Curler describes a coverage problem in Albany, New York, and feels that a VHF translator might offer a solution. Since Albany is served by 3 VHF stations, including WAST-TV, such a prohibition would prevent their using a VHF translator, KUTV, Inc., licensee of KUTV, Channel 2, Salt Lake City, Utah, would prohibit the duplication of programs carried by a local TV broadcast station. Tri-State TV Repeater Association, Livingston, Montana, disputes the claims that VHF translators would have an adverse economic effect on local TV broadcast stations. Tri-State argues that a TV broadcast station licensee would not grant permission for the rebroadcast of its programs by a TV translator operating in an area served by a local TV broadcast station.

7. The matter of economic impact said to be exerted upon regular TV stations by translators was studied in great detail in Docket No. 12443. There are two areas of public interest involved and in some cases they may not be compatible. The economic welfare of TV broadcasting stations is certainly a matter of public interest. The availability of more than one TV service is also a matter of public interest. As between TV broadcast stations, competition is generally to be encouraged because it usually results in better programming. On the other hand, competition for audience between a TV broadcast station representing a

substantial investment and operating under strict technical requirements and a TV translator representing a modest investment and required to observe only minimal standards, may present problems. We have, however, found no way to write a rule of general applicability which would not be arbitrary. The only feasible way of meeting the problem is to consider each case on its merits. Applications for TV translators are listed in Public Notices issued by the Commission. Any interested party may oppose or file a protest to the grant of such an application under the procedures set forth in the Commission rules. TV station licensees who believe that the grant of a specific application would cause economic injury are privileged to state their opposition prior to the grant of an application. We have added a paragraph to § 4.732 which provides 30 days for the filing of comments before action is taken by the Commission. This, we believe, will prove to be a workable method for assessing the merits in individual cases. Therefore, we reject proposals which would by rule automatically restrict the use of TV translators because of the existence of a local TV station or stations.

*Impact on the development of UHF television equipment.* 8. Outright opposition to the licensing of VHF translators was expressed by Jerrold Electronics Corporation and Adler Electronics, Inc. Both of these parties, who are engaged in the manufacture of electronic equipment, say that although UHF translators as well as community antenna systems and "satellite" television broadcast stations have proved that they provide suitable and adequate means of bringing television reception to remote areas, the growing use of illegal TV repeaters and the uncertainty as to whether they would be licensed, has seriously retarded the full development of UHF transmitting and receiving equipment and has interfered with the installation of CATV systems and TV satellite stations. Jerrold refers to the development of a 1-watt UHF translator by Adler Electronics, Inc., which could be sold for \$1,000 and to their own development of a UHF converter-antenna package which a receiver-owner could purchase for \$25. These devices cannot be put into mass production so long as there is a threat of widespread VHF translator operation. Jerrold also states that the development of complete UHF broadcasting station package which would sell for as little as \$65,000 has been slowed by the VHF "repeater" threat and would probably be abandoned if VHF translators are authorized. Jerrold recognizes the difficulty involved in eliminating the present illegal VHF "repeaters", and proposes that these stations be given non-renewable 5-year licenses, within which period they would abandon the VHF operation and obtain service either by means of UHF translators, CATV systems, or "satellite" TV stations.

9. Adler Electronics, Inc., disputes the allegations that UHF translators have proven inferior to VHF operations. Adler does not deny that "shadowing" is

somewhat more pronounced at UHF than it is at VHF but avers that the impression created by proponents of VHF translators that VHF is virtually immune from "shadowing" is erroneous. Adler states that the more rapid attenuation of UHF signals with distance is an advantage, not a disadvantage. This characteristic reduces the interference range of a UHF translator greatly without seriously affecting its service range. The fact that over 250 UHF translators are operating successfully, chiefly in the rugged mountainous terrain of the far West and are providing reception superior to that provided by most VHF "repeater" installations, and that many communities which started with a single UHF translator have since obtained a second and third UHF translator, is living proof that UHF can do the job. Adler claims that the comparisons of cost made by the proponents of VHF translators are not fair. Present UHF translator equipment is designed for higher technical standards and higher power than the VHF equipment which is being used. The cost of UHF equipment made to lower standards and for lower power would compare favorably with similar VHF equipment. Adler goes on to say that if VHF equipment is not permitted to dilute the market, they will:

(1) Release from their development laboratories, equipment using newer techniques and in sufficiently large quantities to reduce the installation and operating costs of UHF translators while at the same time giving improved performance.

(2) Release for production a quantity of 1-watt UHF translators involving techniques for large quantity production which will permit it to be sold for no more than a VHF translator of equal performance.

(3) Speed up development now under way of a low-cost-all-UHF TV receiver with acceptable performance.

(4) Speed up development of a \$20 UHF to VHF converter with antenna, for owner installation.

Adler urges that we decline to adopt the proposed rules but permit existing VHF "repeaters" to operate for no more than 5 years on a non-interference basis; that we require all future TV "repeaters" to operate on UHF channels; that we relax the present UHF translators rules further for translators employing 1 watt or less power, that we promulgate rules for a low-power TV broadcast service.

10. In reply commentsWSTRA disputes claims by Adler and Jerrold that suitable UHF equipment can be developed or that such development depends upon a UHF "monopoly."WSTRA says that the demand for a "monopoly" proves that UHF is not as good as VHF and if it is ever proved that UHF can do the job as well and as economically as VHF, there will be no opposition to the use of UHF.WSTRA claims that UHF has proven unsatisfactory at Quincy and Manson, Washington. Quincy, they say, has spent thousands of dollars in an effort to make UHF work and are now considering scrapping their UHF investment and going back to VHF. R. W.

Gibson, attorney for Quincy Valley T-V, Inc., who operate 3 UHF translators at Quincy, Washington, filed a statement in this proceeding reporting that the 3 UHF translators at Quincy, which have been in operation for 8 months, are providing better picture quality, fewer maintenance problems, and fewer interruptions to service than the VHF equipment previously used. They state that although the initial cost of the UHF equipment was higher than the VHF equipment which it replaced, the additional cost is more than offset by the superior performance of the UHF equipment.

11. We have carefully considered the problem of the possible impact of VHF translator operation on the development of the UHF translator service and equipment. While we recognize that prohibiting VHF repeaters may create a market for many more UHF receivers and translators and might encourage improvement in receivers and reduce costs of UHF translator equipment, such a step might result in the loss of service to many very small communities which cannot afford the present UHF equipment. For this reason we are willing to permit the continued use of VHF equipment under carefully limiting conditions. However, in our view there are sufficient advantages to the UHF operation to eliminate any fears that the authorization of VHF operation will have a significantly adverse effect on the present or future growth of the UHF translator operations.

12. We have elsewhere in this document discussed the problem of interference which is inherent in the VHF operation but does not exist in the UHF. As a result, the room for expansion in the former is very limited while in the latter it is much greater. For this reason alone a totally satisfactory VHF repeater system cannot develop in the VHF band. UHF further offers the superiority of pictures relatively free from man-made and electrical noise and subject to very little "ghosting". Because of the lesser probability of interference the UHF can use greater power and so offers the opportunity for wider coverage. In many instances the UHF permits the use of simple and inexpensive receiving antennas as compared to the VHF where signals are of a very low level. Finally the UHF translators may eventually develop into a regular low power local broadcast service. We are at present considering petitions which would authorize UHF translators to originate local programs. Such a development is technically possible in the UHF because of the larger availability of channels, but would not be possible in the VHF band because the VHF channel assignments already made have virtually saturated the 12 VHF channels. In view of these inherent advantages to the UHF translator operations we reject those proposals which would prohibit the operation of VHF translators because of the alleged threats to the UHF translator service.

13. Many of the comments filed that suggested changes or deletion of certain of the proposed rules which appear to reflect misunderstanding of the reasons for the rules. In the following paragraphs we discuss the reasons for the

proposed rule, the comments that were filed, and our decision with respect thereto.

*Section 4.701—Definitions.* 14. Section 4.701 defines the kinds of stations covered by the proposed rules and certain terms used in the rules. The comments made with respect to this rule suggested definitions for other kinds of stations which would then be treated specifically in the appropriate sections of the rules. Washington State TV Reflector Association (WSTRA) and E.A.O.-TV, Entiat, Washington, asked that a definition be added for amplifying "boosters," i.e., devices which merely receive, amplify, and retransmit signals on a single channel, and that provision be made for this type of apparatus. Television Montana (KLXF-TV, Butte, Montana), proposed definitions which would subdivide VHF television translators into classes based upon the power output and that reduced technical requirements be placed upon the lower power classes. Three subdivisions were proposed, i.e.,  $\frac{1}{2}$  watt or less, 1 watt, and more than 1 watt.

15. In paragraph 7 of the notice of proposed rule making, the Commission set forth reasons why it did not consider that the licensing of co-channel "booster" amplifiers would be in the public interest. The parties proposing that such devices be permitted offered no reasons or engineering data to show that our original conclusion was incorrect. We find no reason to reverse that conclusion.

16. The proposal to subdivide VHF translators into power classes, is, we think, without merit. The reduction in interference capability or range of a  $\frac{1}{2}$  watt transmitter over that of a 1-watt transmitter is not substantial enough to warrant further relaxation of the technical requirements and the authorization of powers in excess of 1 watt, even with stricter technical standards, is not feasible for reasons discussed below in relation to § 4.735.

*Section 4.702—Frequency assignment.* 17. This rule relates to frequencies which may be used by VHF and UHF translators and the conditions which shall be observed in selecting a frequency. UHF translators are required to observe the minimum geographic separations which regular TV broadcast stations are required to observe. Since they observe the standard separations and operate with relatively low power the likelihood of interference to or from regular UHF TV stations is negligible. Consequently, they enjoy a form of exclusivity in the use of UHF channels. Furthermore, the greater availability of UHF channels and the more limited range of potential interference of UHF signals diminishes the likelihood of interference between UHF translators. There are only a few widely scattered places in the country where new VHF channel assignments could be made at the standard geographic separations. Relatively few communities which might wish to operate a TV translator would fall in these places. Consequently, VHF translators are not required to observe the standard geographic separations with regular TV stations. Nonetheless, regular TV broad-

cast stations must be fully protected against interference from TV translators. To do otherwise would jeopardize the service which provides the signals used by TV translators. Therefore, any use of VHF channels by TV translators is strictly secondary to the use of such channels by TV stations and the operator of a VHF translator must eliminate any interference caused to the direct reception of TV broadcast stations. This requirement limits the availability of VHF channels because in most cases, both VHF and UHF translators will be using the signals of VHF television stations for retransmission. Obviously, the channels used for reception cannot be used for retransmission and this means that in most cases each VHF translator will preempt 4 channels in a community: the input channel, the output channel, and the channels adjacent to the output channel. The few remaining VHF channels cannot be assigned to any single VHF translator on an "exclusive" basis and no VHF translator acquires "prior rights" by virtue of its use of a VHF channel. Any attempt by the Commission to administer these rules on such a basis would result in costly and time-consuming hearings, interminable delays, and an administrative burden grossly disproportionate to any possible advantage of such an approach.

18. Video Utility Company, Spokane, Washington, and Adler Electronics, Inc., New Rochelle, New York, requested that the entire UHF television band be made available for UHF translator operation. Except for a few cases, the present 14 UHF channels have been adequate to meet the needs of UHF translators. The upper 14 UHF channels were originally selected because they were only slightly occupied by TV broadcast stations and being a contiguous group of channels, made the mass production of translator apparatus easier. If future developments warrant expansion of the availability of channels for UHF translators, this can be the subject of a separate rule making proceeding. Meanwhile, applicants finding it impossible to find a usable channel in the present 14 channels may request a waiver to permit the assignment of a UHF channel outside this group.

19. WSTRA recommended that adjacent channel assignments be permitted in cases where such an assignment would provide service to an additional area even though the new area might be served by another translator operating on the adjacent channel, if this could be done without resulting in mutual interference. WSTRA offered no engineering data to support the presumption that such operation could be conducted without interference. The proposed rule prohibiting the use of adjacent channels to serve all or part of the same area was directed to circumstances where translators would be operated at or near the same location or would be intended to serve a common area. To the best of our knowledge, this is not practicable because of inadequate selectivity of conventional TV receivers. If two translators are located in different places and coincidentally serve an area common to both signals, disposition of any inter-

ference complaints would be accomplished under the provisions of § 4.703. In processing applications for VHF TV translators we do not expect to make an engineering determination as to the probability of mutual interference, and only in those cases where a common site is proposed or a common area is proposed to be served, by translators operating on adjacent channels, would the Commission raise a question as to compliance with this provision.

20. Video Utility recommended that we do away with the so-called "taboos", i.e., separation requirements for other than co-channel and adjacent channels listed in paragraph (c) of the proposed rule. These additional separation requirements apply only with respect to separations between translators and UHF television broadcast stations and not between UHF translators. This subject is under study by the Commission but no decision has been reached as to whether such "taboos" are still needed or could be modified. In any event, since these "taboos" are a part of the rules governing TV broadcast stations in Part 3 of the rules, any change is beyond the scope of this proceeding. In cases where the application of the "taboos" makes it impossible to select a suitable channel from the group available for UHF translators, a waiver may be requested.

*Section 4.703—Interference.* 21. This rule defines the responsibility of the licensees of TV translators for the correction of interference to direct reception of TV broadcast stations or to other non-broadcast services. In order to avoid any dispute as to what is meant by "interference" and at the same time protect TV translators from harassment by unjustified claims of interference, the definition makes it clear that the quality of the signal which is being interfered with is not a governing factor, but that it must be a signal that is regularly used. This is necessary because many TV translators will be operated in areas where direct reception is difficult and below the standards of good quality.

22. VHF and UHF translators are treated differently with respect to interference to direct reception. This comes about because UHF translators are required to observe certain minimum separations with regular UHF TV broadcast stations as was discussed under § 4.702. If we were to impose a minimum separation requirement on VHF translators, most of the places now operating unlicensed "repeaters" could not utilize a VHF channel. Therefore, we have sacrificed the minimum separation requirements, but the necessary consequence is a different status for VHF translators.

23. Both VHF and UHF translators must provide complete protection to other stations and services from interference that occurs as the result of emissions outside of the TV channel assigned to an individual TV translator. Such out-of-band emissions can be controlled by imposing strict technical standards on equipment. In most regular services the power in out-of-band emissions must be reduced at least one million times (60 db), and if interfer-

ence still occurs a further reduction may be required. TV translators, operating under relaxed technical requirements are required to cease operation until such interference is corrected.

24. Comments with respect to this proposed rule range all the way from those who would not require cessation of operation until interference was "proven," to those who would not grant licenses for VHF translators until a prior engineering determination had been made to show that interference would not occur. Most of the concern about interference was expressed by the licensees of TV broadcast stations. The Association of Maximum Service Telecasters (AMST) strongly urges that applicants for VHF translators proposing to operate at less than the minimum co-channel and adjacent channel spacings specified for TV broadcast stations, be required to make an engineering showing, prior to any grant, that their operation will not be likely to cause interference to any existing TV broadcast station. AMST points out that the hazard of interference to regular TV broadcast stations is not as great in the remote regions of the far West but that the proposed rules do not restrict VHF translators to that region. They agree that the restriction on power and technical standards may provide the minimum protection against interference but feel that this is not enough. They recommend that VHF translators be prohibited within the calculated Grade B service contour of any co-channel or adjacent channel TV broadcast station. Midwest Radio-Television, Inc., recommends that protection be given to co-channel and adjacent channel TV stations by requiring VHF translators to reduce power and antenna height so as not to produce any more interference than would be caused by a regular TV station operating at the required minimum spacing. Midwest would also require consent of co-channel and adjacent channel TV stations for the operation of a VHF translator at less than the minimum separation. The Joint Council on Educational Television (JCET) proposes that VHF translators be required to observe a co-channel spacing of 100 miles and an adjacent channel spacing of 30 miles with any existing TV station or TV channel assignment. JCET stresses the importance of protecting channel assignments which have not been taken up by TV stations for fear that VHF translators would preempt unused channels, particularly those reserved for educational TV stations. JCET also urges that the secondary status of VHF translators be clearly established so that they cannot impede future changes in the Table of Assignments if the need arises. The National Broadcasting Company (NBC) also urges that the secondary status of VHF translators be unequivocally asserted so that they cannot demand hearings in cases of interference. NBC fears that if this is not done, the resolution of interference problems involving VHF translators would be impossible. Columbia Broadcasting System, Inc., (CBS) directs its comments to interference problems between TV translators. CBS

does not believe that such interference problems can be resolved by "mutual agreement." They suggest that the use of VHF channels by TV translators be placed on a "first come, first served" basis. Milestown Television Club, Inc., also supports this idea but their comment is not clear as to whether they would apply the same principle to VHF TV translator conflicts with regular TV broadcast stations. WSTRA proposed that the rule not prevent a grant of a VHF translator license unless interference is "proven." WSTRA would also permit a VHF translator to continue operation where it caused interference to direct reception if the substitute service provided by the translator is equal to or better than the direct reception lost. A number of the comments suggested the formation of a frequency coordinating committee to aid in the selection of frequencies for VHF translators so as to minimize the potential of interference.

25. It is apparent that considerable thought went into the preparation of the comments directed at this rule. The proponents of VHF translators recognize the necessity of placing that type of operation on a basis secondary to the use of channels by TV broadcast stations, and that their use of the channels must be continued accordingly. The importance of protecting direct reception of TV stations from interference by TV translators is obvious. Failure to do so would not only jeopardize reception by individuals but also reception of usable signals for rebroadcast by TV translators themselves. None of the comments disagreed with the protection assured other stations and services from interference that might result from out-of-band emission by TV translators. We have carefully considered the feasibility of requiring some kind of prior showing by applicants for TV translators as to potential interference. It has always been our concern that if we licensed these low power devices in the VHF television bands, community groups would make an installation only to find that when it was placed in operation it caused serious interference. Unless a substitute frequency could be found, and in many cases this will not be possible, the total investment in VHF equipment would be lost. Some prior assessment of interference probability would guard against this. However, any meaningful estimate of potential interference would require a comprehensive field strength survey or some other detailed engineering study, and this would, in many cases, be prohibitively costly. The rule as proposed makes it clear that TV broadcast stations must be given complete protection against interference from VHF translators. If interference occurs they may be ordered to cease operation until the interference is corrected. In cases where interference is reported to the licensee of a TV translator, we require that licensee do whatever is necessary to satisfy the complaint. In some cases this will mean immediate cessation of operation. In other cases the complainant may be satisfied with a promise of prompt remedial steps by the TV translator licensee or may be satisfied with

the substitute service provided by the TV translator. If the licensee of the TV translator fails to cooperate in the elimination of interference and the matter is brought to the attention of the Commission we will invoke the clear provisions of this rule. The definition of interference is simple and straightforward. It does not require comparison of measured or predicted field strengths. Since the definition is based upon a signal that is "used," only those persons actually experiencing interference would be expected to complain. If a TV broadcast station licensee receives reports of interference to its signals caused by a TV translator, it may make the complaint. It should be noted, however, that the proposed rule does not deprive a TV broadcast station of any of its protest rights afforded by the Communications Act.

26. Insofar as interference between TV translators is concerned, the Commission has repeatedly said that any attempt to operate a great many TV translators in the 12 VHF channels is likely to result in mutual interference between translators. Where such conflicts arise it would be extremely difficult if not impossible to decide which community was most deserving of the VHF service and which should use UHF or do without. The proponents of VHF translators claim they can work out such problems among themselves. We are of the view that they should. This policy applies only to interference between signals transmitted by the translators, not to interference to direct reception of a TV broadcast station by a translator. VHF translators may not cause interference to direct reception of TV broadcast stations. We also decline to grant prior rights to any VHF translator against interference to its signals by subsequent TV translators for here again we would be called upon to decide whether the new users were more deserving than the existing users. We will not grant an application for a new TV translator proposing to serve an area served by an existing translator on the same channel or a channel adjacent to the one used by the existing translator since it is obvious that in these circumstances disruptive interference would occur. However, if separate areas are proposed to be served, even though they may be contiguous areas, interference can be controlled to some extent by the use of directive transmitting and receiving antennas and by taking advantage of natural terrain barriers. The Commission cannot undertake to make a comprehensive engineering study in such cases, to decide whether or not interference is likely to occur.

27. In summary, the rule as adopted herein, requires VHF translators to provide complete protection against interference to direct reception of any regular TV broadcast station, requires UHF and VHF translators to provide complete protection to all stations and service from interference which results from out-of-band emissions, but offers no interference protection or guarantee of continuity of service to any VHF translator. Persons contemplating the operation of TV translators in the VHF tele-

vision bands should be fully cognizant of the hazard to their investment inherent in such operation.

*Section 4.711—Administrative procedure.* 28. There were no comments directed to this rule or the reference rules. There were suggestions that the application form which would be used for VHF translators be made simpler. This is the same form that has been used for UHF translators for nearly 4 years. It is a simplified form and has apparently posed no problems for UHF translator applicants. The Commission is required by law to establish certain facts with regard to an applicant's citizenship, character, legal, financial and technical qualifications, and certain specified technical details concerning the proposed operation. Despite the low power and simple equipment used, TV translators are broadcast stations within the meaning of the Communications Act, and the simplified licensing procedures employed in some other radio services cannot be employed here because the Act does not give the Commission as much latitude in dealing with broadcasting as it does with respect to other services.

*Section 4.731—Purpose and permissible service.* 29. TV translators may be used only for the purposes set forth in this rule. The relaxed technical requirements are predicated upon the use of relatively simple equipment which merely converts an incoming TV signal to another channel, amplifies it, and retransmits it. Assuming reasonable care is taken in the design of translator equipment, it will not alter the technical characteristics, bandwidth, or other features of the incoming signal. Modulation equipment for such a transmitter would be complex and would have to meet strict technical standards to produce a signal suitable for transmitting television pictures and accompanying sound in a 6 megacycle channel. This is far beyond the scope of these simple rules. Consequently, the rules do not permit the origination of local signals, use of microwave relay systems or wire line to bring in program material or any other method of operation which would involve direct modulation of the TV translator equipment with program material. The rule also forbids deliberate alteration of the incoming signals so as to prevent reception on conventional TV receivers and require the use of special equipment to obtain service. The channels used by TV translators are allocated for broadcasting. The relaying of signals from a fixed transmitting point to a fixed receiving point is not broadcasting. Such point-to-point service is classed as Fixed Service and must operate in bands allocated to the Fixed Service. Under the rules of the Commission, such operation cannot be conducted on broadcasting channels and TV translators are prohibited from operating solely as relay stations. A TV translator is not prohibited from rebroadcasting the transmissions of another TV translator. This may appear to be similar to relaying. However, the principle involved is that each TV translator must be justified on the basis that it provides direct reception to the pub-

lic, and any rebroadcasting or relaying of its signal is incidental to the basic purpose.

30. By specifying that TV translators must convert the received signals to another channel, this rule precludes the use of so-called "on-channel boosters." An "on-channel booster" is merely an amplifier which receives, amplifies, and retransmits signals on a single channel. The exclusion of "boosters" is deliberate. Such a device is inherently unstable electrically. By careful design and by limiting the amount of amplification, it would be possible to make a "booster" which could be safely used under favorable conditions. However, the automatic safety features which would have to be incorporated and the careful control of bandwidth which would have to be designed into the device would make it more costly than a similar translator. The use of equipment not meeting such high standards would carry with it not only the risk of harmful interference but also the hazard of retransmission of false and misleading signals. If these signals were those used for the navigation of aircraft or vessels, this could be disastrous. For these reasons we find that it is not in the public interest to authorize "on-channel boosters" in the VHF television bands under these rules.

31. Milestown Television Club, Inc., urges that TV translator stations be permitted to operate as relay stations upon a showing of need. They cite a hypothetical case where a community able to support translator operation but too remote from existing TV stations to obtain a direct signal, is prevented from obtaining service because intervening communities are too small to support a translator which could serve incidentally as a relay station. We merely point out that under such circumstances, there is nothing to prevent the larger community from subsidizing the operation of TV translators to serve the smaller intervening communities, the signals of which can be rebroadcast by a translator serving the larger community. Each individual translator must adhere to the principle set forth in paragraph 30 by operating primarily as a broadcasting station and only incidentally as a relay station. For this reason we reject the proposal of Milestown and others that TV translators be authorized to act solely as relay stations.

*Section 4.732—Eligibility and licensing requirements.* 32. This rule determines eligibility to operate TV translators, states that a single licensee may operate more than one TV translator even though they serve the same area, and requires a separate application for each TV translator station. The eligibility is unrestricted except for the basic statutory requirements of citizenship, character, and legal, financial, and technical qualifications. Paragraph (b), which permits the licensing of more than 1 translator to a single licensee to serve the same area, makes it clear that multiple ownership and duopoly limitations are not applicable to these devices. The safeguards intended to prevent a licensee from gaining control of mass communications media are not applicable to

translators since they merely repeat the signals of regular TV broadcast stations and cannot originate programs. The dupopoly controls which apply to regular TV broadcast stations make it unnecessary to apply them to TV translators. A VHF translator will not be authorized to serve an area which is already receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless a showing is made of special circumstances which would justify the resultant intermixture of VHF and UHF service.

33. Meredith WOW, Inc., and several other Meredith groups asked that this rule make it perfectly clear that TV translators licensed to TV station licensees would not be counted in determining the maximum number of stations which may be owned by a single licensee. It is not the intention of the Commission to count these devices as broadcasting stations in the application of the multiple ownership rules and the language of § 4.732 has been modified to make this clear.

34. WSTRA proposed that a single license be issued for multiple TV translators operated by one licensee in a single area. The broadcast records system of the Commission are geared to individual licenses for each station and a further study must be made to determine if our administrative efficiency would be impaired by such a method. If we find that this can be done and is a desirable step this change in our administrative procedures can be made later.

*Section 4.734—Unattended operation.* 35. The recent amendment of section 318 of the Communications Act now makes it possible to eliminate the operator requirements for TV translators and permit unattended operation. An unattended transmitter is considered to be an automatic device and must have certain safety features. We have held these to a bare minimum in these rules. If such operation results in an inordinate amount of interference to other stations we may have to add other automatic requirements. The present rule merely requires that the apparatus be equipped with a device which will cause it to cease radiating in the absence of an incoming signal. Since the unattended transmitters are likely to be installed in places which are not readily accessible at all hours and in all seasons and could go into a condition of operation which caused interference to a safety service, i.e., one employed for the safety of life and property, it is mandatory that a manual on and off control be established at a point which is readily accessible at any hour and in all seasons.

36. Since most of the opposition to this rule was directed to the requirement that a remote monitoring and control point be established to be inspected periodically by a licensed operator, these are rendered moot by the action of Congress which permits us to authorize unattended operation. Some objected to the cost of providing positive on and off control at an accessible point. This we consider the most important requirement in the rule. In the normal course of operation, a TV translator will be turned on and off

by an automatic device built into the translator and actuated by the signals from the primary TV broadcast station. This is one of the requirements for type acceptance. In addition to the automatic device a time clock may be used to turn the translator on and off at predetermined times, in cases where it is not desired to operate the translator during the whole time the primary TV station is operating. However, if for any reason the translator should cause interference and it becomes necessary to turn it off promptly, there must be some means provided so that this can be done regardless of the time of day or season of the year. Inability to turn the transmitter off within a matter of minutes could, in circumstances involving interference to a radio service employed for the safety of life and property, be disastrous. Most TV translators are installed on remote mountain peaks or at other locations which may be inaccessible for hours, days, and even weeks at certain seasons of the year. The rules require that these installations be provided with an accessible on-off control. TV translators that are installed in accessible locations which can be reached at all hours and at all seasons do not have to be remote controlled and need not establish a remote control point. Cost will vary from installation to installation. In many cases it may be possible to establish the remote control point at a place where the power mains leading to the TV translator can be opened with a switch, thus disabling the TV translator. In other cases it may be necessary to run control lines to a suitable point. While that may involve higher cost, we are unable to justify elimination of the on and off control of a device which could otherwise seriously interfere with other services.

37. This rule also requires that the Commission be furnished with the name, address, and telephone number of a person or persons who may be contacted to secure prompt suspension of operation if that should become necessary. The person or persons designated should be able to reach the transmitter site or remote on-and-off control within 15 minutes or less, after being contacted, and may be the licensee or some responsible person designated by the licensee.

38. The need for prompt suspension of operation might arise if the translator caused serious interference to an emergency operation such as the dispatching of fire apparatus, directing of police vehicles attempting to apprehend a criminal, or instructions to an aircraft in distress. Since the translator apparatus itself is unattended, the Commission must be able to contact a person, by telephone if necessary, who can turn the offending translator off promptly. Existing UHF translators may now abandon their established monitoring point and operate unattended by merely notifying the Commission in writing, giving the name, address, and telephone number of the person to contact for suspension of operation. Periodic observations during operation are no longer required.

*Section 4.735—Power limitations.* 39. The transmitter power output of a VHF

translator is limited to 1 watt. The power output of a UHF translator is limited to 100 watts. No limit is placed upon the effective radiated power which may be achieved through the use of directive transmitting antenna array. The limit of 1 watt imposed on VHF translators was reached after careful consideration of all the factors involved. We realize that this is not much power. However, only by severely limiting the power employed can we permit operation in the VHF television bands under the extremely modest technical performance standards adopted in these rules. The problem of operation in the VHF television channels is further complicated by interference considerations, not only between TV translators and TV broadcast stations, but also among TV translators. A TV signal in the order of one two-hundredths of the strength of a desired signal is capable of causing interference. This means that the interference range of a TV translator is many times its service range. Consequently, unless the power permitted is severely restricted, TV translators would have to be kept at substantial distances from operating TV stations and from each other. This would mean that only a very few of the small communities desiring the service could have TV translators in the VHF television bands. The Commission has been urged to adopt the proposed rules on the grounds that many small communities need the inexpensive low power VHF equipment because they cannot afford the better higher power equipment used for UHF translators. The low power permitted by these rules is sufficient to serve these small places. The service is not intended to be, and because of the limited availability of VHF channels, cannot be a wide area service. The relationship of technical standards and power is aptly illustrated in the following. TV broadcast stations are required to maintain their operating frequencies within very narrow limits. Their ability to do this makes it possible to employ a technique known as "off-set carrier" operation. By using this "off-set carrier" technique the necessary ratio of desired to interfering signal is reduced approximately seven times. This is equivalent to reducing the power of the interfering station by 50 times. However, the frequency control equipment needed to maintain this degree of accuracy is too costly for employment by TV translators. Consequently, a 1 watt TV translator has the interference capability of a 50 watt transmitter operating under more rigid standards.

40. Most of the comments requesting that the permissible power be raised offered no engineering data to show the effects of such increases. Suggested increases ranged from 3 watts to 10 watts. The net gain in service area by such increases would be far less than the net increase in interference potential and range. Furthermore, the use of such higher power equipment would require stricter technical standards because of the congestion in the VHF portion of the spectrum and the greater hazard of interference not only to TV stations but to other nonbroadcast services, and the cost

of such equipment would equal if not exceed that of similar UHF equipment. The fact that some existing TV "repeaters", built without Commission authorization, employ more than 1 watt and would have to cut back in power under licensed operation is not a persuasive argument for raising the power limit. We adhere to our original proposal to limit the power of VHF translators to 1 watt. Those licensees desiring to cover a greater range than that possible with 1 watt radiated power may employ suitable directive transmitting antenna to concentrate the power in a given direction, employ additional VHF translators, or utilize UHF translators with higher power.

*Section 4.736—Emissions and bandwidth.* 41. This is an operating rule designed to assure that out-of-band emissions are controlled and do not cause interference. Type accepted equipment is required to meet the specifications of this rule and this companion rule requires that the equipment be kept in proper operating condition.

42. Aeronautical Radio, Inc., recommended more specific requirements for the suppression of spurious emissions to prevent interference to the Aviation Service. No values or other engineering data were supplied. We fully agree with the importance of protecting the Aviation Service and other safety services from harmful interference. We conclude, on the basis of our studies of all available information and data, that the limits on power and the suppression of out-of-band emissions required by this rule are adequate. If experience should indicate the need for greater suppression we may place such requirements on individual stations pursuant to paragraph (d) of § 4.736 or initiate rule making proceedings to change the rule adopted herein.

*Section 4.737—Antenna location.* 43. This rule is intended to be a guide to prospective applicants for TV translators. There were no comments directed at the proposed rule.

*Section 4.750—Equipment and installation.* 44. This rule requires that translator equipment must meet the requirements for type acceptance of the Commission and sets forth the specifications for type acceptance. The measurements and data required must be performed by a qualified electronics engineer with measuring equipment of suitable design. Type acceptance may be granted to manufacturers of translator equipment. If an applicant specifies manufactured equipment which has been type accepted, no additional measurements will be required of him. If the equipment specified is custom-built or is manufactured equipment which has not been type accepted, the applicant may be granted a construction permit but must submit the required measurements before a license will be granted. The rule further requires that the installation of translator equipment must be made by a person technically qualified to do so. The degree of technical skill required for an installation will depend upon the type of installation. If manufactured equipment which has been

type accepted is to be employed, a person with sufficient technical knowledge to understand and follow the manufacturer's instructions for the installation would qualify. If the equipment is to be custom-built, a person with the engineering knowledge and skill required to design and build the equipment must do the work. Where measurements must be submitted with the application for license, the person making the measurements must be skilled in that technique and employ instruments of sufficient accuracy to make the measurements reliable. Simple repairs such as the replacement of tubes or fuses, may be made by a person with moderate technical knowledge. Replacement of components, adjustment of critical circuits, and other complicated repairs require a higher degree of knowledge and skill. Test and adjustments which require the radiation of signals and could result in improper operation, must be carried on by a technically qualified licensed radio operator of the grade specified in this rule.

45. A few comments simply stated that the proposed requirements were too strict and would prove costly. They offered no engineering testimony or specific objections as to how the requirements could be further relaxed and still satisfy the nominal requirements for licensing. WSTRA requested that the rules permit individual components of a VHF translator system to be separately type accepted so that some of the equipment now used at unlicensed "repeaters" might be used for licensing under these rules. The basic translator consists of the frequency converter and subsequent radio frequency amplifiers. The basic translator must contain the automatic features specified in the rules and must meet the specifications set forth in paragraph (c) of § 4.750. The choice of pre-amplifiers used ahead of the input terminals of the basic translator to bring the signal level up to the strength needed by the translator is left to the discretion of the applicant. If the basic translator has less than 1 watt power output, suitable linear radio frequency amplifiers which can be driven by the basic translator may be separately type accepted upon a showing that they will not significantly alter the electrical characteristics of the signal they are amplifying, that they will not produce out-of-band radiation or spurious emissions in excess of the limits specified by the rules, and that they will not deliver power in excess of 1 watt to the input terminals of the transmitting antenna. Individual components of existing equipment capable of meeting these requirements can be type accepted. Martinsdale-Lennep TV Association, objects to the requirements because some communities may wish to use "home-made" equipment. The rules as adopted herein do not prohibit anyone from designing equipment to meet the specifications for type acceptance.

46. Quite a few comments objected to the automatic station identification requirement. The need for station identification is discussed under § 4.783. Since station identification is required and

transmission of the call sign at the prescribed intervals cannot be conveniently done manually, and since translator equipment cannot be voice modulated for transmission of its call sign and the transmission of the call sign manually in telegraphy would require employment of a radiotelegraph operator, the provision for automatic transmission of the call sign is intended to aid TV translator licensees. Therefore, the requirement for incorporating an automatic identification feature in acceptable apparatus is not unreasonable.

47. Some objection was expressed to the requirement for a carrier operated automatic cut-off for TV translators. No one purported to show that such a device was infeasible, undesirable, or inordinately expensive. No useful purpose is served by operating a TV translator when the TV station it normally retransmits is not in operation. We realize that a TV translator will normally not transmit a signal on its output frequency in the absence of an input signal of the correct frequency. However, it will transmit the electrical noise picked up on its input channel and noise generated in the apparatus itself. Furthermore, whenever the translator is in an inoperative condition it is capable of malfunctioning and transmitting spurious signals. Finally, as a matter of domestic policy and international treaty obligations, superfluous transmissions by any kind of radio stations are forbidden. The transmission of signals which are not providing service are superfluous. Voltages developed within translator equipment by the incoming TV signal can be used to actuate the automatic cut-off and the cost or complexity of such a provision is not unreasonable.

48. The Curators of the University of Missouri recommended that the rules prohibit the use of a modulating frequency within 200 cycles of the 1000 cycle tone employed for CONELRAD alerts, for station identification. This recommendation has merit and is incorporated in the rules adopted herein.

49. The comments opposing the requirement that a "qualified electronics engineer" make the installation were largely based on a misunderstanding of the rule. As we pointed out in paragraph 44, this does not necessarily mean a Registered Professional Engineer. The person undertaking such an installation should have enough knowledge of basic electronics engineering to recognize and avoid any mistakes which might cause improper or unreliable operation of the translator. Any licensed First or Second Class Radiotelephone Operator would be considered qualified to make such an installation. We do not consider it desirable to remove the requirement that a licensed First or Second Class Radiotelephone Operator perform any adjustments or repairs that could result in improper operation of the translator. A person qualified to make the installation might not be qualified to repair or make tuning adjustments of the equipment and could not operate the apparatus in connection with such tests and adjustments unless he held a valid radio operators license. A First or Second Class

Radiotelephone Operator may be presumed to have the skill and by virtue of his license, does have the authority to tune, adjust, and operate the apparatus under the terms of a valid station authorization issued by the Commission. The rule does not prevent a less skilled person from merely replacing defective tubes, or unplugging a defective unit, sending it to a competent person for repairs and then reconnecting it, if such an operation can be performed without requiring any technical skill. Therefore, we find nothing in the comments to persuade us that these requirements contained in the rules are unreasonable or unnecessary.

*Section 4.751—Equipment changes.* 50. This section merely lists those changes which require a formal application and prior authority from the Commission, and those changes which may be made at the discretion of the licensee. There were no comments directed to the proposed rule.

*Section 4.761—Frequency tolerance.* 51. This rule establishes the frequency tolerance for the local oscillator in TV translators at 0.02 percent of the assigned frequency. Aeronautical Radio, Inc., proposed a frequency tolerance of 0.01 percent on the grounds that most other low power radio services are required to maintain this tolerance. The lower tolerance proposed would do little to reduce the interference potential of these broadband devices and would smack of regulation for the sake of regulation. We believe that most of the equipment employed for this service will operate well within the prescribed tolerance and find no reasonable basis to change the original proposal.

*Section 4.762—Frequency monitors and measurements.* 52. This rule does not require the use of frequency monitors or the making of periodic frequency measurements. The rule does require a TV translator to suspend operation if it is found to be operating beyond the prescribed tolerance. Aeronautical Radio, Inc., proposed that TV translator licensees be required to check the operating frequency at least once a year. Our experience with TV translators in the UHF band does not show that off-frequency operation is a problem. The licensee of a TV translator is expected to take adequate precautions to insure that his equipment does not operate beyond the prescribed tolerance. The use of periodic frequency checks to insure this is left to the discretion of the licensee. If experience with VHF translators shows that a periodic frequency check is necessary, we will invoke such a requirement in an appropriate rule making proceeding.

53. *Sections 4.763—Time of operation; 4.764—Station inspection; and 4.765—Posting of station license,* are self-explanatory and there were no comments on these proposed rules.

*Section 4.766—Operator requirements.* 54. An amendment to the Communications Act which became effective July 7, 1960 now permits the Commission to waive the operator requirements for TV translators. The rules adopted herein will permit unattended operation if cer-

tain specified conditions are met. The licensee may elect to use an operator for the routine operation of the station. In other sections of the rules, any repairs or adjustments which could result in improper operation and which require the transmission of signals while the repairs or adjustments are being made, must be conducted by or under the immediate supervision of a licensed first or second class radiotelephone operator.

*Sections 4.767—Marking and lighting of antenna structures; 4.768—Additional orders; 4.769—Copies of rules; and 4.781—Station records.* 55. These rules are self-explanatory and were not opposed.

*Section 4.783—Station identification.* 56. Before promulgating this rule the Commission gave careful thought to the problem of station identification. The purpose of transmitting station identification is to identify a particular signal with a particular station. This is not primarily for the information of the listener, as is popularly believed, but is for the purpose of assisting the Commission or similar authorities in other countries, in the policing of the radio frequency spectrum and the detection of violators. In rare cases it may be possible to identify a particular transmitter by the contents of its transmissions. This would not be true in the case of TV translators since there may be many TV translators within any given reception area, all retransmitting the same programs. There would be nothing unique about the signals of any one of them. Some of the comments suggested that it would be possible to identify individual VHF translators because of their limited range. This is a mistaken impression based upon experience with the service range of low power TV translators. As has been pointed out before, the interference range of TV translators is many times the service range and any attempt to track down an offending station would require dispatching a search unit into the area and a slow process of elimination that might require days to complete.

57. Most of the objections to the proposed requirement of station identification were based upon the added cost of this feature and inconvenience and annoyance of viewers by interruptions to the program. The equipment needed for station identification is simple and should not be unreasonably expensive. The rules permit identification to be accomplished by merely turning the carrier on and off or by modulating the local oscillator of the translator with an audio tone, which would, of course, add this modulation to the visual and aural carriers transmitted by the TV translator. The first method would interrupt the transmissions of the translator. The second method would cause a slight degradation of the picture and sound when the call sign was transmitted. In either case the call sign transmission could be accomplished in a few seconds. The interruptions or impairment of the programs is the price which must be paid for using simple equipment that is not continuously manned. Regular TV broadcast stations are required to trans-

mit station identification but being manned stations they can insert the call sign transmission at any appropriate point so as not to interrupt the continuity of programs. TV translators which are not continuously manned and which are not capable of being directly modulated with a visual and aural signal, must accomplish station identification through the use of a pre-set timing device to actuate a keying device. Under the circumstances we find no valid basis for eliminating the station identification requirement.

58. Montana Network called attention to a practical problem raised by the wording of the proposed rule. The proposed rule requires the transmission of the call sign at the beginning and end of each period of operation and at stated intervals during operation. A properly operating TV translator will automatically turn off when the TV station it is rebroadcasting goes off. Consequently, it would be impractical for it to transmit its call sign at the end of the period of operation. The rules adopted herein are appropriately modified in that regard.

*Section 4.784—Rebroadcasts.* 59. Section 325(a) of the Communications Act states that no broadcasting station shall rebroadcast the programs or any part thereof of another broadcasting station without the express authority of the originating station. This rule carries out the provisions of the Act. Television Montana requests that the rules require TV translators to obtain the consent in writing. The rules adopted herein require consent in writing. Montana Network proposes that in cases where a TV translator is rebroadcasting the signals of another TV translator, it be required to obtain consent not only from the TV translator licensee but also from the licensee of the TV broadcast station furnishing the original signal. This too is under the control of the originating TV broadcast station licensee. In giving consent to a TV translator to use its programs, it may forbid that TV translator from giving permission to other TV translators to use the programs without first obtaining permission of the originating TV broadcast station. If a licensee learns that a TV translator is using its programs without permission, or if a licensee withdraws its permission for rebroadcast, it should notify the translator licensee and the Commission in order to insure compliance with this rule and the Act.

60. Palm Springs Translator Station, Inc., requested that the Commission require TV broadcast station licensees to give consent for the rebroadcast of their signals to TV translators operating outside the Grade B service area of the TV station. The Commission thoroughly explored this matter in 1952 in Docket No. 9808 and concluded that it would not be in the public interest to require TV stations to grant such permission. In announcing this decision the Commission stated that it would not expect TV broadcast station licensees to behave arbitrarily in acting upon requests for rebroadcast permission as such action might reflect upon their qualifications to operate in the public interest. The pro-

## RULES AND REGULATIONS

posal by Palm Springs is rejected for similar reasons.

61. The present television agreements with Canada and Mexico do not provide for the operation of VHF translators at locations and on channels other than those set forth in the Agreements for regular TV stations. The Commission will seek to have the Agreements modified to include provision for the operation of these low power devices. Meanwhile, applications for VHF translators at locations within 250 miles of the Canadian or Mexican borders will be referred to the appropriate Government on a case-by-case basis.

62. *Accordingly, it is ordered*, That, effective September 6, 1960, and pursuant to the authority provided in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, §§ 4.701 through 4.790 of the Commission's rules are amended as set out below: *And it is further ordered*, That this proceeding is terminated.

Adopted: July 27, 1960.

Released: August 1, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

Subpart G of Part 4 is revised to read as follows:

Subpart G—Television Broadcast Translator  
Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

- Sec.  
4.701 Definitions.  
4.702 Frequency assignment.  
4.703 Interference.

ADMINISTRATIVE PROCEDURE

- 4.711 Cross reference.  
  
LICENSING POLICIES  
4.731 Purpose and permissible service.  
4.732 Eligibility and licensing requirements.  
4.733 [Reserved]  
4.734 Unattended operation.  
4.735 Power limitations.  
4.736 Emissions and bandwidth.

EQUIPMENT

- 4.750 Equipment and installations.  
4.751 Equipment changes.

TECHNICAL OPERATION

- 4.761 Frequency tolerance.  
4.762 Frequency monitors and measurements.  
4.763 Time of operation.  
4.764 Station inspection.  
4.765 Posting of station license.  
4.766 Operator requirements.  
4.767 Marking and lighting of antenna structures.  
4.768 Additional orders.  
4.769 Copies of rules.

OPERATION

- 4.781 Station records.  
4.782 [Reserved]  
4.783 Station identification.  
4.784 Rebroadcasts.

PRE-EXISTING REPEATERS

- 4.790 Special requirements for pre-existing VHF repeaters.

<sup>1</sup> Statement of Commissioner Robert E. Lee filed as part of the original document.

AUTHORITY: §§ 4.701 to 4.790 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307.

Subpart G—Television Broadcast  
Translator Stations

DEFINITIONS AND ALLOCATION OF  
FREQUENCIES

§ 4.701 Definitions.

(a) *Television broadcast translator station.* A station in the broadcasting service operated for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station, by means of direct frequency conversion and amplification of the incoming signals without significantly altering any characteristic of the incoming signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

(b) *Primary station.* The television broadcasting station radiating the signals which are retransmitted by a television broadcast translator station.

(c) *VHF translator.* A television broadcast translator station operating on a VHF television broadcast channel.

(d) *UHF translator.* A television broadcast translator station operating on a UHF television broadcast channel.

§ 4.702 Frequency assignment.

(a) An applicant for a new television broadcast translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one channel will be assigned to each station.

(b) Any one of the 12 standard VHF television channels (2-13 inclusive) may be assigned to a VHF translator on condition that no interference is caused to the direct reception of any television broadcast station operating on the same or an adjacent channel.

(c) Any one of the upper 14 standard UHF channels (70-83 inclusive) may be assigned to a UHF translator provided that the proposed translator site is not located:

(1) Within 20 miles of a television broadcast station or city which is assigned the second, third, fourth, fifth, or eighth channel above or below the requested channel.

(2) Within 55 miles of a television broadcast station or city which is assigned an adjacent channel.

(3) Within 60 miles of a television broadcast station or city which is assigned the seventh or fourteenth channel below the requested channel.

(4) Within 75 miles of a television broadcast station or city which is assigned the fifteenth channel below the requested channel.

(5) Within 155 miles of a television broadcast station or city which is assigned the same channel as the requested channel unless the requested channel is assigned in the Table of Assignments

appearing in § 3.606(b) of this chapter, to the city in which the proposed translator is to be operated and has not been assigned to a television broadcast station in that city.

(d) The distances specified in paragraph (c) of this section are to be determined between the proposed site of the television broadcast translator station and the main Post Office location in any city listed in § 3.606(b) of this chapter unless the channel shown therein has been assigned to a television broadcast station, in which case the distance shall be determined between the proposed site of the translator and the transmitter site of the television broadcast station. Changes in the Table of Assignments of § 3.606(b) of this chapter may be made without regard to existing or proposed television broadcast translator stations and, where such changes result in minimum separations less than those specified above, the licensee of an affected UHF television broadcast translator station shall file an application for a change in channel assignment to comply with the required separations. In the case of changes in the Table of Assignments affecting VHF channels, existing VHF television broadcast translator stations causing interference to reception of VHF broadcast channels shall eliminate the interference or file an application for a change in channel assignment.

(e) No minimum distance separation between TV translators operating on the same channel is specified. However, assignments which will obviously result in mutual interference between translators will not be made.

(f) Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or a part of the same area.

§ 4.703 Interference.

(a) An application for a new television broadcast translator station or for changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused. In general, the licensee of a new UHF translator shall protect existing UHF translators from interference resulting from its operation. If interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved.

(b) It shall be the responsibility of the licensee of a VHF translator to correct at its expense any condition of interference to the direct reception of the signals of a television broadcast station operating on the same channel as that used by the VHF translator or on an adjacent channel, which occurs as a result of the operation of the translator. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the translator, regardless of the quality of such reception or the strength of the signal so used. If the interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending translator shall be suspended and shall not be resumed until the interference has been eliminated.

If the complainant refuses to permit the translator licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee of the translator is absolved of further responsibility.

(c) It shall be the responsibility of the licensee of a television broadcast translator station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee or operator that such interference is being caused, the operation of the television broadcast translator station shall be suspended immediately and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the television broadcast translator station: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(d) In each instance where suspension of operation is required, the licensee shall submit a full report to the Commission after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

#### ADMINISTRATIVE PROCEDURE

##### § 4.711 Cross reference.

See §§ 4.11 to 4.16.

#### LICENSING POLICIES

##### § 4.731 Purpose and permissible service.

(a) Television broadcast translator stations provide a means whereby the signals of television broadcast stations may be retransmitted to areas in which direct reception of such television broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

(b) A television broadcast translator station may be used only for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station which have been received directly through space, converted to a different channel by simple heterodyne frequency conversion, and suitably amplified.

(c) The transmissions of each television broadcast translator station shall be intended for direct reception by the general public and any other use shall be incidental thereto. A television broadcast translator station shall not be operated solely for the purpose of relaying signals to one or more fixed receiving points for retransmission, distribution, or further relaying.

(d) The technical characteristics of the retransmitted signals shall not be deliberately altered so as to hinder reception on conventional television broadcast receivers.

(e) A television broadcast translator station shall not deliberately retransmit the signals of any station other than the station it is authorized by license to retransmit. Precautions shall be taken to

avoid unintentional retransmission of such other signals.

##### § 4.732 Eligibility and licensing requirements.

(a) A license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body, upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure prompt construction of the station and dependable service for the duration of the license period.

(b) More than one television broadcast translator station may be licensed to the same applicant, whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations. TV translators operated by TV broadcast station licensees are not counted as TV stations for purposes of § 3.636 concerning multiple ownership.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

(d) A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF service is justified.

(e) The Commission will not act on applications for new television broadcast translator stations or for changes in the facilities of an existing station where such changes will result in an increase in signal range in any horizontal direction until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application, in order to afford licensees of existing television broadcast stations an opportunity to comment with respect to the effect of the proposed translator on their operation.

##### § 4.733 [Reserved]

##### § 4.734 Unattended operation.

(a) A television broadcast translator station may be operated without a licensed radio operator in attendance if the following requirements are met:

(1) If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons.

(2) The transmitter shall also be equipped with suitable automatic circuits which will place it in a non-radiating condition in the absence of a signal on the input channel.

(3) The transmitting apparatus and the on-and-off control, if at a location

other than the transmitter site, shall be adequately protected against tampering by unauthorized persons.

(4) The Commission shall be supplied with the name, address, and telephone number of a person or persons who may be contacted to secure prompt suspension of operation of the translator should such action be deemed necessary by the Commission.

(5) In cases where the antenna and supporting structure are considered to be a hazard to air navigation and are required to be painted and lighted under the provisions of Part 17 of this chapter, the licensee shall make suitable arrangements for the daily inspection and logging of the hazard markings required by §§ 17.37 and 17.38 of this chapter.

(b) An application for authority to construct a new television broadcast translator station or to make changes in the facilities of an authorized station, and which proposes unattended operation, shall include an adequate showing as to the manner of compliance with this section.

(c) Unless the applicant specifically requests unattended operation and makes the showing required by paragraph (b) of this section, a licensed radio operator meeting the requirements of § 4.766 shall be on duty at the transmitter site whenever the station is operated.

##### § 4.735 Power limitations.

(a) The transmitter power output of a VHF translator shall be limited to a maximum of 1 watt peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturer's rating.

(b) The transmitter power output of a UHF translator shall be limited to a maximum of 100 watts peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturer's rating.

(c) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally or vertically directive transmitting antennas.

##### § 4.736 Emissions and bandwidth.

(a) The license of a television broadcast translator station authorizes the transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3).

(b) Standard width television channels will be assigned and the transmitting apparatus shall be operated so as to limit spurious emissions to the lowest practicable value. Any emissions including intermodulation products and radio frequency harmonics which are not essential for the transmission of the desired picture and sound information shall be considered to be spurious emissions.

(c) Any emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges respectively of the assigned channel shall be attenuated no less than 30 decibels below the peak power of the visual signal.

(d) Greater attenuation than that specified in paragraph (c) of this section may be required if interference results from emissions outside the assigned channel.

#### § 4.737 Antenna location.

(a) An applicant for a new television broadcast translator station or for a change in the facilities of an authorized station shall endeavor to select a site which will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station. The transmitting antenna should be placed above growing vegetation and trees lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(b) A site within 5 miles of the area intended to be served is to be preferred if the conditions in paragraph (a) of this section can be met.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the television broadcast translator station.

(d) The transmitting antenna should be located as near as is practicable to the transmitter to avoid the use of long transmission lines and the associated power losses.

(e) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the translator site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

#### EQUIPMENT

#### § 4.750 Equipment and installation.

(a) The transmitting apparatus employed at a television broadcast translator station must meet the requirements for type acceptance by the Commission. These requirements are set forth in paragraph (c) of this section.

(b) Transmitting antennas, antennas used to receive the signals to be rebroadcast, and transmission lines do not have to be type accepted. External preamplifiers may also be used provided that they do not cause improper operation of the translator and compliance with specifications in paragraph (c) of this section does not depend upon the use of such preamplifiers.

(c) The following requirements must be met before translator equipment will be type accepted by the Commission:

(1) The frequency converter and associated amplifiers shall be so designated that the electrical characteristics of a standard television signal introduced into the input terminals will not be significantly altered by passage through the apparatus except as to frequency and amplitude. The overall response of the apparatus within its assigned channel when operating at its rated power output and measured at the output terminals, shall provide a smooth curve, varying within limits separated by no more than 4 decibels: *Provided, however,* That means may be provided to reduce the amplitude of the aural carrier below those limits, if necessary to prevent intermodulation which would mar the quality of the retransmitted picture or

result in emissions outside of the assigned channel.

(2) Radio frequency harmonics of the visual and aural carriers, measured at the output terminals of the transmitter, shall be attenuated no less than 60 decibels below the peak visual output power within the assigned channel. All other emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than:

(i) 30 decibels for transmitters rated at less than 10 watts power output.

(ii) 40 decibels for transmitters rated at 10 watts or more power output.

(3) The local oscillator employed in the frequency converter shall maintain its operating frequency within 0.02 percent of its rated frequency when subjected to variations in ambient temperature between minus 30 degrees and plus 50 degrees Centigrade and variations in power main voltage between 85 percent and 115 percent of the rated supply voltage.

(4) The apparatus shall contain automatic circuits which will maintain the peak visual power output constant within 2 decibels when the strength of the input signal is varied over a range of 30 decibels and which will not permit the peak visual power output to exceed the maximum rated power output under any condition. If a manual adjustment is provided to compensate for different average signal intensities, provision shall be made for determining the proper setting for the control and if improper adjustment of the control could result in improper operation, a label shall be affixed at the adjustment control bearing a suitable warning.

(5) The apparatus shall be equipped with automatic controls which will place it in a non-radiating condition when no signal is being received on the input channel, either due to absence of a transmitted signal or failure of the receiving portion of the translator. The automatic control may include a time delay feature to prevent interruptions in the translator operation caused by fading or other momentary failures of the incoming signal.

(6) The tube or tubes employed in the final radio frequency amplifier shall be of the appropriate power rating to provide the rated power output of the translator. The normal operating constants for operation at the rated power output shall be specified. The apparatus shall be equipped with suitable meters or meter jacks so that appropriate voltage and current measurements may be made while the apparatus is in operation.

(7) The transmitter shall be equipped with an automatic keying device which will transmit the call sign assigned to the station, in international Morse Code, within 5 minutes of the hour and half-hour. Transmission of the call sign shall be accomplished either by interrupting the radiated signals in the proper code sequence or by amplitude modulating the radiated signals with an audio frequency tone containing the telegraphic identification. The modulating signal may be inserted at any

suitable stage in the apparatus but shall result in at least 30 percent amplitude modulation of the aural carrier. If an audio frequency tone is used it shall not be within 200 cycles of the 1,000 cycle tone used for CONELRAD alerting.

(8) Wiring, shielding, and construction shall be in accordance with accepted principles of good engineering practice.

(d) Type acceptance will be granted only upon a satisfactory showing that the apparatus is capable of meeting the requirements of paragraph (c) of this section. The following procedures shall apply:

(1) Any manufacturer of apparatus intended for use at television broadcast translator stations, may request type acceptance by following the procedures set forth in Part 2, Subpart F, of this chapter. Equipment found to be acceptable by the Commission will be listed in the "Radio Equipment List, Part A, Television Broadcast Equipment," published by the Commission. These lists are available for inspection at any Field Office of the Commission and at the Washington, D.C. offices of the Commission.

(2) Television broadcast translator apparatus which has been type accepted by the Commission will normally be authorized without additional measurements by the applicant.

(3) Construction permits may be granted for the installation of custom-built apparatus which has not been type accepted by the Commission. In such cases, the permittee shall submit the information required by Part 2, Subpart F, of this chapter, together with sufficient measurements and data to show that the apparatus meets the requirements of paragraph (c) of this section. The measurements shall be made by a qualified electronic engineer with instruments of sufficient accuracy to insure the reliability of the data.

(4) Other rules concerning type acceptance, including information regarding withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based, are set forth in Part 2, Subpart F, of this chapter.

(e) The installation of a television broadcast translator station employing custom-built apparatus or apparatus which has not been type accepted by the Commission, shall be made by or under the direct supervision of a person having the technical skill and engineering knowledge required to make a proper installation.

(f) The installation of a television broadcast translator station employing type accepted apparatus may be made by a person with sufficient technical knowledge and skill to correctly follow the manufacturer's instructions.

(g) Simple repairs such as the replacement of tubes, fuses, or other plug-in components and the adjustment of non-critical circuits which require no particular technical skill may be made by an unskilled person. Repairs which require the replacement of attached components, adjustment of critical circuits, or technical measurements shall be made only by a person with the

knowledge and skill to perform such tasks.

(h) Any tests or adjustments which require the radiation of signals for their completion and which could result in improper operation of the apparatus, shall be made by or under the immediate supervision of a licensed first or second class radiotelephone operator.

(i) The transmitting antenna may be designed to produce either horizontal, vertical, or circular polarization.

#### § 4.751 Equipment changes.

(a) No change, either mechanical or electrical, may be made in apparatus which has been type accepted by the Commission without prior authority of the Commission. If such prior authority has been given to the manufacturer of type accepted equipment, the manufacturer may issue instructions for such changes citing its authority. In such cases, individual licensees are not required to secure prior Commission approval but shall notify the Commission when such changes are completed.

(b) Formal application (FCC Form 346) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except by one of an identical type.

(2) A change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, or transmission line.

(3) Any change in the antenna which will increase the overall height above ground by more than 20 feet or will result in an overall height of more than 170 feet above ground.

(4) Any change in the location of the transmitter except a move within the same building or upon the same pole or tower.

(5) Any horizontal change in the location of the transmitting antenna of more than 500 feet.

(6) A change of frequency assignment.

(7) A change of the primary TV station being retransmitted.

(8) A change of authorized operating power.

(c) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the television broadcast translator station is located and the Commission's Washington, D.C., office are notified in writing upon completion of such changes, and provided further that the changes are appropriately reflected in the next application for renewal of license of the television broadcast translator station.

#### TECHNICAL OPERATION

#### § 4.761 Frequency tolerance.

The licensee of a television broadcast translator station shall maintain the visual carrier frequency and the aural center frequency at the output of the translator within 0.02 percent of its assigned frequencies when the primary station is operating exactly on its assigned frequency. This tolerance shall not be exceeded, at times when the pri-

mary station is not exactly on its assigned frequencies, by more than the amount of departure by the primary station.

#### § 4.762 Frequency monitors and measurements.

(a) The licensee of a television broadcast translator station is not required to provide means for measuring the operating frequencies of the transmitter. However, only equipment having the required stability will be approved for use at a television broadcast translator station.

(b) In the event that a television broadcast translator station is found to be operating beyond the frequency tolerance prescribed in § 4.761, the licensee shall promptly suspend operation of the translator and shall not resume operation until the translator has been restored to its assigned frequencies. Adjustment of the frequency determining circuits of a television broadcast translator station shall be made only by a qualified person in accordance with § 4.750(g).

#### § 4.763 Time of operation.

(a) A television broadcast translator station is not required to adhere to any regular schedule of operation. However, the licensee of a television translator station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a television broadcast translator station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a television broadcast translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station will be cancelled.

(d) A television broadcast translator station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

#### § 4.764 Station inspection.

The licensee of a television broadcast translator station shall make the station and the records required to be kept by the rules in this subpart, available for inspection by representatives of the Commission.

#### § 4.765 Posting of station license.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the station or the manner of operation shall be kept in the station record file maintained by the licensee so as to be available for inspection upon request to any authorized representative of the Commission.

(b) The call sign of the translator together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator, shall be displayed at the translator site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

#### § 4.766 Operator requirements.

(a) No licensed radio operator is required for the routine operation of a television broadcast translator station provided that the requirements of § 4.734 are met. Otherwise, an operator holding a valid restricted radiotelephone operator permit or a first or second class radiotelephone operator license shall be on duty at the place where the transmitting apparatus is located at all times when the apparatus is being operated.

(b) A licensed operator employed to operate a TV translator may, at the discretion of the licensee, be employed for other duties or for the operation of another class of station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such duties shall in no wise interfere with the operation of the TV translator station.

#### § 4.767 Marking and lighting of antenna structures.

The marking and lighting of antenna structures employed at a television broadcast translator station, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

#### § 4.768 Additional orders.

In cases where the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

#### § 4.769 Copies of rules.

The licensee of a television broadcast translator station shall have current copies of Part 3, Part 4, and in cases where antenna marking is required, Part 17 of this chapter available for use by the operator in charge and is expected to be familiar with those rules relating to the operation of a television broadcast translator station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at nominal cost.

#### OPERATION

#### § 4.781 Station records.

(a) The licensee of a television broadcast translator station shall maintain

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adequate station records, including the current instrument of authorization, official correspondence with the Commission, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Where an antenna structure is required to be painted or illuminated, see § 17.38 of this chapter.

(c) The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

#### § 4.782 [Reserved]

#### § 4.783 Station identification.

(a) The call sign of a television broadcast translator station shall be transmitted in international Morse Code, by means of an automatic keying device, at the beginning of each period of operation and, during operation, within 5 minutes of the hour and half hour. This transmission may be accomplished either by turning the visual and aural carriers of the translator on and off in the proper sequence or by superimposing an audio frequency tone containing the telegraphic identification, on the visual and aural carriers radiated by the translator. The modulation level of the identifying signal shall not be less than 30 percent of the aural signal.

(b) The Commission may, in its discretion, specify other methods of identification.

(c) Call signs for television broadcast translator stations will be made up of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally follow the pattern used in the broadcast service, i.e., stations west of the Mississippi River will be assigned an initial letter K and those east of the Mississippi River the letter W. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

#### § 4.784 Rebroadcasts.

(a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmission of such programs or signals for direct reception by the general public.

(b) The licensee of a television broadcast translator station shall not rebroadcast the programs of any television broadcast station or other television broadcast translator station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the television broadcast translator station shall certify that written consent has been received from the licensee of the station whose programs are retransmitted.

(c) A television broadcast translator station is not authorized to rebroadcast the transmissions of any class of station other than a television broadcast station or another television broadcast translator station.

#### PRE-EXISTING REPEATERS

#### § 4.790 Special requirements for pre-existing VHF repeaters.

(a) Until October 31, 1961, the provisions of this section shall apply to repeater stations which are rebroadcasting TV signals on VHF Channels 2-13, and which were constructed on or before July 7, 1960. The term "repeater station" is used in this section of the rules to refer to low power devices for the reception, amplification and retransmission of television signals, irrespective of whether the output channel is the same as the input channel, or is a different channel as in the case of VHF translators.

(b) On or before October 31, 1960, the operators of all devices covered in paragraph (a) of this section shall file with the Commission at its Washington offices an application for temporary authorization to continue operation. Such appli-

cation shall be filed on FCC Form 347-A in accordance with instructions accompanying that Form.

(c) Applicants must comply with requirements imposed by law, including those found in the following sections of the Communications Act of 1934:

(1) Section 308(b) which requires that the application be signed by the applicant under oath or affirmation.

(2) Section 310 which, among other things, prohibits the issuance of a license to an alien or an organization of which any officer or director is an alien.

(3) Section 325 which prohibits rebroadcasting of the programs of another broadcasting station without the express authority of the other station. Applicants must certify that such consent has been obtained in writing and is available for inspection by the Commission.

(d) An applicant for a temporary authorization under this section shall certify in his application that on or before February 1, 1961 he will file an application on FCC Form 346 for authority to replace or modify the facility for which temporary authorization is sought, so as to conform to all the requirements set out in §§ 4.701 through 4.784 of this Subpart G of the Commission's rules with respect to television broadcast translators.

(e) Existing repeaters may not be modified, and no new translator may be constructed, prior to the issuance of Commission approval of an application filed on FCC Form 346 for authorization to make a desired modification or to construct a new translator.

(f) Temporary authorizations issued under this section of the rules will be valid only until October 31, 1961. On or before that date persons responsible for the operation of all repeaters must complete all the steps required to comply with all the requirements of §§ 4.701 through 4.784 of this Subpart G of the Commission's rules.

[F.R. Doc. 60-7259; Filed, Aug. 3, 1960; 8:52 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 998 ]

[Docket No. AO-259-A3]

### MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Corpus Christi, Texas, on February 18, 1960, pursuant to notice thereof issued on February 10, 1960 (25 F.R. 1344).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 19, 1960 (25 F.R. 4556) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The establishment of a separate class and pricing provision for milk used to produce cheddar cheese;

2. Whether an emergency exists with respect to issue No. 1 which warrants the omission of a recommended decision of the Deputy Administrator, Agricultural Marketing Service, and the opportunity for filing exceptions thereto;

3. The revision of the location differentials applicable at Kingsville, and Falfurrias, Texas;

4. The elimination of the volume limitation that applies to route distribution of Class I milk by a producer-handler; and

5. The revision of the provision relating to marketing services.

An emergency decision on issues No. 1 and No. 2 was issued by the Assistant Secretary on March 22, 1960 (25 F.R. 2541) and an order amending the order on the matter was issued by him on March 28, 1960 (25 F.R. 2724).

**Findings and conclusions.** The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issues No. 1 and No. 2 were considered previously.

3. No consideration is being given to issue No. 3 inasmuch as no evidence was presented with respect to it.

4. The volume limitation that presently applies to route distribution of Class I milk in the marketing area by a producer-handler should be eliminated.

The present producer-handler definition includes any person who produces milk and operates an approved plant, but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk on routes in the marketing area. If such a person distributes an average of 3,300 pounds or more per day, he becomes a fully regulated handler and becomes subject to the expense of administration of the order pursuant to § 998.85.

In a market such as Corpus Christi, which includes an individual-handler pooling provision, the only significance of the present limitation is whether the producer-handler has to pay the administrative assessment on the milk of his own production which he distributes. The few cents per hundredweight involved would be of little or no importance to the proper functioning of the order. No other Federal order, with an individual-handler type pool, contains such a limitation provision on a producer-handler.

Exceptions were filed by interested parties to the producer-handler definition contained in the recommended decision. It was contended that elimination of the volume limitation on Class I distribution of a producer-handler in the marketing area, with nothing substituted therefor, left a definition susceptible of circumvention and abuse, in that any loosely organized group could be established to qualify as a producer-handler. Based on such exceptions, the definition herein set forth requires not only that a producer-handler be a person who both produces milk and operates an approved plant and receives no milk from other dairy farmers, but also that he must demonstrate that all aspects of the operation (the production, processing and distribution) are his personal enterprise and are operated at his personal risk.

Exception also was taken to the producer-handler definition on the basis that it affords opportunity and incentive for acquisition of unlimited supplies of unregulated milk from other plants for Class I disposition in the marketing area. Such exception is denied, however, since disposition in the marketing area of any substantial quantity of milk obtained from such other plants would subject such other plants themselves to regulation under the "fluid milk plant" and "approved plant" definitions of the order.

5. The present marketing services provision should be continued without modification.

The order now provides for marketing service deductions by handlers from payments to producers for their milk to provide market information and to check the accuracy of the testing and weighing of producers' milk. The money is paid to the market administrator for performing such services for producers

who are not receiving such services from a qualified cooperative association. In the case of producers who are members of a cooperative association, qualified by the Secretary, which is performing such services for its member producers, deductions from the payments to be made to such producers as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, are paid to the cooperative association.

The proposal would broaden the provision relating to payments made to cooperative associations by their members (through deductions from handler payments for milk). It would do this by providing that producers not members of cooperative associations could enter into an agreement with a cooperative association for the performance of certain limited marketing services by the cooperative association and that payments to the cooperative for such services would be made through deductions from the handler payments to such producers.

The proponent has a substantial interest in both milk producing and distributing facilities. Although both facilities are largely owned by the same persons, the ownership interests are not identical. The proponent said the purpose of the proposal was to enable him to avoid the payment of marketing service charges to the market administrator on the milk which is produced by the production facilities which he controls if he were able to negotiate an agreement with a cooperative association for the performance of such services at a lesser rate than that provided in the order. The cooperative association would assume no responsibility for marketing such milk. It would function merely as an agent to perform the technical service of testing the milk for butterfat content.

The producers' association offered no testimony on the matter. A handler testified in opposition to the proposal.

The marketing services provision in the Corpus Christi order is similar to that contained in most orders in force in the country. Producers under the present provision have the alternatives of receiving marketing services as members of a qualified cooperative association which is a marketing agency for their milk or as non-members. Such alternatives apparently have been adequate to accommodate producers with respect to providing marketing services in accordance with the Act.

Under the applicable statutory provisions, the rendition of marketing services and provision for mandatory deductions from payments to producers to defray the cost thereof, payable to the administrative agency, extend to all producers, except as to those for whom such services are being rendered by a cooperative marketing association meeting specified qualifications. It is clear that such association must be one which

is actually engaged in the marketing of milk and that such services are those which are an adjunct to or are associated with the performance of that function. It would not include a service, although similar in nature, that may be rendered by some person, including a cooperative, who does not also have the authority, and who does not actually assume the responsibility of marketing such producers' milk. Thus the proposal, which would permit the rendition of services to the exclusion of the market administrator, independently of the exercise of marketing responsibility, is inconsistent with the policy of the Agricultural Marketing Agreement Act.

It is concluded that the proposal should be denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Ruling on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction

with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered.* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of May 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 29th day of July, 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area*

#### § 998.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Amend § 998.15 to read as follows:

#### § 998.15 Producer-handler.

"Producer-handler" means any person who (a) produces milk and also operates an approved plant; (b) receives no milk from other dairy farmers; and (c) provides proof satisfactory to the market administrator that the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

[F.R. Doc. 60-7229; Filed, Aug. 3, 1960; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Substances Generally Recognized as Safe; Dietary Food Supplements

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended; 21 U.S.C. 348, 371), the Commissioner of Food and Drugs, pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), proposes to add the following sub-

stances that are incorporated in dietary food supplements to the list of substances generally recognized as safe and to amend § 121.101 by adding these substances to the list incorporated in paragraph (d) of that section:

§ 121.101 Substances that are generally recognized as safe.

- \* \* \* \* \*
- (d) \* \* \* \* \*
- NUTRIENTS
- \* \* \* \* \*
- Alanine (*α*-aminopropionic acid), L- and DL-forms.
  - Arginine (1-amino-4-guanidovaleic acid) L- and DL-forms, free and hydrochloride forms.
  - 1-Aspartic acid (1-amino-succinic acid) L- and DL-forms.
  - Biotin.
  - Calcium citrate.
  - Calcium pyrophosphate.
  - Calcium glycerophosphate.
  - Choline chloride.
  - Chlorophyll (extracted from plants without change in chemical structure).
  - Cystine, L- and DL-forms.
  - L-Cysteine.
  - Ferrous gluconate, ferrous lactate.
  - Histidine, L- and DL-forms, free and hydrochloride forms.
  - Isoleucine (*α*-amino- $\beta$ -methylvaleric acid), L- and DL-forms.
  - Leucine (*α*-aminoisocaproic acid) L- and DL-forms.
  - Linoleic acid (prepared from edible fats and oils and free from chick edema factor).
  - Magnesium phosphate (di-, tribasic).
  - Magnesium sulfate.
  - Magnesium oxide.
  - Manganese citrate.
  - Manganese hypophosphite.
  - Manganese chloride.
  - Manganese gluconate.
  - Manganese sulfate.
  - Manganese glycerophosphate.
  - Manganese oxide.
  - Phenylalanine, L- and DL-forms.
  - Potassium glycerophosphate.
  - Proline (2-pyrrolidone carboxylic acid), L- and DL-forms.
  - Serine ( $\beta$ -hydroxylalanine) L- and DL-forms.
  - Threonine, L- and DL-forms.
  - L-Tryptophane (L-*α*-amino-3-indolepropionic acid), free and hydrochloride forms.
  - Tyrosine, L- and DL-forms.
  - Valine (*α*-aminoisovaleric acid), L- and DL-forms.
  - Zinc sulfate.
  - Zinc gluconate.
  - Zinc chloride.
  - Zinc oxide.
  - Zinc stearate (prepared from stearic acid free from chickedema factor).

The Commissioner of Food and Drugs hereby offers an opportunity to all interested persons to present their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof. All comments should be filed in quintuplicate.

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-7237; Filed, Aug. 3, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 465]

AIRWORTHINESS DIRECTIVES

Sikorsky Helicopters

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive establishing new retirement, replacement and inspection schedules for components of Sikorsky S-52-3 helicopters. Amendment 102 (25 F.R. 1312) imposed a 100-hour service life on eleven major assemblies and components pending completion of investigation to establish final service limitations. The investigation has been completed and it was determined that not all of the components need to be service limited. The service life of major assemblies has been increased and other components will require no further special inspection or replacement if redesigned parts are installed. Accordingly, it is proposed that Amendment 102 be superseded by a new directive setting forth the mandatory retirement and inspection schedules.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

SIKORSKY. Applies to all Sikorsky S-52-3 helicopters.

Compliance required as indicated.

As a result of further investigation of the service history of the HO5S-1 (S52-3) helicopters, the following retirement, replacement and inspection schedules must be accomplished at the times indicated:

(a) The following components must be retired from service at the hours of time in service indicated:

P/N S11-10-2200 Main Rotor Blade Assembly—1,100 hours

P/N S11-15-1100 Tail Rotor Blades—1,700 hours.

(b) Effective 30 days after publication in the FEDERAL REGISTER as an adopted rule, the following components must be replaced with the redesigned components indicated, if not already accomplished:

P/N S11-35-2006, Clutch Spindle, replace with P/N S11-35-2009

P/N S11-35-2013, Clutch Spring, replace with P/N S11-35-2013-1

P/N S11-35-2019, Free Wheel Unit Spring, replace with P/N S11-35-2019-1

P/N 13273, Bolt, Engine Fan, replace with AN-76-10 Bolt.

(c) Effective 30 days after publication in the FEDERAL REGISTER as an adopted rule, the following shall be accomplished at the times indicated:

(1) The torque of the AN-76-10 bolts in the engine fan must be checked every 30 hours' time in service and retorqued if necessary to a minimum value of 370 inch-pounds. Bolts found with less than 300 inch-pounds torque must be replaced with new bolts. (Sikorsky Service Information Circular 1135-22 covers this subject.)

(2) Within the next 30 hours' time in service and every 30 hours' time in service thereafter, inspect the DSP4 bearing in the rotating scissors in accordance with Sikorsky Service Information Circular 1110-46 and replace bearing every 100 hours' time in service with new bearing. When DSP4 bearing is replaced by DSRP4 bearing, the DSP4 inspection and replacement schedule no longer applies.

(3) Within the next 30 hours' time in service and every 30 hours' time in service thereafter, inspect the DSP4 bearing in the damper arm in accordance with Sikorsky Service Information Circular 1110-46 and replace bearing every 300 hours' time in service with new bearing. When DSP4 bearing is replaced by DSRP4 bearing, the DSP4 inspection and replacement schedule no longer applies.

This supersedes Amendment 102, 25 F.R. 1312.

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,  
Acting Director, Bureau of  
Flight Standards.

[F.R. Doc. 60-7211; Filed, Aug. 3, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 466]

AIRWORTHINESS DIRECTIVES

Allison Engines

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of a new mid-bearing torque-meter assembly on Allison Model 501-D13 Series engines to correct a design deficiency which has resulted in several cases of torque-meter failure.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or argu-

## PROPOSED RULE MAKING

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-64]

## FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

## Modification

ments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

**ALLISON.** Applies to all Model 501-D13 Series engines.

Compliance required at next overhaul of the engine, power section or torquemeter, whichever comes first, but not later than December 31, 1960.

Several cases of rubbing of the torquemeter housing by the torquemeter reference shaft have resulted in complete separation of the housing into two sections. To preclude such failures, a mid-bearing torquemeter assembly, P/N 6823900, identified by a ½-inch by 2½-inch blue stripe on the forward bevel of the housing shall be installed.

(Allison Commercial Engine Bulletin No. 72-113 covers the same subject.)

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,  
Acting Director, Bureau of  
Flight Standards.

[F.R. Doc. 60-7212; Filed, Aug. 3, 1960;  
8:45 a.m.]

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6427 and 601.6427 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 427 and associated control areas presently extends from the Newcomerstown, Ohio, VOR via the Navarre, Ohio, VORTAC to the intersection of the Navarre VORTAC 352° and the Cleveland, Ohio, VOR 109° True radials. The Federal Aviation Agency has under consideration the modification of this airway by extending it from the present intersection of the Navarre VORTAC 352° and the Cleveland VOR 109° True radials north along the Navarre VORTAC 352° True radial to its intersection with the Akron, Ohio, VOR 298° True radial thence northwest via the Akron VOR 298° True radial to its intersection with the Cleveland, Ohio, VOR 091° True radial. This would facilitate air traffic management by providing an airway into the Cleveland terminal area for aircraft operating from southern terminals which would be compatible with the terminal area arrival, holding and departure procedures.

If this action is taken, VOR Federal airway No. 427 and associated control areas would be designated from the Newcomerstown, Ohio, VOR, via the Navarre, Ohio, VORTAC; the intersection of the Navarre VORTAC 352° and the Akron, Ohio, VOR 298° True radials, to the Berea, Ohio, Intersection (intersection

of the Akron VOR 298° and the Cleveland, Ohio, VOR 091° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 Management 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 B-316, 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 Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 28, 1960.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7218; Filed, Aug. 3, 1960;  
8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[442.14]

TRAVERTINE SLABS

Tariff Classification

JULY 28, 1960.

The Bureau of Customs published in the FEDERAL REGISTER of June 25, 1960 (25 F.R. 5886), notice that it had under review the existing practice of classifying travertine slabs, gang-sawed from a block, cut to a definite thickness, such as  $\frac{3}{8}$  inch, no other processing having been performed, and suitable for use as building or monumental stone, under paragraph 234(b), Tariff Act of 1930, as travertine stone, unmanufactured, or not dressed, hewn, or polished, dutiable at the rate of  $10\frac{1}{2}$  cents per cubic foot under that paragraph, as modified.

The Bureau, by letter dated July 28, 1960, addressed to the collector of customs, New York, N.Y., held that this merchandise is properly classifiable under paragraph 234(c) as stone suitable for use as monumental or building stone, not specially provided for, otherwise manufactured than hewn, dressed, or polished, and dutiable at the rate of 21 percent ad valorem under that paragraph, as modified.

Insofar as this decision results in the assessment of duty at a rate of duty higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

[F.R. Doc. 60-7243; Filed, Aug. 3, 1960;  
8:51 a.m.]

[643.3]

## SHOEBOARD FROM ENGLAND

Purchase Price; Foreign Market Value

JULY 29, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of shoeboard manufactured by W. W. Chamberlain & Sons, Ltd., of England is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of shoeboard manufactured by W. W. Chamberlain & Sons, Ltd., of England

pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

[F.R. Doc. 60-7242; Filed, Aug. 3, 1960;  
8:51 a.m.]

## Office of the Secretary

[1960 Dept. Circular 1048]

## 3 $\frac{1}{8}$ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1961

### Offering of Notes

AUGUST 1, 1960.

**I. Offering of certificates.** 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 3 $\frac{1}{8}$  percent Treasury Certificates of Indebtedness of Series C-1961. The amount of the offering under this circular is \$7,750,000,000, or thereabouts. Treasury Notes of Series C-1960, maturing August 15, 1960, will be accepted at par in payment or exchange, in whole or in part, for the new certificates subscribed for, to the extent such subscriptions are allotted by the Treasury. The books will be open only on August 1 and August 2, 1960, for the receipt of subscriptions for this issue.

2. The Secretary of the Treasury, on behalf of the Federal National Mortgage Association, offers to purchase on August 15, 1960, at par and accrued interest, Federal National Mortgage Association 3 $\frac{1}{8}$  percent Notes of Series ML-1960-A, dated January 20, 1958, due August 23, 1960, to the extent to which subscriptions from the holders thereof to Treasury Certificates of Indebtedness of Series C-1961 hereunder are allotted by the Treasury, and the proceeds from the par amount of such notes are applied to the payment, in whole or in part, of the certificates in accordance with Paragraph 2 of Section IV of this circular. Tenders of the Federal National Mortgage Association 3 $\frac{1}{8}$  percent Notes of Series ML-1960-A for that purpose are invited.

**II. Description of Certificates.** 1. The certificates will be dated August 15, 1960, and will bear interest from that date at the rate of 3 $\frac{1}{8}$  percent per annum, payable on a semiannual basis on February 1 and August 1, 1961. They will mature August 1, 1961, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt

from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000 and \$500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

**III. Subscription and allotment.** 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks will be received without deposit. Subscriptions from all others must be accompanied by payment (in cash or in Treasury Notes of Series C-1960, maturing August 15, 1960, at par, or Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase under Paragraph 2 of Section I, hereof, at par) of 2 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase

or sale or other disposition of any certificates of this issue, until after midnight August 2, 1960.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of certificates applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts, and the Federal Reserve Banks, will be allotted in full. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before August 15, 1960, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any certificates allotted hereunder in cash or by exchange of Treasury Notes of Series C-1960, maturing August 15, 1960, which will be accepted at par. Where payment is made with Treasury Notes of Series C-1960, coupons dated August 15, 1960, should be detached from such notes by holders and cashed when due.

2. In addition, payment may be made for any certificates allotted hereunder with the proceeds of the par amount of Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase in accordance with Paragraph 2 of Section I of this circular. Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase must have coupons dated August 23, 1960, attached, and payment will be made at par and accrued interest to August 15, 1960. Accrued interest from February 23, 1960, to August 15, 1960, on the Series ML-1960-A notes (\$17.31944 per \$1,000) will be paid following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim re-

ceipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

ROBERT B. ANDERSON,  
Secretary of the Treasury.

[F.R. Doc. 60-7245; Filed, Aug. 3, 1960;  
8:51 a.m.]

[1960 Dept. Circular 1049]

### 3% PERCENT TREASURY BONDS OF 1968

#### Offering of Bonds; Additional Issue

AUGUST 1, 1960.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for bonds of the United States, designated 3% percent Treasury Bonds of 1968. The amount of the offering under this circular is \$1,000,000,000, or thereabouts. Treasury Notes of Series C-1960, maturing August 15, 1960, will be accepted at par in payment or exchange, in whole or in part, for the new bonds subscribed for, to the extent such subscriptions are allotted by the Treasury. The books will be open only on August 1 and August 2, 1960, for the receipt of subscriptions for this issue.

2. The Secretary of the Treasury, on behalf of the Federal National Mortgage Association, offers to purchase on August 15, 1960, at par and accrued interest, Federal National Mortgage Association 3% percent Notes of Series ML-1960-A, dated January 20, 1958, due August 23, 1960, to the extent to which subscriptions from the holders thereof to Treasury Bonds of 1968 hereunder are allotted by the Treasury, and the proceeds from the par amount of such notes are applied to the payment, in whole or in part, of the bonds in accordance with Paragraph 2 of Section IV of this circular. Tenders of the Federal National Mortgage Association 3% percent Notes of Series ML-1960-A for that purpose are invited.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3% percent Treasury Bonds of 1968 issued pursuant to Department Circular No. 1044, dated June 8, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from August 15, 1960. Subject to the provision for the accrual of interest from August 15, 1960, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1044:

1. The bonds will be dated June 23, 1960, and will bear interest from that date at the rate of 3% percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15,

1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

#### III. *Subscription and allotment.*

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 25 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions from commercial and other banks for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks will be received without deposit. Subscriptions from all others must be accompanied by payment (in cash or in Treasury Notes of Series C-1960, maturing August 15, 1960, at par, or Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase under Paragraph 2 of Section I, hereof, at par) of 20 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 20 percent payment in excess of 20 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in

any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest from June 23, 1960, to August 15, 1960 (\$5.58084 per \$1,000) for bonds allotted hereunder must be made or completed on or before August 15, 1960, or on later allotment. In every case where payment is not so completed, the payment with application up to 20 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any bonds allotted hereunder in cash or by exchange of Treasury Notes of Series C-1960, maturing August 15, 1960, which will be accepted at par. Where payment is made with Treasury Notes of Series C-1960, coupons dated August 15, 1960, should be detached from such notes by holders and cashed when due.

2. In addition, payment may be made for any bonds allotted hereunder with the proceeds of the par amount of Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase in accordance with Paragraph 2 of Section I of this circular. Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase must have coupons dated August 23, 1960, attached, and payment will be made at par and accrued interest to August 15, 1960. Accrued interest from February 23, 1960, to August 15, 1960, on the Series ML-1960-A notes (\$17.-31944 per \$1,000) will be credited, and accrued interest from June 23, 1960, to August 15, 1960 (\$5.58084 per \$1,000) will be charged and the difference \$11.7386 per \$1,000 will be paid subscribers following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering,

which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,  
Secretary of the Treasury.

[F.R. Doc. 60-7246; Filed, Aug. 3, 1960; 8:51 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### WASHINGTON

#### Notice of Proposed Withdrawal and Reservation of Lands

JULY 29, 1960.

The Forest Service has filed an application, Serial No. Washington 02428, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for recreation areas and administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Wash.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

##### *Jake Creek Recreation Area*

T. 5 N., R. 5 E., W. M., Washington,  
Sec. 22: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  (unsurveyed), 80 acres.

##### *Clearwater Shelter Recreation Area*

T. 8 N., R. 6 E., W. M., Washington,  
Sec. 23: NE $\frac{1}{4}$ NW $\frac{1}{4}$  (surveyed), 40 acres.

##### *Badger Meadows Recreation Area*

T. 9 N., R. 7 E., W. M., Washington,  
Sec. 2: NW $\frac{1}{4}$ NW $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *Lower Cispus Recreation Area*

T. 11 N., R. 7 E., W. M., Washington,  
Sec. 18: Lot 4 (surveyed), 31.85 acres.

##### *Mosquito Meadows Recreation Area*

T. 10 N., R. 7 E., W. M., Washington,  
Sec. 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  (unsurveyed), 20 acres.

##### *Cat Creek Recreation Area*

T. 10 N., R. 9 E., W. M., Washington,  
Sec. 13: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  (unsurveyed), 30 acres.

##### *Adams Fork Recreation Area*

T. 10 N., R. 9 E., W. M., Washington,  
Sec. 23: SW $\frac{1}{4}$ NE $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *East Canyon Recreation Area*

T. 10 N., R. 9 E., W. M., Washington,  
Sec. 31: E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *Tower Rock Recreation Area*

T. 10 N., R. 9 E., W. M., Washington,  
Sec. 12: Lot 5 (surveyed);  
Sec. 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Lot 1 (surveyed), 17.55 acres.

##### *North Fork Recreation Area*

T. 11 N., R. 8 E., W. M., Washington,  
Sec. 10: N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *Blue Lake Recreation Area*

T. 11 N., R. 9 E., W. M., Washington,  
Sec. 30: SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  (unsurveyed), 20 acres.

##### *Silver Creek Recreation Area*

T. 12 N., R. 7 E., W. M., Washington,  
Sec. 10: Lot 9 (surveyed), 38.99 acres.

##### *Iron Creek Administrative Site*

T. 10 N., R. 7 E., W. M., Washington,  
Sec. 17: SW $\frac{1}{4}$ SW $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *Mosquito Meadows Administrative Site*

T. 10 N., R. 7 E., W. M., Washington,  
Sec. 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  (unsurveyed);  
Sec. 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  (unsurveyed), 20 acres.

##### *Cat Creek Administrative Site*

T. 10 N., R. 9 E., W. M., Washington,  
Sec. 13: SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *Adams Fork Administrative Site*

T. 10 N., R. 9 E., W. M., Washington,  
Sec. 23: E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  (unsurveyed), 20 acres.

##### *Camp Creek Administrative Site*

T. 11 N., R. 8 E., W. M., Washington,  
Sec. 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (unsurveyed), 40 acres.

##### *Cispus Camp Administrative Site*

T. 11 N., R. 8 E., W. M., Washington,  
Sec. 18: S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  (unsurveyed), 40 acres.

The aggregate area of these lands is 638.39 acres.

FRED J. WEILER,  
State Supervisor.

[F.R. Doc. 60-7224; Filed, Aug. 3, 1960; 8:47 a.m.]

## ALASKA

#### Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number J-011659 for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, the mineral leasing laws and laws pertaining to the disposition of materials. The applicant desires the land for an air navigation site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Manage-

ment, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

From a point about 3.90 chs. (257.4 ft.) N. of the North side of Lena Point road at corner No. 7, U.S. Survey No. 2871, go north 86°24' W., 7.925 chs. (523.05 ft.) to corner No. 6, U.S. Survey 2871; thence south 00°02' E. 2.985 chs. (197.01 ft.) to corner No. 5, U.S. Survey 2871; thence S. 61°12' W. 0.395 chs. (26.07 ft.) to corner No. 4, U.S. Survey 2871; thence N. 87°11' W. 15.70 chs. (1036.20 ft.) along the right-of-way of the Lena Point road; thence N. 77°25' to P.O.B., thence W. 11.36 chs. (750 ft.); thence S. 70° W. 5.4 chs. (360 ft.), approximately, to corner No. 3 of Lot "E-E", U.S. Survey 3053 (which corner is common to corner No. 2 of Lot "E", U.S. Survey 3053); thence northwesterly along the Lena Point road following the boundaries of Lots "EE", "F", "G" and "H", U.S. Survey 3053, to corner No. 2 of U.S. Survey 3053 (which corner is common to corner No. 2 of Lot "H", U.S. Survey 3053); thence north 49°15' E. 9.55 chs. (630.30 ft.) along the southern boundary of lands reserved by P.L.O. 723 dated May 24, 1951, to an iron pipe monument; thence N. 87° E. 13 chs. (860 ft.), approximately; thence S. 8.3 chs. (550 ft.) approximately, to the point of beginning, containing approximately 16 acres.

WARNER T. MAY,  
Operations Supervisor.

[F.R. Doc. 60-7221; Filed, Aug. 3, 1960;  
8:47 a.m.]

## NORTH DAKOTA

### Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1960.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has filed an application, Serial Number Montana 039303(ND), for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land be reserved in public ownership under the provisions of the Act of August 14, 1946 (60 Stat. 1080; 16 U.S.C. 661-66c). Lands in T. 151 N. will be administered by the Bureau of Sport Fisheries and Wildlife as a Waterfowl Production Area. Lands in T. 152 N. will be administered as part of the Sullys Hill National Game Preserve, established by Executive Order 3596 and the Act of March 3, 1931.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

## 5TH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 151 N., R. 65 W.,  
Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$   
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 152 N., R. 65 W.,  
Sec. 20, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and  
SE $\frac{1}{4}$ ;  
Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ .

Total acres, 997.50, more or less.

J. R. PENNY,  
State Supervisor.

[F.R. Doc. 60-7222; Filed, Aug. 3, 1960;  
8:47 a.m.]

## UTAH

### Order for Reopening of Public Lands

JULY 26, 1960.

Pursuant to the authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F.R. 2473), the following-described lands reconveyed to the United States in an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

1. The conveyance to the United States of the following-described lands included the land only and excluded the mineral estate, which is subject to a reservation to the State of Utah:

#### SALT LAKE MERIDIAN, UTAH

T. 25 S., R. 23 E.,  
Sec. 15: SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 40 acres.

2. The conveyance to the United States of the following-described lands is subject to a reservation of one-half interest in and to all oil, gas, petroleum, naphtha, hydrocarbon substances and minerals, upon or beneath the land, in favor of the Federal Land Bank of Berkeley.

#### SALT LAKE MERIDIAN, UTAH

T. 25 S., R. 24 E.,  
Sec. 29: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .

Containing 200 acres.

Information as to any mineral rights reconveyed to the United States is of record in the Land Office, Bureau of Land Management, 3d Floor, Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

The SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 15, T. 25 S., R. 23 E., lies in the floor of Castle Valley, adjacent to Castle Creek. The land is relatively flat, supporting a sparse growth of native forage grasses and sage brush. The surface formation is rocky valley fill.

The NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 29, T. 25 S., R. 24 E., is situated in the eastern part of Castle Valley, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  being traversed by Castle Creek. It is rough to mountain-

ous except for a few acres of fairly flat land. Vegetation consists of native grasses, sage brush, mountain mahogany, scrub oak, and juniper, with some wild hay on the more level portion. Both tracts of land are predominantly suited for grazing livestock.

No application for these lands will be allowed under the homestead, desert-land, small tract or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable, for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered upon its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

(1) Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning at the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws for lands listed in paragraphs 1 and 2 and applications and offers under the mineral leasing laws for lands listed in paragraph 2 presented prior to 10:00 a.m., August 29, 1960, will be considered as simultaneously filed and offers filed after that hour will be governed by the time of filing.

(2) The lands listed in paragraph 2 will be open to location under the United States mining laws beginning at 10:00 a.m., August 29, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 3d Floor, Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,  
State Supervisor.

[F.R. Doc. 60-7223; Filed, Aug. 3, 1960;  
8:47 a.m.]

[Notice 13]

**ALASKA**

**Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District, Cancellation**

JULY 28, 1960.

Notice of filing of pages one and two of Fairbanks Meridian Portfolio Number 10, Federal Register Document 60-6802, appearing on page 6931 of the issue for July 21, 1960, is hereby cancelled insofar as it affects the following described public lands:

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)  
 FAIRBANKS MERIDIAN, PORTFOLIO NO. 10  
 Sheet No. 1 Ts. 1 through 4 S., Rs. 1 through 4 W.  
 Sheet No. 2. Ts. 1 through 4 S., Rs. 5 through 8 W.

DOUGLAS B. LEIGHTNER,  
*Acting Manager,  
 Fairbanks Land Office.*

[F.R. Doc. 60-7248; Filed, Aug. 3, 1960; 8:51 a.m.]

**ALASKA**

**Delegation of Authority**

JULY 29, 1960.

In accordance with section 1.1(1) and 2.1(1) and amendment 12 of the Bureau of Land Management Order 541, I hereby authorize the Cadastral Engineering Officer, Anchorage Operations Office to perform all functions listed in section 1.4 of the above referenced order.

L. T. MAIN,  
*Operations Supervisor,  
 Anchorage Operations Office.*

[F.R. Doc. 60-7249; Filed, Aug. 3, 1960; 8:51 a.m.]

**Bureau of Reclamation**

**ARIZONA**

**Amendment of Notice of Sale; Commercial and Residential Lots**

Notice was originally published in the FEDERAL REGISTER of Friday, October 23, 1959, on page 8611, that the Bureau of Reclamation would offer for sale commercial and residential lots in the new town of Page, Arizona. It was therein stated that prospective purchasers would, on payment of a twenty-five (25) dollar deposit, be given an option to purchase the lots in which they had expressed an interest, provided that during the 120-day duration of said option, the prospective purchase fulfilled the several requirements relating to construction financing, building permits, and payment of the balance of the purchase price.

The above-cited sales procedure has been altered to eliminate further use of said option agreement and substitute in lieu thereof a Land Purchase Agreement. Under terms of said Land Purchase Agreement, the prospective purchaser is required to deposit, at time of execution of the agreement, five (5) percent

of the appraised value of the lots considered for purchase, or three hundred (300) dollars whichever is the greater, and is afforded a period of 120 days in which said purchaser must arrange for construction financing, secure a building permit from the Page City Administrator, and conclude final arrangements for payment of the balance of the purchase price. The purchase agreement further provides that if the purchaser defaults in any of the terms and conditions of that agreement, it shall terminate and the monies paid thereunder shall be deemed rental for the premises involved and as liquidated damages paid to the United States. Purchase agreements may not be assigned without the prior written consent of the United States.

The foregoing amended sales procedure shall apply to those lots previously offered for sale under the aforesaid notice which remain unsold; those for which previously executed option agreements have expired without sale having been consummated, and to such additional lots as may, with the prior approval of the Commissioner of Reclamation, be offered for sale from time to time.

N. B. BENNETT,  
*Acting Commissioner of Reclamation.*

JULY 29, 1960.

[F.R. Doc. 60-7226; Filed, Aug. 3, 1960; 8:47 a.m.]

**DEPARTMENT OF COMMERCE**

**Maritime Administration**

**TRADE ROUTE NO. 17; U.S. ATLANTIC, GULF AND PACIFIC PORTS/INDONESIA-MALAYA**

**Notice of Tentative Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements**

Notice is hereby given that on July 22, 1960, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 17 and in accordance with the Maritime Administrator's action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 17, as described below, is reaffirmed as an essential foreign Trade Route of the United States:  
*Trade Route No. 17—United States Atlantic, Gulf and Pacific Coast/Indonesia-Malaya.* Between United States Atlantic, Gulf and Pacific Coast ports and ports in Indonesia-Malaya (including Singapore, Sarawak and North Borneo) via Panama canal and/or Suez Canal.

2. Requirements for United States flag operations are as follows:

*Approximate monthly sailings*

- |                     |  |
|---------------------|--|
|                     | <i>Services</i>  |
| 2½----              | United States Atlantic (via Panama Canal) and California/Indonesia-Malaya and return, including Far East ports—Hong Kong and south en route;   |
| 1-----              | United States Gulf (via Panama Canal) and Far East/Indonesia-Malaya and return over the same general route;                                    |
| 1-----              | United States Pacific Northwest via Far East to Indonesia/Malaya and return via California to United States Pacific Northwest; and             |
| 6-7 <sup>1</sup> .. | Round-the-World Eastbound and Westbound serving United States Atlantic and California/Indonesia-Malaya, originating at United States Atlantic. |

<sup>1</sup> These sailings are included in the Round-the-World Westbound and Eastbound services determined to be essential by the Maritime Administrator and do not amend or supersede those determinations.

3. Mariner type vessels are suitable for long range operation, C-3 type vessels are suitable pending replacement due to age and C-2 and Victory-type vessels are considered suitable for interim operation only and should be replaced at the earliest practicable date. Replacement vessels should be comparable in speed, bale cubic and deadweight capacity to the Mariner type vessel with adequate deep tank and refrigerated capacity.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing in triplicate to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on August 26, 1960. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: August 1, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,  
*Secretary.*

[F.R. Doc. 60-7241; Filed, Aug. 3, 1960; 8:50 a.m.]

**ATOMIC ENERGY COMMISSION**

[Docket No. 50-75]

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**Notice of Issuance of Utilization Facility License Amendment**

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. CX-13 issued to National Aeronautics and Space Administration. The amendment authorizes the licensee to incorporate into its homogenous zero power re-

search reactor located at the Lewis Research Center in Cleveland, Ohio the additions to the reactor described in its license application amendment dated January 28, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor with the additions does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor without the additions.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details, see (1) the amendment to the license application dated January 28, 1960, submitted by National Aeronautics and Space Administration and (2) a hazards analysis of operation of the reactor with the additions prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director,  
Division of Licensing and Regulation.

AMENDMENT TO UTILIZATION FACILITY LICENSE

[License No. CX-13; Amdt. 1]

Paragraph 1 of License No. CX-13 issued to National Aeronautics and Space Administration is hereby amended to read as follows:

This license applies to the homogeneous zero power research reactor (hereinafter referred to as "the reactor") which is owned by the National Aeronautics and Space Administration and located at the Lewis Research Center in Cleveland, Ohio, and described in the application of National Advisory Committee for Aeronautics, dated July 5, 1957, and amendments thereto dated August 22, 1957, August 27, 1957, December 2, 1957, February 28, 1958, June 23, 1958, Oc-

tober 28, 1958, October 31, 1958, December 2, 1958, and January 28, 1960 (hereinafter collectively referred to as "the application"). Pursuant to the notice published in the FEDERAL REGISTER on September 30, 1958, (23 FR 7595) it is noted that the functions and powers of the National Advisory Committee for Aeronautics were transferred to the National Aeronautics and Space Administration in accordance with the National Aeronautics and Space Act of 1958 (Public Law 85-568) approved July 29, 1958, 72 Stat. 428, 433.

This amendment is effective as of the date of issuance.

Date of Issuance: July 29, 1960.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director,  
Division of Licensing and Regulation.

[F.R. Doc. 60-7203; Filed, Aug. 3, 1960;  
8:45 a.m.]

[Docket No. 50-29]

### YANKEE ATOMIC ELECTRIC CO.

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued to Yankee Atomic Electric Company Amendment No. 1 to Facility License No. DPR-3, authorizing operation of the reactor located at Rowe, Massachusetts, at power levels not in excess of 392 megawatts thermal. The license amendment was issued pursuant to the third intermediate decision authorizing power operations to 392 megawatts thermal issued by the Presiding Officer July 19, 1960.

Dated at Germantown, Md., this 29th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division  
of Licensing and Regulation.

[F.R. Doc. 60-7204; Filed, Aug. 3, 1960;  
8:45 a.m.]

### CIVIL AERONAUTICS BOARD

[Docket 11154]

#### OVERSEAS NATIONAL AIRWAYS, INC.

##### Notice of Hearing

In the matter of Overseas National Airways, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 16, 1960 at 10:00 a.m., e.d.s.t., in room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., August 1, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-7250; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Dockets 10787, 11610]

### RESORT AIRLINES, INC.

#### Notice of Prehearing Conference

In the matter of the application of Resort Airlines, Inc., for an order authorizing temporary suspension of service, Docket 10787.

In the matter of the joint application of Resort Airlines, Inc. and Transportation Corporation of America d/b/a Trans-Caribbean Airways for transfer of certificate for route No. 135.

Notice is hereby given that a prehearing conference on the above-numbered dockets is assigned to be held on August 23, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., July 28, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-7251; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Docket 7723 etc.]

### TRANSPACIFIC ROUTE CASE

#### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 7, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before the Board.

Dated at Washington, D.C., August 1, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-7252; Filed, Aug. 3, 1960;  
8:52 a.m.]

### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13548 etc.; FCC 60-930]

#### CLEVELAND BROADCASTING, INC. (WERE-TV) ET AL.

##### Order Scheduling Oral Argument

In re applications of Cleveland Broadcasting, Inc. (WERE-TV), Cleveland, Ohio, et al., Docket No. 13548, File No. BMPCT-4210, et al.; construction permits for extension of completion date; O'Neill Broadcasting Company (KTRB-TV), Modesto, California, et al., Docket No. 13577, File No. BPCT-2484, et al.; for replacement of expired construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration its Order of June 1, 1960 (released June 7, 1960), in this proceeding designating for oral argument at a time

to be specified in a subsequent Order applications for additional time to construct UHF television broadcast stations and for replacement of expired construction permits (FCC 60-642);

*It is ordered*, That oral argument before the Commission en banc is scheduled for September 23, 1960, commencing at 9:30 a.m.; that parties listed in the aforesaid Order of June 1, 1960 who filed timely appearances stating their intention to appear at the argument pursuant to the last ordering paragraph of said Order will be permitted to participate; and that each such party shall be allowed 20 minutes for argument including rebuttal time.

Released: August 1, 1960.

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

[F.R. Doc. 60-7253; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Docket Nos. 13622, 13623; FCC 60M-1329]

**ELEVEN TEN BROADCASTING CORP.**

**Order Changing Place of Hearing**

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California; for renewal of license of Standard Broadcast Station KRLA & Aux., Docket No. 13622, File No. BR-1189; for license to cover construction permit (BP-11700), Docket No. 13623, File No. BL-7701.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed July 22, 1960, requesting a change in place of hearing in the above-entitled proceeding from Washington, D.C., to Pasadena, California;

It appearing that the petition is supported by a showing of good and sufficient cause, and that, under Commission practice, field hearings in renewal proceedings of this kind are authorized;

It appearing further that it is appropriate to amend the order issued July 7, 1960, appointing a presiding officer herein to provide that James D. Cunningham, who will preside at other hearings heretofore scheduled to be held in Los Angeles, California, commencing October 5, 1960, shall also serve as presiding officer in the instant renewal proceeding which is set for September 26, 1960;

*It is ordered*, This 29th day of July 1960, that the petition is granted and that the place of hearing in the above-entitled proceeding is changed from Washington, D.C. to Pasadena, California; *And it is further ordered*, That the order issued July 7, 1960 (FCC 60M-1180; Mimeo. No. 91202), is amended to provide that James D. Cunningham in lieu of Thomas H. Donahue will serve as presiding officer in the said proceeding.

Released: July 29, 1960.

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

[F.R. Doc. 60-7254; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Docket Nos. 13673-13675; FCC 60M-1327]

**HENNEPIN BROADCASTING  
ASSOCIATES ET AL.**

**Order Scheduling Prehearing  
Conference**

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; Jack I. Moore, James L. Magner, Ray Ekberg, Ingvald C. Ryan, Donald E. Nebelung, Post Publishing Company, Inc., and Carl Bloomquist, d/b as Crystal Broadcasting Company, Crystal, Minnesota, Docket No. 13675, File No. BP-13750; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 28th day of July 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m., on September 9, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: July 29, 1960.

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

[F.R. Doc. 60-7255; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Docket No. 13595; FCC 60M-1324]

**PACIFIC BROADCASTERS CORP.**

**Order Continuing Hearing**

In re application of Pacific Broadcasters Corporation, Bakersfield, California, Docket No. 13595, File No. BMPCT-5448; for extension of time to complete construction of Television Station KBFL.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 27th day of July 1960, that exhibits will be exchanged on September 21, 1960.

*It is further ordered*, That the hearing in this proceeding presently scheduled for September 14, 1960, is continued to

October 6, 1960, at 10 o'clock a.m., in Washington, D.C.

Released: July 29, 1960.

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

[F.R. Doc. 60-7256; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Docket No. 13686; FCC 60M-1328]

**LAWRENCE SHUSHAN**

**Order Scheduling Prehearing  
Conference**

In re application of Lawrence Shushan, Santa Barbara, California, Docket No. 13686, File No. BPH-2994; for construction permit (FM).

On the Hearing Examiner's own motion: *It is ordered*, This 28th day of July 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m. on September 13, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: July 29, 1960.

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

[F.R. Doc. 60-7257; Filed, Aug. 3, 1960;  
8:52 a.m.]

[Docket Nos. 13627-13629; FCC 60M-1326]

**M. EARLENE STEBBINS ET AL.**

**Order Continuing Hearing**

In re applications of M. Earlene Stebbins, Skokie, Illinois, Docket No. 13627, File No. BPH-2828; WHFC, Inc. (WEHS), Chicago, Illinois, Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc. (WFMT), Chicago, Illinois, Docket No. 13629, File No. BPH-2920; for construction permits (FM).

As a result of agreements arrived at upon the record of a prehearing conference in the above-entitled matter held this day,

*It is ordered*, This 28th day of July 1960, that the engineering cases of the parties shall be in writing and shall be exchanged on or before September 15, 1960, and

*It is further ordered*, That a further prehearing conference in this matter shall be held September 22, 1960, and

*It is further ordered*, That the hearing now scheduled for September 14, 1960 is postponed to a date to be determined at the aforesaid prehearing conference on September 22, 1960.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-7258; Filed, Aug. 3, 1960;  
8:52 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9262 etc.]

### HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMIS- SION CORP.

#### Order Granting Rehearing, Waiving Conditions in Order Issuing Certifi- cates of Public Convenience and Necessity, Permitting the Filing of and Suspending Proposed Tariff Sheets and Providing for Hearing

JULY 28, 1960.

Houston Texas Gas and Oil Corporation, Docket Nos. G-9262 and RP61-3; Coastal Transmission Corporation, Docket Nos. G-9960 and RP61-4.

On May 27, 1960, Coastal Transmission Corporation (Coastal) tendered for filing First Revised Sheet Nos. 8, 9, 19, 20, 49, 49A, 49B, and 49C to its FPC Gas Tariff, Original Volume No. 1 proposing an annual increase in rates of \$2,341,900 or 15.2 percent, based on estimated sales for the calendar year 1960, for natural gas sales and transportation service to its affiliate and sole jurisdictional customer, Houston Texas Gas and Oil Corporation (Houston). Concurrently with its aforesaid tender, Coastal filed a petition in the proceeding in Docket No. G-9960 requesting that the Commission amend its certificate order accompanying Opinion No. 301, issued December 28, 1956 in Docket Nos. G-9262, et al. (16 F.P.C. 118) to eliminate specific requirements as to rate of return, form of tariff, and separation of charges for sales and transportation.

Coastal's proposed increase in rates is based upon (1) an increase in the rate of return specified by the cost of service formula and (2) the elimination of the development period rate of return provision whereby Coastal's rate of return was based upon the composite return earned by Coastal and Houston. The certificate order accompanying Opinion No. 301, supra, required Coastal to include in its tariff the above-described provision regarding rate of return and therefore Coastal has concurrently, with its increased rate filing, applied for modification of the aforesaid order.

Also, on May 27, 1960, Houston tendered for filing First Revised Sheet Nos. 4 and 5 to its FPC Gas Tariff, Original

Volume No. 1 and First Revised Sheet Nos. 27 and 60 to its FPC Gas Tariff, Original Volume No. 2 proposing an annual increase in rates of \$1,340,900 or 8.0 percent, based on estimated sales for the calendar year 1960, for natural gas sales to distribution companies and transportation service rendered to two power companies in the State of Florida. Houston's proposed increased rates reflect the increase resulting from the above-described filing by Coastal and are based on an indicated rate of return of 7 percent rather than the 6 percent specified in the certificate order.

By letters dated June 22, 1960, the Commission rejected Coastal's and Houston's rate increase proposals as being inconsistent with outstanding certificate authorization. The letter of June 22, 1960 addressed to Coastal, however, accepted for filing First Revised Sheet Nos. 49, 49A, 49B, and 49C to Coastal's FPC Gas Tariff, Original Volume No. 1. Such sheets, which comprised a revision of Coastal's form service agreement, were allowed to become effective July 1, 1960.

On June 28, 1960, Coastal and Houston filed applications for rehearing and reconsideration of the Commission's aforementioned rejection of their rate increase tenders. In support of its application, Coastal states that the Commission's rejection of its rate filing was a departure from precedents established by the Commission, and that, if the proposed rate increases were in effect for the entire year (1960 estimated), the combined rate of return for Coastal and Houston would be 4.68 percent. However, the precedents cited by Coastal in support of its application for rehearing and reconsideration were fully considered by the Commission prior to its rejection of Coastal's rate increase filings. Further, Coastal's submittal of estimated sales, revenues, and cost data is an improper criteria for establishing the combined rate of return in this instant, inasmuch as Coastal's filing was tendered only four days prior to the completion of its first full twelve-months' period of actual operating experience. Under these circumstances, the public interest would best be served by using Coastal's actual operating data to test its rate increase proposal.

In its application for rehearing and reconsideration, Houston states that the condition set forth in the aforementioned Opinion No. 301 went solely to the level of the rates filed, and therefore there was no condition contained in the Commission's aforesaid order which limited the rate of return that Houston may earn, and that Houston's filing of its tariff, accepted by the Commission, satisfied the certificate order. Houston contends that, under the order issued December 28, 1956, upon acceptance of Houston's tariff the rate of return condition of the order was fully complied with, and Houston could have immediately thereafter filed a change in its tariff without permission for such filing by the Commission. We find such over-simplification of the intent of the order issued December 28, 1956, to be without merit.

On June 29, 1960, Houston filed and Coastal refiled petitions in Docket Nos. G-9262 and G-9960, respectively, requesting the Commission to amend its certificate order in the aforementioned Opinion No. 301, so as to delete the 6 percent rate of return condition set forth therein. Concurrently therewith, Houston and Coastal retendered their respective rate increase proposals previously tendered on May 27, 1960, which were rejected by the Commission on June 22, 1960, and filed a joint motion for waiver of the requirements of section 154.22 of the Regulations to permit the instant rate increase filings to be made prior to issuance of the requested certificate modification.

Houston and Coastal request that the proposed increased rates be made effective as of July 1, 1960; and, in the event that the Commission should decide to suspend their tenders, that the tendered tariff sheets to Houston's FPC Gas Tariff, Original Volume No. 2 be suspended for only two days, and that the additional tariff sheets tendered by Houston and Coastal be suspended to a date not later than December 1, 1960.

The rates, charges, classifications, and services contained in the above-designated revised tariff sheets tendered by Houston and Coastal on May 27, 1960, and retendered on June 29, 1960, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) Upon consideration of the said applications for rehearing and reconsideration, the applications for modification of the order issued December 28, 1956, and the retendered rate increase proposals, it appears that the public interest may best be served by granting Houston's and Coastal's applications for rehearing and reconsideration as hereinafter ordered, consolidating these proceedings and setting them for early hearing so that the issue of an appropriate rate of return for the respondent companies will be resolved in these proceedings.

(2) It is necessary and proper in the public interest and in the enforcement of the provisions of the Natural Gas Act that the Commission waive the conditions set forth in paragraphs (B) (1) and (C) (1), (2), and (3) of its aforesaid order granting certificates of public convenience and necessity to Houston and Coastal, Opinion No. 301 (16 F.P.C. 118, 144-145) so as to permit Houston's and Coastal's proposed increased rate filings to be made as hereinafter ordered and that the Commission suspend such filings and enter upon a public hearing concerning the matters involved and the issues presented by such filings.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Coastal's FPC Gas Tariff, Original Volume No. 1 and Houston's FPC Gas Tariff, Original Volumes Nos. 1 and 2 as proposed to be amended by First Revised Sheet Nos. 8,

9, 19 and 20 to Coastal's FPC Gas Tariff, Original Volume No. 1 and First Revised Sheet Nos. 4 and 5 to Houston's FPC Gas Tariff, Original Volume No. 1 and First Revised Sheet Nos. 27 and 60 to Houston's FPC Gas Tariff, Original Volume No. 2 and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) The petitions for rehearing and reconsideration filed by Houston and Coastal on June 28, 1960, are hereby granted as hereinafter ordered.

(B) The conditions set forth in paragraphs (B) (1) and (C) (1), (2), and (3) of the Commission's order granting certificates of public convenience and necessity to Houston and Coastal, Opinion No. 301 (16 F.P.C. 118, 144-145) are hereby waived with respect to, and for the sole purpose of, permitting Houston's and Coastal's tariff sheets identified in Finding Paragraph (3) hereof, to be filed and they are hereby permitted to be filed. In all other respects, the aforesaid order accompanying Opinion No. 301 shall remain in full force and effect.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 7, and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) the proceedings in

Docket Nos. G-9262, G-9960, RP61-3 and RP61-4 are consolidated for the purpose of hearing and a public hearing shall be held on September 20, 1960, concerning the issues raised in the petitions to modify the certificates of public convenience and necessity filed by Houston and Coastal in Docket Nos. G-9262 and G-9960, respectively, and the lawfulness of the rates, charges, classifications, and services contained in Coastal's and Houston's above-designated FPC Gas Tariffs as proposed to be modified by the tariff sheets identified in Finding Paragraph (3) hereof. Coastal and Houston shall be prepared to go forward with their respective cases on such date and to present actual data as to sales, revenues, costs, peak-day deliveries, and other pertinent information separately as between sales and transportation subject to the Commission's jurisdiction and as to other sales for the twelve-month period ending July 31, 1960.

(D) Pending such hearing and decision thereon the aforementioned tariff sheets, identified in Finding Paragraph (3) hereof be and they are each hereby suspended and the use thereof deferred until December 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) 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 or 1.37(f)) on or before September 12, 1960.

By the Commission.

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 60-7214; Filed, Aug. 3, 1960; 8:46 a.m.]

[Docket Nos. RI61-12--RI61-15]

TEXACO, INC. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates <sup>1</sup>

JULY 28, 1960.

Texaco Inc., Docket No. RI61-12; Texaco Inc. (Operator), et al., Docket No. RI61-13; Texaco Seaboard Inc., Docket No. RI61-14; Realitos Oil Company, Docket No. RI61-15.

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:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date <sup>1</sup> unless suspended	Rate suspended until—	Cents per Mcf <sup>2</sup>		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-12....	Texaco Inc.....	88	13	Texas Eastern Transmission Corp. (various fields, Bee Co., Tex.).	Undated	7-12-60	8-13-60	<sup>4</sup> 1-13-61	14.2	15.2778	G-17221
		89	15	.....do.....	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	14.2	15.2778	G-17221
		90	12	.....do.....	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	14.2	15.2778	G-17221
		96	12	.....do.....	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	14.2	15.2778	G-17221
RI61-13....	Texaco Inc. (Operator), et al.	07	16	Texas Eastern Transmission Corp. (various fields, Bee, Gollad, and McMullin Counties, Tex.).	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	14.2	15.2778	G-17221
		07	16	Texas Eastern Transmission Corp. (fields in Live Oak, DeWitt, and Karnes Counties, Tex.).	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	13.8733	15.2778	G-18032
RI61-14....	Texaco Seaboard Inc..	10	13	Texas Eastern Transmission Corp. (fields in Live Oak, DeWitt, and Karnes Counties, Tex.).	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	13.8733	15.2778	G-18032
RI61-15....	Realitos Oil-Co.....	1	2	Tennessee Gas Transmission Co. (La Copita Field, Starr County, Tex.).	.....do.....	7-12-60	8-13-60	<sup>4</sup> 1-13-61	14.3733	<sup>3</sup> 15.7778	G-15168
					.....do.....	6-28-60	8-1-60	1-6-61	15.0952	17.24347	G-19884

<sup>1</sup> The stated effective dates are those proposed by the respondents.

<sup>2</sup> The rates are at a pressure base of 14.65 psia.

<sup>3</sup> Includes seller's charge of 0.5 cents per Mcf for gathering and dehydration.

<sup>4</sup> Or until five months after the rate suspended in RI60-173 is made effective whichever is later.

In support of their proposed favored-nation increased rates, Texaco Seaboard, Inc., and Texaco, Inc. (on its own behalf and as operator on behalf of others), cite a triggering rate increase. The cited rate was suspended in the proceeding in Docket No. RI60-173 until August 13, 1960, and until it is made effective in the manner prescribed by the Natural Gas Act. These Respondents state that their contracts were negotiated at arm's length; costs have been increasing due to inflation as shown by the indices of the U.S. Bureau of Labor Statistics; exploratory and developmental expenses have additionally increased by reason of deeper drilling and drilling in more inaccessible places; and the increased rates are needed to encourage exploration and development.

In support of its proposed favored-nation increased rate, Realitos Oil Company states that the favored-nation provisions in its contract were essential inducements to its agreeing to the long term of the contract.

The changes in rates, and charges so proposed 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 changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above designated supplements is suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is 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

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

and 1.37(f)) on or before September 12, 1960.

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-7217; Filed, Aug. 3, 1960;  
8:46 a.m.]

[Docket No. RI61-10]

**SLADE, INC.**

**Order Providing For Hearing on and  
Suspension of Proposed Change in  
Rate**

JULY 28, 1960.

On June 28, 1960, Slade, Inc. (Operator) (Slade), tendered for filing a proposed change in rate for natural gas produced in West Sinton Field, San Patricio County, Texas, and sold to Tennessee Gas Transmission Company under Slade's FPC Gas Rate Schedule No. 5. Said tender, designated as Supplement No. 5 to the aforementioned Rate Schedule No. 5, proposes a new price level of 17.24347 cents per Mcf at 14.65 psia. Slade does not request a specific effective date.

In support of the increased rate, Slade states that favored-nation pricing provisions of this type are common in the natural gas industry and that such a provision is included in the contract as a protection against inflation. Slade also submitted certain cost data, which data is identical to that previously tendered with other rate filings, including a motion to vacate the order issued October 30, 1959, in Docket No. G-19986. The latter order suspended and deferred the use of Supplement No. 4 to its FPC Gas Rate Schedule No. 5. After finding that said cost data "fails to show justification for a rate of 17.2295 cents per Mcf \* \* \* the Commission, by order issued April 29, 1960, denied said motion.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that the above-designated supplement 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 a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change in rate and charge contained in the above-designated supplement.

(B) Pending hearing and decision thereon, Supplement No. 5 to Slade's FPC Gas Rate Schedule No. 5 is hereby suspended and the use thereof deferred

<sup>1</sup> The rate level herein proposed is 17.24347 cents per Mcf.

until December 29, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 22, 1960.

By the Commission.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-7215; Filed, Aug. 3, 1960;  
8:46 a.m.]

[Docket No. RP61-5]

**SOUTH GEORGIA NATURAL GAS CO.**

**Order Providing for Hearing and Sus-  
pending Proposed Revised Tariff  
Sheets**

JULY 28, 1960.

South Georgia Natural Gas Company (South Georgia) on June 29, 1960, tendered for filing Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9, and Fifth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1 proposing an annual increase in its rates and charges of \$21,623 or 0.9 percent. The proposed increased rates are in addition to increased rates now in effect subject to refund in Docket No. G-20512 and other increased rates presently pending in Docket Nos. G-18626 and G-13550.

South Georgia states that the rate increase is designed solely to reflect an increase in purchased gas cost resulting from a proposed increased rate filed by Southern Natural Gas Company (Southern). By order of the Commission issued July 1, 1960, in Docket No. RP60-15 Southern's proposed increased rates were suspended until August 13, 1960, and until such further time as the increased rate and charge proposed by United Gas Pipe Line Company in Docket No. RP 60-2 may become effective subject to refund. In support of its proposed increased rates, South Georgia relies on the same claimed costs as those originally submitted in support of South Georgia's increased rates in Docket No. G-20512, as adjusted to reflect the increased cost of gas purchased from Southern.

South Georgia requests that any suspension of the proposed tariff sheets expire on the date that Southern's increase in Docket No. RP60-15 may become effective.

The proposed increased rates and charges contained in the aforementioned revised tariff sheets tendered by South Georgia on June 29, 1960, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions

of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's FPC Gas Tariff, Original Volume No. 1 as proposed to be modified by Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9, and Fifth Revised Sheet No. 5 to said tariff, as aforementioned, and that said revised tariff sheets and the rates and charges contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in South Georgia's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9 and Fifth Revised Sheet No. 5 to said tariff as tendered for filing on June 29, 1960.

(B) Pending such hearing and decision thereon the aforementioned Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9, and Fifth Revised Sheet No. 5 to South Georgia's FPC Gas Tariff, Original Volume No. 1 are hereby suspended and the use thereof deferred until August 13, 1960, and until such further time as the aforementioned increased rates and charges proposed by Southern may become effective subject to refund in Docket No. RP60-15 and until such further time as said revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) 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 or 1.37(f)) on or before September 12, 1960.

By the Commission.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 60-7216; Filed, Aug. 3, 1960;  
8:46 a.m.]

[Docket No. RI61-33]

**TEXACO, INC.**

**Order Providing for Hearing and Sus-  
pending Proposed Changes in Rates**

JULY 28, 1960.

On July 5, 1960, Texaco, Inc. (Texaco), tendered for filing four proposed favored-nation rate increases for its jurisdictional sales of natural gas to El Paso Natural Gas Company from four gasoline plants in Andrews, Ector and Hockley Counties, Texas. In each filing, the natural gas is sold at 14.65 psia, the Notice of Change is undated, and the effective date is August 5, 1960, which is the first day after expiration of the required thirty days' notice. The proposed changes in rates, as set forth in each filing, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Gasoline plant	Rate in effect and docket No. wherein rate is subject to re-	Proposed increased rate
RI61-6....	Texaco Inc....	17	9	Slaughter Gasoline Plant, Hockley County, Tex.	14.7974	RI60-132.... 17.11475
		18	8	South Fullerton Gasoline Plant, Andrews County, Tex.	14.7974	RI60-132.... 17.11475
		19	7	Levelland Gasoline Plant, Hockley County, Tex.	14.7974	RI60-132.... 17.11475
		21	11	TXL Gasoline Plant, Ector County, Tex.	12.27078	RI60-132.... 14.11879

In support of its favored-nation rate increases, Texaco cites the contract provisions and the purported triggering rates of other producers in the area which have been made effective subject to refund and states that the contracts resulted from arm's-length bargaining and that the increased prices are needed to offset increased costs and to encourage exploration and development. In addition, Texaco cites U.S. Bureau of Labor Statistics reports showing increases in wages and wholesale prices.

It should be noted that Texaco tendered for filing the subject increased rate proposals within 15 days prior to July 18, 1960, which is the date that its previously suspended increased rate proposals were allowed to take effect subject to refund in Docket No. RI60-132. However, even though the suspension order in Docket No. RI60-132 proscribed the filing of changes in the suspended rate schedules and supplements thereto until the period of suspension has expired, it is considered that the subject tenders should be accepted as hereinafter provided.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements, even though untimely filed, 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 hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements which are permitted to be filed.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until January 5, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor the supplements thereto involved in the above-proposed changes shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR, 1.8 and 1.37(f)) on or before September 19, 1960.

By the Commission.

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 60-7218; Filed, Aug. 3, 1960; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1960.

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. 36451: *Soda ash—Official territory to Asheville and Skyland, N.C.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2548), for interested rail carriers. Rates on soda ash, in carloads, from specified points in official territory to Asheville and Skyland, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 169 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1079.

FSA No. 36452: *Phosphate rock—Tennessee to western trunk line territory.* Filed by O. W. South, Jr., Agent (SFA No. A3997), for interested rail carriers. Rates on phosphate rock, as described in the application, in carloads, from points in Tennessee on the L&NRR to points in western trunkline territory.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Southern Freight Association tariff I.C.C. 1550.

FSA No. 36453: *Cast iron pressure pipe—Within the South and from the South to southwestern and WTL territories.* Filed by O. W. South, Jr., Agent (SFA No. A4001), for interested rail carriers. Rates on cast iron pressure pipe and fittings, as described in the application, in carloads, between points in southern territory, and from producing points in southern territory to points in southwestern territory, also WTL border points in Kansas and Missouri.

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

Tariff: Supplement 37 to Southern Freight Association tariff I.C.C. S-6.

FSA No. 36454: *Lumber from the southwest to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7863), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory to points in southern territory.

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

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 60-7232; Filed, Aug. 3, 1960; 8:48 a.m.]

[Notice 358]

### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 1960.

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 63101. By order of July 29, 1960, The Transfer Board approved the transfer to Kutzler Cartage, Inc., Waukegan, Ill., of Certificate No. MC 63214 issued October 29, 1940, to Frank Kutzler, Jr., doing business as Kutzler Cartage, Waukegan, Ill., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Winthrop Harbor, Ill., and Chicago, Ill. Paul W. Kaiser, 126 Madison Street, Waukegan, Ill., for applicants.

No. MC-FC 63281. By order of July 29, 1960, The Transfer Board approved the transfer to Lehigh Motor Freight, Inc., Allentown, Pa., of Certificate No. MC 114791 issued November 17, 1954, in the name of Harold W. Snyder, Allentown, Pa., authorizing the transportation over irregular routes of iron and steel products, between Bethlehem, Pa., and points within 3 miles thereof, on the one hand, and, on the other, Hartford, Conn., Wilmington, Del., Buffalo, N.Y., Baltimore, and Sparrows Point, Md., and points in New York on and south of U.S. Highway 20, and those in New Jersey on and west of U.S. Highway 1; and coke, from Bethlehem, Pa., to points in Warren County, N.J. Harry P. Creveling, 502 Hamilton Street, Allentown, Pa., for applicants.

No. MC-FC 63308. By order of July 28, 1960, The Transfer Board approved

the transfer to Thomas F. Welsh, doing business as Reliance Van Company, Philadelphia, Pa., of Certificate No. MC 21436, issued March 18, 1955, to Charles A. Weatherley and Edward N. Butter, a partnership, doing business as Reliance Van Company, Philadelphia, Pa.; authorizing the transportation of: Household goods, between Philadelphia, Pa.; and points within 15 miles thereof, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, the District of Columbia, and a specified part of New York; Potted flowers, from Norwood, Pa., to New York, New Rochelle, and Mt. Vernon, N.Y., Baltimore, Md., and Washington, D.C. John H. Derby, 816 Commonwealth Building, 1201 Chestnut Street, Philadelphia 7, Pa., for applicants.

No. MC-FC 63312. By order of July 28, 1960, The Transfer Board approved the transfer to W. F. Spingler Co., Inc., 118 Prospect Hill Street, Newport, R.I., of Certificate in No. MC 95778, issued May 16, 1941, to Mathilde Schultze, doing business as W. F. Spingler Company, 118 Prospect Hill Street, Newport, R.I., authorizing the transportation of: Household goods, and personal effects, between Newport, R.I., and New York, N.Y.

No. MC-FC 63318. By order of July 28, 1960, The Transfer Board approved the transfer to William F. Abbott, doing business as Bill Abbott Grain Company, Delta, Ohio, of Certificate in No. MC 114312, issued February 1, 1954, to Thomas Gamboe and Robert C. Gamboe, a partnership, doing business as Gamboe and Son, Pioneer, Ohio, authorizing the transportation of: Seed, livestock, fence posts, rough lumber, cement, animal and poultry feed, fertilizer, salt; empty containers, canned goods, and chemical fertilizer, from, to, or between, specified points in Ohio, Indiana, Illinois, and Michigan. Noel F. George, 44 East Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 63323. By order of July 28, 1960, The Transfer Board approved the transfer to Carlson Truck Line, Inc., Clay Center, Kans., of Certificate in No. MC 71246, issued April 16, 1952, to M. C. Bergin and Wayne W. Simon, a partnership, doing business as Blue Valley Freight Line, Washington, Kans., authorizing the transportation of: Grain, livestock, seeds, feed, agricultural implements, hardware, building materials, petroleum products in containers, binder twine, automobile accessories, household goods, newsprint, and general commodities with the usual exceptions including household goods and commodities in bulk, from, to, or between, specified points in Iowa, Kansas, Missouri, and Nebraska. John E. Jandera, 641 Harrison Street, Topeka, Kans., for applicants.

No. MC-FC 63326. By order of July 28, 1960, The Transfer Board approved the transfer to Ballew Trucking Company, Inc., Gainesville, Texas, of Certificate No. MC 94227 issued September 26, 1957, to James W. Ballew and Robert E. Ballew, a partnership, doing business as Ballew Trucking Company, Gainesville, Texas, authorizing the transportation of brick, tile, creosoted posts, lumber, reinforcing steel, steel and wire products,

wallboard, lime, cement, plaster, sewer pipe, building hardware, and shingles, over regular route, between Gainesville, Texas, and Marietta, Okla., serving no intermediate points; oilfield equipment and supplies, over irregular routes, between points in Texas and Oklahoma within 150 miles of Gainesville, Texas; and machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe in main lines, between points in Kansas and Oklahoma. Robert Edward Ballew, P.O. Box 715, E Highway 82, Gainesville, Tex., for applicants.

No. MC-FC 63415. By order of July 29, 1960, The Transfer Board approved the transfer to O. M. Stidham, Noble Martin Stidham, Executor, N. M. Stidham, A. E. Mankins, and James E. Mankins, Sr., a partnership, doing business as Eagle Trucking Company, Kilgore, Tex., of Certificate No. MC 55902, issued August 3, 1956, to O. M. Stidham, N. M. Stidham, and A. E. Mankins, a Partnership, doing business as Eagle Trucking Company, Kilgore, Tex., authorizing the transportation, over irregular routes, of *machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of lines, including the stringing and picking up thereof, between points in Arkansas, Louisiana, Mississippi, and Texas, between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, and between points in Georgia, Alabama, and Florida, and the above-described commodities, except the stringing and picking up of pipe in connection with main pipe lines, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and between points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 84, *machinery and equipment* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacture, and processing plant) sites or storage sites,

between points in Louisiana, Mississippi, and Texas, and between points in Texas, on the one hand, and, on the other, points in Wyoming, and machinery, equipment materials, and supplies, used in, or in connection with, the drilling of water wells, between points in Arkansas, Louisiana, Mississippi, and Texas, between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, between points in Georgia, Alabama, and Florida, and between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana.

No. MC-FC 63419. By order of July 28, 1960, The Transfer Board approved the transfer to Jatar Trucking, Inc., Long Island City, N.Y., of Certificate in No. MC 93147, issued May 3, 1957, to Oakwood Trucking Corp., Mount Vernon, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Newark, N.J., and Peekskill, N.Y., between Newark, N.J., and Port Chester, N.Y., between Newark, N.J., and White Plains, N.Y., and between Newark, N.J., and Elmsford, N.Y. Martin Werner, Werner & Alfano, Attorneys, 2 West 45th Street, New York, 36, N.Y.

No. MC-FC 63446. By order of July 28, 1960, The Transfer Board approved the transfer to J. Zembrodt Express, Inc., Covington, Ky., of Certificates Nos. MC 6695 and MC 6695 Sub 1, issued February 11, 1942, and September 10, 1947, respectively, to Etta Zembrodt, doing business as J. Zembrodt Express, Covington, Ky., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Ludlow, and Newport, Ky., and between Cincinnati, Ohio, on the one hand, and, on the other, points in Kenton and Boone Counties, Ky., within 15 miles of Cincinnati, except Ludlow, Ky., and points on U.S. Highway 42 and 25 in those counties. James A. Dressman, Jr., 302 Greenup Street, Covington, Ky., for applicants.

No. MC-FC 63449. By order of July 29, 1960, The Transfer Board approved the transfer to John A. Jacobs, doing business as Jacobs Truck Service, Milbank, S. Dak., of Certificates Nos. MC 10095 and MC 10095 Sub 2, issued August 15, 1941 and June 1, 1960, respectively, to Charles Jacobs, Milbank, S. Dak., authorizing the transportation of: Livestock between Milbank, S. Dak., and St. Paul, Minn., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from St. Paul to Milbank, and between points in South Dakota within 25 miles of Nassau, Minn., on the one hand, and on the other, Minneapolis, St. Paul and South St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-7233; Filed, Aug. 3, 1960; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4015]

## CONSOLIDATED DEVELOPMENT CORP.

### Order Summarily Suspending Trading

JULY 29, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 31, 1960 to August 9, 1960, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-7227; Filed, Aug. 3, 1960;  
8:47 a.m.]

## TELLURIDE POWER CO. AND UTAH POWER & LIGHT CO.

[File No. 70-3892]

### Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

JULY 28, 1960.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and an electric utility company, and Telluride Power Company ("Telluride"), an electric utility company and subsidiary of Utah, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12 (d) and (f) of the Act and Rule 43 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

Utah supplies the major portion of the electric power requirements of Telluride under an Electric Service Agreement entered into between the two companies on October 1, 1953. Telluride's load has grown to a level where a new major source of electric power is required and it had planned to obtain the requisite power supply by constructing approximately 67 miles of 138 kv line to interconnect with facilities of Utah in the vicinity of Nephi, Utah. The line would have had a capacity of 50,000 kw and would have involved estimated expenditures of \$1,039,000.

Utah, in connection with plans to connect its system to that of a non-affiliate, Arizona Public Service Company, has recently constructed and placed in service a 230 kv transmission line, which will initially be operated at 138 kv, with a capacity of 50,000 kw, in the service territory of Telluride. Utah is willing to grant to Telluride a capacity right in the 230 kv line sufficient for transporting electric power from Nephi, Utah to Sigurd, Utah to relieve Telluride of the necessity of constructing its own 138 kv line.

Accordingly, Utah and Telluride propose to enter into an agreement pursuant to which Utah will grant Telluride the right to the use of 50,000 kw

of capacity in Utah's transmission line for the transmission and receipt of its power from the point of delivery at Nephi, Utah to Sigurd, Utah. In consideration for the use of the capacity in Utah's line, Telluride proposes to pay Utah annually, from the effective date of the agreement, an amount of money equivalent to the annual fixed charges and operating costs of the 138 kv line that Telluride would have otherwise been required to build. Such annual charge is estimated at \$110,760 and is to be paid in twelve equal monthly installments of \$9,230 each.

The proposed contract has a term of 10 years and continues in effect for like successive terms until cancelled by either party on one year's notice. The agreement further provides that when the operating voltage of the transmission line is changed to 230 kv and the use of the line expanded, the parties will negotiate a new charge to be paid by Telluride.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed \$500 and will be paid by Utah.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 19, 1960, request in writing that a hearing be held in respect of the joint application-declaration, stating the reason for the request, the nature of his interest, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant and permit to become effective the joint application-declaration as filed, or as it may be amended, as provided in Rule 23 under the Act, or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-7228; Filed, Aug. 3, 1960;  
8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—AUGUST

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