

## RULES AND REGULATIONS

ing or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment. [Rule 10]

**§ 66.11 Exclusive dealing.**

It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 11]

**§ 66.12 Defamation of competitors or false disparagement of their products.**

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, performance, properties, manufacture, or distribution of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, is an unfair trade practice. [Rule 12]

**§ 66.13 Commercial bribery.**

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 13]

**§ 66.14 Push money.**

It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer.

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products or competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

**NOTE:** Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 14]

**§ 66.15 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.**

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 15]

**§ 66.16 Unlawful use of volume of freight traffic.**

It is an unfair trade practice for a member of the industry to use its volume of freight traffic or that of its subsidiaries or that of any other shipper in any manner, including promises or threats of rewards or reprisals, to coerce or compel purchasers or prospective purchasers engaged in the transportation of freight to purchase or increase their purchases of the industry member's wire rope with the purpose or intent, or where there is a reasonable probability that the effect thereof will be, to eliminate or suppress competition in the sale or distribution of wire rope.

**NOTE:** Examples of conduct violative of this section if pursued with the purpose or with the probable effect specified therein include, but are not limited to, the coercion of purchases or increased purchases of the industry member's wire rope through:

(a) Promises or assurances of freight traffic to be shipped in or on the purchaser's or prospective purchaser's transportation facility;

(b) Promises or assurances of an increased volume of freight traffic to be so shipped; or

(c) Threats of withdrawal of freight traffic from such purchasers or prospective purchasers.

[Rule 16]

Approved: December 13, 1962.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,

Secretary.

[F.R. Doc. 63-314; Filed, Jan. 10, 1963; 8:48 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

#### PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

##### Correction

In F.R. Doc. 62-12606, appearing at page 12672 of the issue for Friday, December 21, 1962, the last line of § 1.39(a) (4) is changed to read: "time of execution; and".

## Title 18—CONSERVATION OF POWER

### Chapter I—Federal Power Commission

[Docket No. R-223; Order 260]

#### LICENSE APPLICATIONS

##### Miscellaneous Amendments to Chapter

JANUARY 8, 1963.

The Commission has under consideration in this proceeding the amendment of its regulations under the Federal Power Act with respect to license applications and approved forms for same.

The purposes of the proposed amendments were to provide for an increase in the numbers of copies of license applications to meet the minimum requirements of the Commission; to require the filing of a recreation plan as part of applications for licenses to assist in expediting the processing of such applications; and to revise applications for license for minor projects to conform with Public Law 87-647, approved September 7, 1962 (76 Stat. 447, 16 U.S.C. 803(b), 803(e), 803(i)), which authorizes the Commission to issue minor licenses for existing and proposed projects having an installed capacity of no more than 2,000 horsepower.

General public notice of the proposed rule making was given by publication in the **FEDERAL REGISTER** on October 19, 1962 (27 F.R. 10262). In response to the notice, written comments and views were received from several interested licensees under the Federal Power Act and Federal agencies. Most of the comments expressed concern over the proposed amendment to § 4.41 of Part 4 of the Commission's regulations under the Federal Power Act (Title 18, CFR), which would require the filing of a new Exhibit R as a part of each application for license, the same being a plan for the recreational use of project lands and waters. The concern was that preparation of such an exhibit, in the manner proposed, would be difficult, if not impossible, without causing excessive and unreasonable delay in the filing of such

applications, and that the cost of such recreational facilities might have an adverse effect on the economics of a proposed hydroelectric project unless such costs were related to the economics of the project. Request was made that an extension of time to February 1, 1963, be granted for the submission of written comments and views respecting the proposed amendment of said § 4.41. The requested extension of time having been granted (27 F.R. 12378) the proposed amendments hereinafter adopted do not include any proposed amendment of said § 4.41. No objections were raised to the rules as hereinafter amended.

Upon consideration of the entire record in this proceeding, the Commission finds:

The amendments hereinafter adopted are necessary and appropriate in order to carry out the provisions of the Federal Power Act.

Acting pursuant to the authority granted by the Federal Power Act, particularly sections 9, 10(a), 10(i), and 309 thereof (16 U.S.C. 802, 803, 825h), the Commission orders:

(A) Parts 4, 5, 16 and 24 of Subchapter B, Regulations under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, are hereby amended to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 4.40, 4.50, 4.60, 4.70, 4.80, 4.82, 4.84, 5.1, 16.1, and 24.1, to read as set forth below.

(B) In Part 131 of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, § 131.6 is hereby amended to read as set forth below.

(C) The amendments prescribed herein are effective on and after January 1, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

#### PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

1. Amend first paragraph § 4.40 *Contents* to read:

##### § 4.40 *Contents.*

Each application for license for a complete project of more than 2,000 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying documents shall be submitted with one additional conformed copy for each interested State Commission.

2. Amend first paragraph § 4.50 *Contents* to read:

##### § 4.50 *Contents.*

Each application for license for a complete project of more than 2,000 horsepower installed capacity already constructed, or for a minor part of such project, shall be verified, shall conform

to § 131.2 of this chapter, and shall set forth in appropriate detail all information and exhibits prescribed in §§ 4.40 to 4.42, inclusive, for applications for licenses for proposed major projects, except as hereinafter provided. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying exhibits shall be submitted with one additional conformed copy for each interested State Commission.

3. Amend § 4.60 *Contents* to read:

##### § 4.60 *Contents.*

Each application for a license for a complete project having installed capacity of 2,000 horsepower or less, or for part of such project, whether constructed or to be constructed shall conform to § 131.6 of this chapter. Unless otherwise specified, an original and ten copies of the application and of all accompanying exhibits shall be submitted, with one additional copy for each interested State Commission. Additional information will be requested by the Commission when desired.

4. Amend first paragraph § 4.70 *Contents* to read:

##### § 4.70 *Contents.*

Each application for license for transmission line only shall be verified, shall conform to § 131.5 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying exhibits shall be submitted with one conformed copy for each interested State Commission.

5. Amend § 4.80 to read:

##### § 4.80 *Who may file.*

Any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act for a project of more than 2,000 horsepower installed capacity may make application for the issuance of a preliminary permit for the purpose of enabling applicant to secure the data and perform the acts required by law for filing an application for the issuance of a license.

6. Amend first paragraph § 4.82 *Contents* to read:

##### § 4.82 *Contents of application.*

Each application for preliminary permit shall be submitted as prescribed in § 131.10 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and ten conformed copies of the application and all accompanying documents shall be submitted, with one additional conformed copy for each interested State Commission.

7. Amend § 4.84 to read:

##### § 4.84 *Amendments.*

Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for

an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, an original and ten conformed copies of the application and all accompanying documents shall be submitted, with one additional copy for each interested State Commission.

#### PART 5—APPLICATION FOR AMENDMENT OF LICENSE

8. Amend last sentence of § 5.1 so that the section reads as follows:

##### § 5.1 *Amendment of license.*

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. Unless otherwise specified, the original and ten conformed copies of the application for amendment of license shall be submitted, with one additional copy for each interested State Commission, in accordance with § 131.30 of this chapter and verified.

#### PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

9. Amend first paragraph of § 16.1 to read:

##### § 16.1 *Contents.*

Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least three months prior to the expiration of license and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, an original and ten conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State Commission, shall be submitted.

#### PART 24—DECLARATION OF INTENTION

10. Amend first paragraph § 24.1 to read:

##### § 24.1 *Filing.*

An original and ten conformed copies of each declaration of intention under the provisions of section 23(b) of the

## RULES AND REGULATIONS

Act shall be filed. The declaration shall give the name and post office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

## PART 131—FORMS

11. Amend § 131.6 to read:

§ 131.6 Application for license for minor project having installed capacity of 2,000 horsepower or less.

(See § 4.60 of this chapter.)

(1) Full name of applicant (a citizen—an association of citizens—a corporation) (strike out all but one) whose post office address is

hereby makes application to the Federal Power Commission for a license to authorize construction, operation and maintenance of certain project works fully described herein.

(If a corporation, report State of incorporation and location of principal place of business. Corporations, municipal or private and associations, must give name and address of person who is authorized to act as agent and consent to accept service upon such agent as equivalent to service upon applicant.)

(2) A concise general description of the project is as follows, and plans of the principal project works are shown on Exhibit L, which is submitted herewith and made a part of this application:

(Give the name or other designation of the project and disregard such of the following items as are not applicable. Give approximate size and material of which dam, conduits, flumes, pipes and powerhouse are constructed, estimated head to be developed, estimated flow available in stream, proposed flow through plant, and approximate capacity of water-wheel and generator.)

(3) The project is located in the State of \_\_\_\_\_, County of \_\_\_\_\_, on the \_\_\_\_\_ stream, near the town of \_\_\_\_\_, in the \_\_\_\_\_ National Forest, as shown on the map submitted herewith as Exhibit K, which map is hereby made a part of this application.

(4) The lands of the United States which will be affected are:

(a) Surveyed land in public land survey: (Sections and subdivisions thereof; township, range, principal meridian)

(b) Unsurveyed land in public-land State: (Estimated location by sections and subdivisions thereof; township, range, principal meridian)

(c) If not in a public-land State: (Distance and general direction from a city, town or fixed monument or physical feature delineated on a map of a scale of 1:500,000 or 1:1,000,000)

(5) The following project facilities are located in whole or in part on lands of the United States (dam, reservoir, etc.).

(6) What State water or other permits have been obtained authorizing the construction, operation and maintenance of the proposed project?

(7) The project will produce power for use in (tourist camp, mine, farm, etc., for domestic, industrial or other specified use, by pumps, cooking, heating, etc.) \_\_\_\_\_ of the power output, \_\_\_\_\_ percent will be sold to \_\_\_\_\_ and \_\_\_\_\_ percent will be used by the applicant.

(8) It is desired to begin construction of the project within \_\_\_\_\_ months. It is estimated that construction will be carried on during \_\_\_\_\_ months and that operation will be started within \_\_\_\_\_ months of completion of project construction.

(9) The applicant hereby designates \_\_\_\_\_ whose address is \_\_\_\_\_ as its agent and agrees that service upon such agent shall constitute full service upon it for all purposes in connection with any license issued pursuant to this application. (This is to be used only by associations or corporations.)

In witness whereof, the applicant has signed this application on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By \_\_\_\_\_ (Name of applicant)

By \_\_\_\_\_ (If applicant is an association)

EVIDENCE OF CITIZENSHIP<sup>1</sup>

(To be used where applicant is an association of citizens and with minor changes where applicant is an individual.)

State of \_\_\_\_\_

County of \_\_\_\_\_ ss:

and being duly sworn, each for himself, deposes and says that he is a citizen of the United States of America, and that all of the members of said Association have signed this affidavit.

Subscribed and sworn to before me, a notary public of the State of \_\_\_\_\_ this day of \_\_\_\_\_, 19\_\_\_\_.

[SEAL]

(Notary Public)

NOTE: The following requirements for the project map to be filed as Exhibit K and plans of structure as Exhibit L are prescribed:

There shall be submitted pursuant to sections 4.60 and 131.6 with each application for license for a minor project having installed water-wheel capacity of 2,000 horsepower or less, a map, designated as Exhibit K, showing the portion of the stream developed, the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces, access roads, and transmission lines), and the area occupied by all project works as limited by a project boundary, and indicating State, county, meridian, township, range, section and the smallest legal subdivision or numbered lot or tract. The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a national forest, Indian reservation, etc.

Exhibit K shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by ten prints thereof drawn to an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary shall be stated separately for each facility, and shown on the map. The number of feet on each side of the surveyed center lines of the conduits, roads, powerhouse unit, tailrace and transmission lines shall be at least 10 feet. The distances of the project boundary from the survey center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they shall be large enough to allow at least 10 feet on each side of the powerhouse and to include

<sup>1</sup> If applicant is an individual, prepare affidavit accordingly, using only appropriate portion of above form. If applicant is an association, each member must be a citizen and sign the affidavit.

all appurtenant project structures. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project boundary inclosing the dam and reservoir should be a surveyed line with stated courses and distances, which line shall be not less than 20 feet horizontal measurement from the ends and from the axis on the downstream side of the dam and not less than 10 feet outside of a contour around the reservoir established by the highest point on the dam and abutment. The area of the enclosure in acres should be given. The project area and boundary at the powerhouse, dam, and reservoir should, if necessary for clarity, be shown in an insert sketch to a larger scale than that used for the rest of the project works.

(3) If practicable, there shall be shown one or more ties by distance and bearing from a definite point or points on the project boundary which point or points can be identified on the ground, to established corners of the public land survey or to a mineral monument or other fixed recognizable object if the land is unsurveyed.

(4) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such protractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(5) Where no government lands are affected, Exhibit K may show only the general location of the project.

(6) The map shall bear the following certificate dated and signed by the applicant: "This map is a part of the application for a license made by the undersigned this day of \_\_\_\_\_, 19\_\_\_\_."

Exhibit L shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen or process tracing if legible and of durable quality, not smaller than 8 inches by 10½ inches, accompanied by 10 prints thereof drawn to an appropriate scale of one inch equals not more than 100 feet.

(2) Exhibit L General design drawings showing plan, elevation and section of dam, conduit and powerhouse. Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple.

(3) The drawing shall bear the following certificate dated and signed by the applicant: "This drawing is a part of the application for a license made by the undersigned this day of \_\_\_\_\_, 19\_\_\_\_."

(Name of applicant)

[F.R. Doc. 63-322; Filed, Jan. 10, 1963; 8:49 a.m.]

## Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 14809 (RM-361); FCC 63-25]

## PART 3—RADIO BROADCAST SERVICES

## Television Broadcast Stations; Table of Assignments; (Moscow, Idaho)

1. The Commission has before it for consideration its notice of proposed rule making, released October 12, 1962, (FCC 62-1077) proposing that Channel 12 be reserved for the noncommercial educa-

tional service in Moscow, Idaho, as requested by petitioner, the University of Idaho at Moscow, Idaho.

2. At the present time, Moscow, Idaho, with a population of 11,183, located in Latah County whose population is 21,170, presently has assigned to its Channels 12 and \*15. There are neither applications pending nor authorizations outstanding for these channels.

3. A brief comment supporting the reservation of Channel 12 in Moscow was filed by Mr. Serge Bergen. No comments or reply comments were received opposing the reservation.

4. As set out in Paragraphs 5 and 6 of the notice of proposed rule making issued in this matter, the petitioner has taken substantial steps toward preparing itself to operate a successful, educational television station. Petitioner seeks operation on a VHF channel because there are no UHF receivers in the vicinity and also because very large areas must be served by the proposed station. The proposed station would provide the first educational service to the area. In view of the above the Commission is of the opinion that the change proposed is in the public interest.

5. The reservation of Channel 12 without other action would leave Moscow, Idaho, with both of its channels reserved for the educational service. "The Needs of Education for Television Channel Allocations," a survey by the National Association of Educational Broadcasters, filed as a comment in Docket No. 14229, suggests but one reserved television station in Moscow. The Commission also feels that there is at present a need for only one educational service in that community and that notwithstanding the fact that there is no current interest in operating a commercial station in Moscow that a commercial channel should be made available to make possible a future commercial service to the area without the need for additional rule making proceedings. Hence, it is felt that the reservation on Channel \*15 in Moscow should be deleted.

6. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective February 11, 1963, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended to change the Moscow entry under the state of Idaho to read:

City Channel No.  
Moscow, Idaho \*12, 15  
(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: January 3, 1963.

Released: January 7, 1963.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 63-326; Filed, Jan. 10, 1963; 8:50 a.m.]

No. 8—3

## Title 21—FOOD AND DRUGS

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

#### PART 8—COLOR ADDITIVES

##### Provisional Lists

The Color Additives Amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing (including a deemed provisional listing) of a color additive on his own initiative, or upon application of an interested person.

Requests to postpone the closing date of the provisional listing of a number of color additives have been received because the scientific investigations necessary for listing the color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing date of the provisionally listed color additives in this order will not be contrary to the interests of the public health. Any extensions so

granted are conditioned upon a requirement that progress reports be supplied on July 1, 1963, and at 6-month intervals thereafter.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 8.501 of the color additives regulations (21 CFR 8.501) is revised to read as follows:

##### § 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives, the specifications for which appear in Part 9 of this chapter, are deemed provisionally listed under section 203(b) of the Color Additives Amendments of 1960 (sec. 203(b), 74 Stat. 405; 21 U.S.C. 376, note). Except for color additives for which petitions have been filed, progress reports are required by July 1, 1963, and at 6-month intervals thereafter.

(a) *Color additives provisionally listed for food, drug, and cosmetic use.*

	Closing date	Restrictions
FD&C Green No. 1 (§ 9.21 of this chapter)	June 1, 1964	
FD&C Green No. 2 (§ 9.22 of this chapter)	do	
FD&C Green No. 3 (§ 9.23 of this chapter)	Aug. 1, 1964	
FD&C Yellow No. 5 (§ 9.40 of this chapter)	June 1, 1964	
FD&C Yellow No. 6 (§ 9.41 of this chapter)	Aug. 1, 1964	
FD&C Red No. 2 (§ 9.61 of this chapter)	do	
FD&C Red No. 3 (§ 9.62 of this chapter)	June 1, 1964	
FD&C Red No. 4 (§ 9.63 of this chapter)	Aug. 1, 1964	
FD&C Blue No. 1 (§ 9.80 of this chapter)	June 1, 1964	
FD&C Blue No. 2 (§ 9.81 of this chapter)	do	
FD&C Violet No. 1 (§ 9.90 of this chapter)	Oct. 1, 1964	
Lakes (FD&C) (§ 9.100 of this chapter)		

##### (b) *Color additives provisionally listed for drug and cosmetic use.*

	Closing date	Restrictions
D&C Green No. 5 (§ 9.103 of this chapter)	June 1, 1964	
D&C Green No. 6 (§ 9.104 of this chapter)	do	
D&C Green No. 8 (§ 9.106 of this chapter)	Apr. 1, 1965	
D&C Yellow No. 7 (§ 9.130 of this chapter)	Dec. 1, 1964	
D&C Yellow No. 8 (§ 9.131 of this chapter)	do	
D&C Yellow No. 10 (§ 9.133 of this chapter)	June 1, 1964	
D&C Yellow No. 11 (§ 9.134 of this chapter)	do	
D&C Red No. 5 (§ 9.150 of this chapter)	July 1, 1965	
D&C Red No. 6 (§ 9.151 of this chapter)	Feb. 1, 1965	
D&C Red No. 7 (§ 9.152 of this chapter)	do	
D&C Red No. 8 (§ 9.153 of this chapter)	do	
D&C Red No. 9 (§ 9.154 of this chapter)	do	
D&C Red No. 10 (§ 9.155 of this chapter)	do	
D&C Red No. 11 (§ 9.156 of this chapter)	do	
D&C Red No. 12 (§ 9.157 of this chapter)	do	
D&C Red No. 13 (§ 9.158 of this chapter)	do	
D&C Red No. 17 (§ 9.162 of this chapter)	do	
D&C Red No. 19 (§ 9.164 of this chapter)	do	
D&C Red No. 21 (§ 9.166 of this chapter)	do	
D&C Red No. 22 (§ 9.167 of this chapter)	do	
D&C Red No. 27 (§ 9.172 of this chapter)	do	
D&C Red No. 28 (§ 9.173 of this chapter)	do	
D&C Red No. 30 (§ 9.175 of this chapter)	June 1, 1964	
D&C Red No. 33 (§ 9.178 of this chapter)	Aug. 1, 1964	
D&C Red No. 34 (§ 9.179 of this chapter)	Apr. 1, 1965	
D&C Red No. 36 (§ 9.181 of this chapter)	Dec. 1, 1964	
D&C Red No. 37 (§ 9.182 of this chapter)	Feb. 1, 1965	
D&C Red No. 39 (§ 9.184 of this chapter)	do	
D&C Orange No. 4 (§ 9.201 of this chapter)	Jan. 1, 1964	
D&C Orange No. 5 (§ 9.202 of this chapter)	Oct. 1, 1964	
D&C Orange No. 10 (§ 9.207 of this chapter)	Sept. 1, 1965	
D&C Orange No. 11 (§ 9.208 of this chapter)	do	
D&C Orange No. 17 (§ 9.214 of this chapter)	July 1, 1964	
D&C Brown No. 1 (§ 9.230 of this chapter)	July 1, 1965	
D&C Blue No. 4 (§ 9.240 of this chapter)	June 1, 1964	
D&C Blue No. 6 (§ 9.242 of this chapter)	do	
D&C Blue No. 7 (§ 9.243 of this chapter)	Apr. 1, 1965	
D&C Blue No. 9 (§ 9.245 of this chapter)	Jan. 1, 1964	
D&C Black No. 1 (§ 9.260 of this chapter)	July 1, 1965	
D&C Violet No. 2 (§ 9.270 of this chapter)	Dec. 1, 1964	
Lakes (D&C) (§ 9.280 of this chapter)		

External use only.  
§ 8.503 of this chapter.  
Do.

External use only.  
§ 8.503 of this chapter.  
Do.

External use only.  
§ 8.503 of this chapter.  
Do.

External use only.  
Surgical suture use only.  
External use only.

## (c) Color additives provisionally listed for use in externally applied drugs and cosmetics.

	Closing date	Restrictions
Ext. D&C Yellow No. 1 (§ 9.301 of this chapter)	Apr. 1, 1965	
Ext. D&C Yellow No. 3 (§ 9.303 of this chapter)	July 1, 1965	
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter)	Oct. 1, 1964	
Ext. D&C Red No. 15 (§ 9.354 of this chapter)	July 1, 1965	
Ext. D&C Red No. 15 (§ 9.354 of this chapter)	do	
Ext. D&C Green No. 1 (§ 9.400 of this chapter)	Apr. 1, 1965	
Ext. D&C Violet No. 2 (§ 9.411 of this chapter)	July 1, 1965	
Ext. D&C Orange No. 3 (§ 9.422 of this chapter)	do	
Lakes (Ext. D&C) (§ 9.440 of this chapter)	do	

## (d) Color additive provisionally listed for use on mature oranges.

	Closing date	Restrictions
Citrus Red No. 2 (§ 9.16 of this chapter)	Jan. 1, 1964	
Alkanet (alkanna)	Jan. 1, 1964	
Annatto	do	
Beet juice	do	
Beet powder	do	
Bixin and norbixin	do	
Calcium carbonate	do	
Caramel	do	
Car bon black (prepared by the "impingement" or "channel" process)	do	
Carmine	do	
Carmine acid	do	
Carotene natural and synthetic	do	
Carrot oil	do	
D&C Blue No. 6 (§ 9.242 of this chapter)	June 1964	
D&C Blue No. 7 (§ 9.243 of this chapter)	July 1965	Surgical suture use only.
D&C Blue No. 9 (§ 9.245 of this chapter)	Jan. 1964	
D&C Black No. 1 (§ 9.260 of this chapter)	July 1965	External use only.
D&C Violet No. 2 (§ 9.279 of this chapter)	Dec. 1964	

## (e) Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been subject to certification.

	Closing date	Restrictions
Annato		
Bone black		
Carbon black ("channel" or "impingement" process)		
Carmine acid		
Carotene, natural and synthetic		
Charcoal (National Formulary XI)		
Chlorophyll copper complex and chlorophyllin copper complex		
Coelhiinal		
Ferric ferrocyanide (iron blue)		
Fusite		
Iron oxides		
Logwood		
Pyrogallol		
Titanium dioxide		
Ultramarine blue		

## (f) Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been subject to certification. The color additives listed in this paragraph are listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive used only in drugs for external application is not provisionally listed for internal drug use.

	Closing date	Restrictions
Alloxan	Jan. 1, 1964	
Aluminum benzoate	do	
Aluminum hydroxide	do	
Aluminum powder	do	
Aluminum silicate (including hydrated aluminum silicate)	do	
Aluminum stearate	do	
Amato	do	
Barium sulfate (baine blue)	do	
Bentonite	do	
Bismuth oxychloride	do	
Bone black	do	
Bronze powder	do	
Calcium carbonate	do	
Calcium silicate	do	
Calcium stearate	do	
Carmine	do	
Carmine sulfate (prepared by the "impingement" or "channel" process)	do	
Charcoal	do	
Carmine acid	do	
Carmine sulfate	do	
Chlorophyll copper complex and chlorophyllin copper complex	do	
Coelhiinal	do	
Ferric ferrocyanide	do	
Ferric gluconate	do	
Ferric sulfite	do	
Griseofulvin extract	do	
Iron oxides	do	
Leucrocine, chrome and extracts ( <i>Harmalypon campuchiana</i> L.)	do	
Poppy and poppy oil	do	
Riboflavin	do	
Safflower (American saffron, florets of <i>Carthamus tinctorius</i> L.)	do	
Cobaltous aluminate (cobalt blue)	do	

## RULES AND REGULATIONS

	Closing date	Restrictions
Cochineal	do	
Copper, metallic powder	do	
Copper versenate	do	
Cornstarch	do	
Dihydroxyacetone	do	
Ferrie ferrocyanide (iron blue)	do	
Ferrie hydroxide (hydrated iron oxide)	do	
Fuller's earth	do	
Gloss white	do	
Gold	do	
Graphite	do	
Guanine (pearl essence)	do	
Iron oxides	do	
Kaolin	do	
Kieselguhr (diatomite)	do	
Lapis lazuli (lazurite)	do	
Lithium stearate	do	
Lithopone	do	
Logwood (gluewood, campeche wood)	do	
Magnesium aluminum silicate	do	
Magnesium carbonate	do	
Magnesium oxide	do	
Magnesium stearate	do	
Magnesium trisilicate	do	
Manganese violet (probably $2(\text{NH}_4)_2\text{Mn}_3(\text{P}_2\text{O}_7)_2$ )	do	
4-Methyl-7-diethylaminocoumarin (MDAC)	do	
β-Methyl umbelliferone	do	
Mica	do	
Potassium ferrocyanide	do	
Sienna	do	
Silicic acid	do	
Silicon dioxide (silica)	do	
Silk, powdered	do	
Talc	do	
Tin oxide	do	
Titanium dioxide	do	
Ultramarine blue	do	
Ultramarine green	do	
Ultramarine pink	do	
Ultramarine red	do	
Ultramarine violet	do	
Umber	do	
Vermiculite	do	
Zinc cat borate	do	
Zinc oxide	do	
Zinc stearate	do	
Zirconium oxide	do	
Zirconium silicate	do	

*Effective date.* This order shall become effective January 13, 1963.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203 (d) (2) of Public Law 86-618 provides for this issuance.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: January 4, 1963.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 63-243; Filed, Jan. 10, 1963;  
8:45 a.m.]

#### PART 130—NEW DRUGS

Procedural and Interpretative Regulations; Investigational Use

##### Correction

In F.R. Doc. 63-138, appearing at page 179 of the issue for Tuesday, January 8, 1963, in § 130.3(a)(2), the last line of item 5 of the form is changed to read "As needed for safety and to give significance to clinical in—".

## Title 33—NAVIGATION AND NAVIGABLE WATERS

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

#### PART 204—DANGER ZONE REGULATIONS

#### PART 207—NAVIGATION REGULATIONS

##### Lake Michigan, III.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204-175 governing a small-arms range in Lake Michigan, Illinois, is hereby amended revising the title, reducing the size of the area, redesignating paragraph (b) (5) as (b) (6) with minor revision and adding a new paragraph (b) (5), and § 207.475 governing a naval restricted area in Lake Michigan, Illinois, is hereby amended to change the name of the enforcing agency, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.175 Lake Michigan; small-arms range adjacent to United States Naval Training Center, Great Lakes, Ill.

(a) *The danger zone.* An area bounded on the north by latitude 42°20' 30"; on the east by longitude 87°47'30"; on the south by latitude 42°18'45"; and on the west by the shoreline.

(b) *The regulations.* \* \* \*

(5) During the firing season two 8-foot drum and cage type buoys painted white with a horizontal orange band and displaying an orange flag marked with "FIRING RANGE" from a 5-foot mast will be moored at the north and south points of the eastern limits of the range.

(6) The regulations in this section shall be enforced by the Commander, United States Naval Training Center, Great Lakes, Illinois, and such agencies as he may designate.

§ 207.475 Lake Michigan; naval restricted area, United States Naval Training Center, Great Lakes, Ill.

(a) *The area.* An area extending in a north and south direction from the Great Lakes, Illinois, south breakwater to an east-west line projecting eastward from the shore termination of the north fence of the United States Naval Training Center, Great Lakes, Illinois, and extending into Lake Michigan for a distance of one mile from the shoreline.

(b) *The regulations.* No vessel of any kind, except those engaged in naval operations, shall enter, navigate, anchor, or moor in the restricted area without first obtaining permission to do so from the Commander, United States Naval Training Center, Great Lakes, Illinois, or his authorized representative.

[Regs., December 21, 1962, 285/111 (Lake Michigan, Ill.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 63-287; Filed, Jan. 10, 1963;  
8:45 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

#### PART 3—ADJUDICATION

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

###### DEFINITIONS

In § 3.1(m), that portion immediately preceding subparagraph (1) and para-

graph (n) are amended to read as follows:

**§ 3.1 Definitions.**

(m) "In line of duty" means an injury or disease incurred or aggravated during a period of active military, naval, or air service unless such injury or disease was the result of the veteran's own willful misconduct. A service department finding that injury, disease or death occurred in line of duty will be binding on the Veterans Administration unless it is patently inconsistent with the requirements of laws administered by the Veterans Administration. Requirements as to line of duty are not met if at the time the injury was suffered or disease contracted the veteran was:

(n) "Willful misconduct" means an act involving conscious wrongdoing or known prohibited action (malum in se or malum prohibitum). A service department finding that injury, disease or death was not due to misconduct will be binding on the Veterans Administration unless it is patently inconsistent with the facts and the requirements of laws administered by the Veterans Administration.

(1) It involves deliberate or intentional wrongdoing with knowledge of or wanton and reckless disregard of its probable consequences.

(2) Mere technical violation of police regulations or ordinances will not per se constitute willful misconduct.

(3) Willful misconduct will not be determinative unless it is the proximate cause of injury, disease or death. (See §§ 3.301, 3.302.)

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

This regulation is effective January 11, 1963.

W. J. DRIVER,  
Deputy Administrator.

[F.R. Doc. 63-361; Filed, Jan. 10, 1963;  
8:50 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2852]

[1823147]

[Arizona 032068]

#### ARIZONA

##### Partly Revoking Executive Order No. 8647 of January 22, 1941, and Public Land Order No. 559 of February 11, 1949 (Havasu Lake National Wildlife Refuge); Revoking Certain Reclamation Withdrawals, in Whole or in Part (Colorado River Storage Project)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Executive Order No. 8647 of January 22, 1941, which established the Havasu Lake National Wildlife Refuge, and Public Land Order No. 559 of February 11, 1949, which added lands thereto, and the departmental orders of January 3, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, which withdrew lands for reclamation purposes in connection with the Colorado River Storage Project, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, *supra*, are hereby revoked so far as they affect the following-described lands:

#### GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 20 W.,  
Sec. 4, E  $\frac{1}{2}$  E  $\frac{1}{2}$  and W  $\frac{1}{2}$  NE  $\frac{1}{4}$ ;  
Sec. 10;  
Sec. 14, N  $\frac{1}{2}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , and  
SE  $\frac{1}{4}$ ;  
Sec. 24, N  $\frac{1}{2}$ .  
T. 14 N., R. 20 W.,  
Sec. 28, SE  $\frac{1}{4}$ ;  
Sec. 33, E  $\frac{1}{2}$ .

Containing approximately 2,280 acres. 2. Subject to any valid existing rights, the provisions of any existing withdrawals, and the requirements of applicable law, rules and regulations, the lands released from withdrawal by Paragraph 1 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on July 5, 1963, the State of Arizona shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR:

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Arizona presented prior to 10:00 a.m. on February 9, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on July 5, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

JANUARY 4, 1963.

[F.R. Doc. 63-301; Filed, Jan. 10, 1963;  
8:46 a.m.]