the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

3. Section 1101.785 is amended by changing the period at the end of the second sentence to a comma and adding the following: "except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of November 1955.

E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9218; Filed, Nov. 15, 1955; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

DETERMINATION OF EXISTENCE OF DISEASE; AGREEMENTS WITH STATES

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (23 Stat. 32, 58 Stat. 734) and section 2 of the Act of February 2, 1903 (32 Stat. 792; 21 U. S. C. 114, 111, 114a), paragraph (b) of § 53.2 of the regulations pertaining to payment of indemnities for animals destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious and infectious animal diseases (9 CFR, 1954 Supp., Part 53), is hereby amended to read as follows:

§ 53.2 *Determination of existence of disease; agreements with States.* * * *

(b) Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Chief of Branch is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay not more than 50 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease: *Provided,* That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

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

The purpose of the revisions contained in this amendment are to provide for the more rapid removal of diseased animals in those instances where State indemnity funds have not been made available.

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

(Sec. 11, 58 Stat. 734, as amended, 67 Stat. 493; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 10th day of November 1955.

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

[F. R. Doc. 55-9220; Filed, Nov. 15, 1955; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED, RESPONSIBILITIES OF FEDERAL AGENCIES

INFORMATION TO FEDERAL EMPLOYEES

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.) the following regulation contained in this part is amended. This amendment is designed to conform the regulation to the revised designation and use of U. S. Government Standard Form 8.

Paragraph (b) of § 609.2 is amended to read as follows:

(b) Complete Standard Form 8, "Notice to Federal Employee About Unemployment Compensation" in accordance with instructions thereon, and furnish a completed copy of such form to each of its employees at the time of separation from Federal service, when transferred from one payroll office to another or when the office responsible for distribution of the form is advised that the individual is on leave without pay for seven consecutive days or more.

(Sec. 1509, 68 Stat. 1135)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor

[F R. Doc. 55-9189; Filed, Nov. 15, 1955; 8:45 a. m.]

PART 610—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED, RESPONSIBILITIES OF STATE EMPLOYMENT SECURITY AGENCIES

DETERMINATION OF ENTITLEMENT

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), the following regulation contained in this part is amended. The amendment is designed to clarify the fact that Title XV compensation shall not be paid for periods to which a payment for terminal annual leave is allocated without regard to whether an individual is considered unemployed during such periods.

Paragraph (a) of § 610.5 is amended to read as follows:

§ 610.5 *Determination of entitlement*—(a) *Entitlement.* The agency of the State to which a Federal employee's Federal service and Federal wages have been assigned (or of the State to which they have been transferred in accordance with the Interstate Wage Combining Plan) shall determine the claimant's entitlement to compensation and shall pay such compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the unemployment compensation law of the State if the Federal service and Federal wages of such claimant had been included as employment and wages under such law, except that, no payment of compensation shall be made for periods to which a payment for terminal annual leave is allocated. The notice of determination given to the claimant pursuant to the unemployment compensation law of the State shall include the findings made by the Federal agency and shall inform the claimant of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency in sufficient detail to enable the claimant to determine whether he wishes to request reconsideration or correction of any such findings, to the extent that such information has been furnished by the Federal agency.

* * * * *

(Sec. 1509, 68 Stat. 1135)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor

[F. R. Doc. 55-9190; Filed, Nov. 15, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 135—COLOR CERTIFICATION

MISCELLANEOUS AMENDMENTS

In the matter of amending §§ 135.3, 135.5, and 135.11 of the color certification regulations:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 406 (b), 504, 604, 701, 52 Stat. 1049, 1052, 1055; 21 U. S. C. 346 (b) 354, 364, 371, 67 Stat. 18) upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on December 19, 1953 (18 F R. 8600) and upon consideration of the exceptions filed to the proposed order published in the FEDERAL REGISTER on December 30, 1954 (19 F. R. 9352) which exceptions were allowed or not allowed as appears from notations on the exceptions on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., the following order is hereby promulgated.

Findings of fact.[1] 1. After a hearing in 1939 concerning regulations for the certification of coal-tar colors, the coal-tar color now listed as FD&C Orange No. 1 (monosodium salt of 4-*p*-sulfophenylazo-1-naphthol) and the coal-tar color now listed as FD&C Orange No. 2 (1-*o*-tolylazo-2-naphthol) were found to be harmless and suitable for use in food, drugs, and cosmetics. After another hearing in 1939, concerning amendment of the coal-tar color regulations, the coal-tar color now listed as FD&C Red No. 32 (1-xylylazo-2-naphthol) was found to be harmless and suitable for use in food, drugs, and cosmetics. Accordingly, these three colors, among others, were listed with appropriate specifications of identity and quality in the coal-tar color regulations (21 CFR 135.3) as certifiable for unrestricted use in foods, drugs, and cosmetics. (4 F R. 1922, 1926, 1937, 3931, 3936, 3937; R. 46.)

2. Since that time the Food and Drug Administration has completed additional tests to explore more fully the toxicity of the certifiable coal-tar colors. A number of additional tests have been conducted by the Division of Pharmacology of the Food and Drug Administration, using FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32.

Tests that have been terminated are:

a. FD&C Orange No. 1.

i. Chronic feeding tests with rats on diets containing 0.1, 0.5, 1, and 2 percent.

ii. Chronic oral administration to dogs at doses of 5 milligrams per kilogram of body weight and 100 milligrams per kilogram of body weight.

iii. Cathartic tests in dogs, using single oral dose.

b. FD&C Orange No. 2:

i. Chronic or subacute feeding tests with rats on diets containing 0.01, 0.05, 0.1, 0.2, and 0.25 percent.

ii. Tests designed to determine carcinogenicity in rats, using weekly subcutaneous injections of approximately 5 milligrams. The test was inconclusive as to carcinogenicity and was discontinued after 8 injections. Three of the 18 test rats died on the dosage administered as compared to no deaths among the control rats.

iii. Carcinogenicity tests in mice, using subcutaneous implantation of 12.1 milligrams at intervals for 30 to 55 weeks. These tests produced no positive results.

iv. Chronic oral administration to 2 dogs at doses beginning at 100 milligrams per kilogram of body weight per day. The dosage was reduced successively to 20 milligrams and 5 milligrams in 1 dog, and to 20 milligrams in the other dog.

v. Chronic feeding tests in dogs at dietary levels of 0.2 percent and 0.04 percent.

vi. Cathartic tests in dogs, using single oral dose.

c. FD&C Red No. 32:

i. Chronic feeding tests with rats, on diets containing 0.1 percent.

ii. Subacute feeding tests with rats, on diets containing 0.25, 0.5, 1, and 2 percent.

iii. Chronic feeding tests with rats, on diets containing 0.1 percent and 0.25 percent.

iv. Carcinogenicity tests in rats, using weekly subcutaneous injections of approximately 5 milligrams to 10 milligrams. These tests were inconclusive as to carcinogenicity and were discontinued after 8 injections because 7 of the 18 test rats died or were sacrificed in extremis prior to the ninth injection. Similar toxic reactions were not encountered in the control rats. A second experiment, using weekly subcutaneous injections of approximately 1 milligram was also discontinued after 8 injections, because of deaths among the 18 test rats receiving FD&C Orange No. 2 in another part of this experiment.

v. Carcinogenicity tests in mice, using subcutaneous implantation of 10.8 milligrams at intervals for 35 weeks to 47 weeks showed no evidence of tumors.

vi. Chronic oral administration to dogs at doses of 5, 20, and 100 milligrams per kilogram of body weight per day.

vii. Chronic feeding tests in dogs at dietary levels of 0.04 percent and 0.2 percent.

viii. Cathartic tests in dogs, using single oral dose.

Tests of the three colors by external application to determine whether they are toxic when applied externally were being set up at the time of the hearing. (R. 8–78; Ex. 2, 3, 4.)

3. The tests with FD&C Orange No. 1 show that when taken internally at various levels of administration this color causes definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

This color caused the premature death of all rats on diets containing 2.0 percent of the test substance. Rats on a diet containing 1.0 percent of this substance showed marked retardation of growth, increased mortality, and chronic congestion and enlargement of the spleen. These same manifestations, to a lesser extent, were encountered in rats consuming a diet containing 0.5 percent of FD&C Orange No. 1. Dogs consuming 100 milligrams per kilogram of body weight per day of FD&C Orange No. 1 died in 26 months and 33 months. They had occasional diarrhea while alive and manifested terminal weight loss. Autopsy revealed congestion and atrophy of the liver attributable to the color. On a diet containing 1.0 percent of FD&C Orange No. 1, dogs exhibited chronic diarrhea. Rapid deterioration, and weight loss also occurred in 2 dogs. Autopsy revealed muscular dystrophic changes and testicular, prostatic, and uterine atrophy. These same manifestations occurred to a lesser extent in dogs on a diet containing 0.2 percent of FD&C Orange No. 1. A single dose of 100 milligrams to 200 milligrams of FD&C Orange No. 1 produced diarrhea in most dogs. Human volunteers who ate candy containing 0.07 percent of FD&C Orange No. 1 exhibited diarrhea upon the ingestion of from one to eight pieces of the candy. Human volunteers taking 80 milligrams to 100 milligrams of the color in a single dose also experienced marked griping and diarrhea. (R. 14–22, 43–44, Ex. 2.)

4. Tests on rats at a level of 0.1 percent of the diet and on dogs at doses of 5 milligrams per kilogram of body weight per day did not produce any toxic effects attributable to FD&C Orange No. 1. However, these results must be contrasted with the diarrhea that resulted when human volunteers ate from one to eight pieces of candy containing 0.07 percent of FD&C Orange No. 1. This is particularly significant because man is shown to be more susceptible to the toxic effects of the color than are the test animals, and because the dogs having diarrhea (the symptom observed also in man) showed damage to various vital organs after the chronic feeding tests. (R. 14, 16–18, 20–21, 43–44; Ex. 2.)

5. The tests with FD&C Orange No. 2 show that when taken internally at various levels of administration this color causes definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

FD&C Orange No. 2 caused severe growth retardation and increased mortality to rats on a diet containing 0.25 percent of the test substance. At 0.2 percent of the rats' diet, increased mortality and degeneration of the liver occurred. At a level of 0.1 percent of this substance in the diet, the rats exhibited marked growth retardation. At a level of 0.05 percent, autopsy revealed enlargement of the right side of the heart and, on microscopic examination, slight hypertrophy or hyperplasia of the cells in the liver. Approximately 5 milligrams per week given to rats by subcutaneous injection caused increased mortality and moderate growth retardation. Dogs consuming 100 milligrams per kilogram of body weight per day of FD&C Orange No. 2 lost weight or gained poorly. Twenty milligrams per kilogram of body weight per day caused one dog in the experiment to gain weight poorly. Five milligrams per kilogram of body weight per day apparently was tolerated by one dog without resultant injury. Dogs on a diet containing 0.2 percent of the test substance had diarrhea at the beginning of the experiment and exhibited rapid deterioration and weight

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, except for citations to the FEDERAL REGISTER, where applicable.

loss. Autopsy revealed atrophy of various vital organs caused by the color. At 0.04 percent of the diet, dogs gradually deteriorated and lost weight, and autopsy revealed atrophy of various vital organs. A single dose of 200 milligrams produced diarrhea in dogs. (R. 22–30; Ex. 3.)

6. FD&C Orange No. 2 caused damage to test animals at levels even lower than those at which damage was observed from FD&C Orange No. 1. The lowest level at which demonstrable harm to test animals was observed from FD&C Orange No. 2 was 0.04 percent of the diet of dogs. The lowest level at which FD&C Orange No. 1 caused demonstrable damage was 0.2 percent in the diet of dogs and 0.07 percent when ingested by man in a single dose. (R. 18–19, 20–21, 28, 43–44, 67–68; Ex. 2, 3.)

7. The tests with FD&C Red No. 32 show that when taken internally at various levels of administration this color caused definite damage to various vital organs of the test animals, significant changes in body weight, and premature death.

When this color was fed to rats at a level of 2.0 percent of the diet, all the rats died within a week. At a 1.0 percent level, death occurred within 12 days. At 0.5 percent most of the rats died within 26 days. At 0.25 percent approximately half of the rats died within 3 months. All of the rats at this level showed marked growth retardation and anemia. Autopsy revealed moderate to marked liver damage. Similar but less severe results were obtained with rats on a diet containing 0.1 percent of FD&C Red No. 32. In addition to liver damage, however, autopsy also revealed enlargement of the right side of the heart in this latter group. Subcutaneous injection of approximately 10 milligrams per week caused death within 8 weeks to nearly half of the rats on the experiment. These rats exhibited anemia, hemorrhage, and reduction in the size of the liver. Dogs taking 100 milligrams per kilogram of body weight per day showed moderate weight loss. A level of 0.2 percent of FD&C Red No. 32 in the diet of dogs caused rapid deterioration and weight loss and sporadic diarrhea, 0.04 percent caused gradual deterioration and weight loss, sporadic diarrhea, moderate atrophy of vital organs, and muscular dystrophic changes; 0.01 percent in the diet caused weight loss and the death of one out of 4 dogs. A single oral dose of 100 milligrams or 200 milligrams caused diarrhea in the majority of the dogs tested. (R. 30–38; Ex. 4.)

8. The lowest level at which FD&C Red No. 32 showed damage to test animals was at 0.01 percent of the diet of dogs. This was the lowest level at which the color was administered in the diet and, based upon the conversion figures appearing in the record, it is a lower dosage than the level of 5 milligrams per kilogram which produced no apparent effect on other dogs. Thus, no safe level of administration to dogs was definitely established. (R. 35–37, 40–42; Ex. 4.)

9. The only known episode of illness in man was caused by FD&C Orange No. 1. It is the least toxic of the three colors. The fact that no human ailment has been attributed to the other colors means little, because few people know what colors they are eating and the delayed toxic effects of the colors, as evidenced by the test animals, involve damage to vital organs and processes that would not have been attributed to the colors even if caused by them.

10. There was no evidence on which findings could be made concerning how much of the three colors is likely to be ingested by man from his food, drugs, and cosmetics. Some interested persons, taking their own products, attempted to show that the amounts ingested would be small to the point of insignificance. But those contentions leave aside the occurrence of the colors in the products of others, as well as the fact that upon certification of a color the Department has no means of controlling the amounts of colors used in a variety of food, drugs, and cosmetics. Nor is there authority to limit a color, once certified, to a single food—for example, FD&C Red No. 32 for use in color-added oranges. (R. 20–21, 67–68, 98–108; Ex. 8.)

11. The coal-tar colors listed in the regulations as FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 may be used at present in externally applied drugs and cosmetics as well as in products for internal consumption. Tests designed to examine the toxicity of these colors, when used externally are not complete. (R. 46–48, 63–65.)

12. Modification of the coal-tar color certification regulations (21 CFR 135.11 (d) (2)) to eliminate the requirement for 3 months' written notice of change in composition of a coal-tar color mixture will facilitate the marketing of substitute mixtures and reduce confusion that may result from the deletion of a straight color from the listings at 21 CFR 135.3, 135.4, and 135.5. (R. 88, 89.)

Conclusions. 1. Based upon the above findings, the coal-tar colors FD&C Orange No. 1 (monosodium salt of 4-*p*-sulfophenylazo - 1 - naphthol) FD&C Orange No. 2 (1-o-tolylazo-2-naphthol) and FD&C Red No. 32 (1-xylylazo-2-naphthol) described in the coal-tar regulations (21 CFR 135.3) are not harmless and suitable for use in coloring food or for use in coloring drugs or cosmetics intended for other than external application.

2. Sections 406 (b) 504, and 604 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 346 (b) 354, and 364) provide for the listing of coal-tar colors that are harmless and suitable for use in food, drugs, and cosmetics. The act does not provide any method for listing toxic colors for specific food, drug, or cosmetic uses so as to limit their total use to small enough amounts that the toxicity might be disregarded. Under the statute a toxic color cannot be classified as a harmless color.

3. While a safe level of administration to test animals is disclosed by the record in the case of FD&C Orange No. 1, the record also discloses that that color has adverse effects upon man at a level well below the safe level of administration to test animals. The safe level of administration of FD&C Orange No. 2 to test animals is well below the level at which FD&C Orange No. 1 was found safe to test animals. It is, therefore, even more toxic than FD&C Orange No. 1. No safe level of administration was found even in test animals for FD&C Red No. 32.

4. The coal-tar colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 are not harmless and suitable for use within the meaning of sections 406 (b) 504, and 604 of the Federal Food, Drug, and Cosmetic Act in coloring food or in coloring drugs or cosmetics intended for other than external application.

5. The coal-tar colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 should be deleted from the listing at 21 CFR 135.3, since the Secretary cannot continue to list these colors as colors that the Food and Drug Administration will certify as harmless and suitable for unrestricted use in coloring food or in coloring drugs and cosmetics intended for other than external application.

6. Colors conforming to the present regulations and specifications for FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32 should be added to the listing at 21 CFR 135.5, for use in coloring externally applied drugs and cosmetics only.

7. The provisions of 21 CFR 135.11 (d) (2) requiring 3 months' written notice of a change in the composition of a coal-tar color mixture should be waived when such change is made necessary by deletion of one or more straight colors from the listings at 21 CFR 135.3, 135.4, or 135.5.

Therefore, it is ordered, That Part 135—Color Certification, be amended in the following respects:

1. In § 135.3 (a) delete the colors FD&C Orange No. 1, FD&C Orange No. 2, and FD&C Red No. 32.

2. Add the following to § 135.5 (a)

EXT D&C ORANGE NO. 3

SPECIFICATIONS

Monosodium salt of 4-*p*-sulfophenylazo-1-naphthol.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.2 percent.

α-Naphthol, not more than 0.1 percent.

Chlorides and sulfates of sodium, not more than 4.0 percent.

Mixed oxides, not more than 1.0 percent.

Orange II, not more than 5.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C ORANGE NO. 4

SPECIFICATIONS

1-o-Tolylazo-2-naphthol.

Volatile matter (at 100° C.), not more than 0.5 percent.

Sulfated ash, not more than 0.3 percent.

Water-soluble matter, not more than 0.3 percent.

Matter insoluble in carbon tetrachloride, not more than 0.5 percent.

o-Toluidine, not more than 0.05 percent.

β-Naphthol, not more than 0.05 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 98.0 percent.

Melting point, not less than 128.0° C.

EXT D&C RED No. 14

SPECIFICATIONS

1-Xylylazo-2-naphthol.

Volatile matter (at 100° C.), not more than 0.5 percent.

Sulfated ash, not more than 0.3 percent.

Water-soluble matter, not more than 0.3 percent.

Matter insoluble in carbon tetrachloride, not more than 0.5 percent.

Xylidene, not more than 0.1 percent.

β-Naphthol, not more than 0.05 percent.

m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 97.0 percent.

Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212°–232° C.

3. Amend § 135.11 (d) (2) so that, as amended, it will read as follows:

§ 135.11 *Labeling.* * * *

(d) * * *

(2) The name of such mixture is the same as or simulates the name of a previously certified batch of a mixture containing a different substance, or a different percentage of a pure dye; but this provision shall not apply if:

(i) The person who requests certification of such batch is the owner of such name and has given 3 months' written notice to the Food and Drug Administration specifying the change to be made in the composition of such mixture; or

(ii) Such change results from removal of a color from the listings in §§ 135.3, 135.4, and 135.5.

Effective date. This order shall be effective 90 days after publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: November 10, 1955.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 55-9209; Filed, Nov. 15, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 11238, etc., FCC 55-1125]

[Rules Amdt. 3-61]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations.

1. The Commission has before it for consideration five proceedings concerning requests for the deintermixture of VHF and UHF television channel assignments in specific communities and a request for the addition of a VHF channel assignment in one community. The Commission issued a notice of proposed rule making concerning the proposal to assign Channel 10 to Vail Mills, New York, on December 17, 1954. On March 31, 1955, the Commission issued notices of proposed rule making in the Peoria, Evansville, Madison and Hartford deintermixture proceedings. On April 21, 1955, the Commission issued a notice of further rule making in the Vail Mills case to consider the deintermixture proposal for the Albany-Schenectady-Troy area. Oral argument in the five cases was heard before the Commission on June 27 and 28, 1955. Following is a brief summary of the proposals:

(a) *Peoria, Illinois (Docket No. 11333)* This proceeding involves the joint request of two UHF broadcasters in Peoria, Illinois-West Central Broadcasting Company (WEEK-TV) and Hilltop Broadcasting Company (WTVH)—for deintermixture of commercial VHF and UHF assignments in the Peoria area by reserving VHF Channel 8 in Peoria for noncommercial educational use in place of UHF Channel 37; or, in the alternative, by deleting Channel 8 from Peoria, substituting UHF Channels 31, 78, or 82 therefor, and shifting Channel 8 to some other community. Plains Television Corporation (WICS), Springfield, Illinois, requests that Channel 8 in Peoria be shifted to Illipolis, Illinois, to provide additional VHF service to the Springfield area in the event Springfield is not also deintermixed by the removal of Channel 2. Other parties participating in the proceeding include WIRL Television Company and WMBD, Inc., applicants for Channel 8 in Peoria; Bradley University, and the American Farm Bureau Federation. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings: "Petition to Adopt Policy of Deintermixture or for Alternative Relief" filed by Plains Television Corporation on October 18, 1955; "Opposition to and Motion to Dismiss" the foregoing petition, filed by WMBD, Inc., on October 21, 1955, an Opposition to the foregoing petition filed by WIRL Television Company on October 25, 1955; and petitions for further oral argument filed on November 4, 1955, by West Central Broadcasting Company, Hilltop Broadcasting Company, and Plains Television Corp.

(b) *Evansville - Hatfield, Indiana (Docket No. 11334)* This proceeding involves the request of two UHF broadcasters in the Evansville area—Premier Television, Inc. (WFIE) Evansville, and Ohio Valley Television Company (WEHT) Henderson, Kentucky—for deintermixture of the commercial VHF and UHF assignments in the Evansville-Hatfield area by deleting Channel 9 from Hatfield and by either reserving Channel 7 in Evansville for education or deleting it. Petitioners suggest that Channel 56 can be added to Evansville and Channel 78 to Hatfield. If Channel 7 in Evansville is deleted rather than reserved, Channel 39 is suggested as an educational frequency. Mid-America Broadcasting Corporation (WKLO-TV) Louisville, Kentucky, requests that the Evansville-Hatfield area be deintermixed by reassigning Channels 7 and 9 to Louisville, Kentucky. To accomplish these channel shifts, Mid-America requests that the rules be amended to permit television stations to operate at reduced separations with directional antennas. Other parties participating in the proceeding include Evansville Television, Inc., Consolidated Television & Radio Broadcasters, Inc., and On The Air, Inc., applicants for Channel 7 in Evansville; Owensboro Publishing Company and Owensboro On The Air, Inc., applicants for Channel 9 in Hatfield; Congressman Winfield K. Denton (8th District of Indiana) the Evansville Chamber of Commerce and Evansville College. In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it two petitions filed on October 17, 1955, by Mid-America Broadcasting Corporation and by Premier Television, Inc., and Ohio Valley Television Co. jointly, requesting "Time to File Additional Comments" Opposition to the petition of Mid-America Broadcasting Corporation, filed by Evansville Television, Inc., on October 7, 1955, an Opposition to both petitions filed by Owensboro On The Air, Inc. on October 27, 1955, and by On The Air, Inc., on October 28, 1955, and an Opposition to the joint petition of Premier Television, Inc. and Ohio Valley Television Co., filed by Evansville Television, Inc., on October 28, 1955. Also, on November 7, 1955, Mid-America Broadcasting Corp., Premier Television, Inc. and Ohio Valley Television Co., filed Supplements to their October 17 Petitions, making further requests discussed in Paragraph 11, below.

(c) *Madison, Wisconsin, and Rockford, Illinois (Docket No. 11335).* This proceeding involves the requests of two UHF broadcasters in Madison—Monona Broadcasting Company (WKOW-TV) and Bartell Television Corporation (WMTV)—for deintermixture of commercial VHF and UHF assignments in the Madison area by shifting the educational reservation in Madison from Channel 21 to Channel 3. Another UHF broadcaster in Rockford—Winnebago Television Corporation (WTVO) requests that commercial deintermixture be achieved in Madison by deleting Channel 3 from Madison, substituting Channel 39 therefor, and by assigning Channel 3 to Orangeville, Illinois, so as to make Madison an all-UHF city and Rockford an all-VHF area. Alternatively, Winnebago Television suggests that Rockford be made an all-UHF area by deleting Channel 13 from Rockford, substituting Channel 51 therefor, and assigning Channel 13 to Aurora or Elgin, Illinois. Other parties participating in the proceeding include Radio Wisconsin, Inc., and Badger Television Company, Inc., applicants for Channel 3, Madison; the State Radio Council of The State of Wisconsin (WHA-TV), Madison, and the Greater Rockford Television, Inc. (WREX-TV) In addition to the pleadings and material in the record of the proceeding when Oral Argument was heard on June 27–28, 1955, the Commission now has before it the following pleadings:

"Petition for Taking of Official Notice or for Limited Reopening of Record" filed on August 29, 1955, by Monona Broadcasting Company, and Bartell Television Corporation; a Response to the aforementioned petition filed on September 7, 1955, by Radio Wisconsin, Incorporated; "Petition to Adopt Policy of