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Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (17) and (18) are added to paragraph (a) of § 6.303 as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* * * *

(17) One Assistant to the Secretary (Financial Analysis).

(18) One Deputy Assistant to the Secretary (Debt Analysis).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

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

[F.R. Doc. 61-6729; Filed, July 17, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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AUTHORITY: §§ 723.971 through 723.987 issued unders secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 703, 995, as amended, secs. 112, 377, 70 Stat. 195, 206, as amended; 7 U.S.C. 1301, 1313, 1314, 1363, 1375, 1377, 1378, 1836, Pub. L. 87-33.

GENERAL

§ 723.971 Basis and purpose.

The regulations contained in §§ 723.971 through 723.987 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for cigar-filler (type 41) tobacco. The purpose of the regulations in §§ 723.971 through 723.987 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler (type 41) tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.971 through 723.987, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.971 through 723.987, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.972 Definitions.

As used in §§ 723.971 through 723.987, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The definitions of the following terms as set forth in Part 719 of this chapter shall apply in §§ 723.971 through 723.987: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "New farm" means a farm on which tobacco will be harvested in 1962 for the first time since 1956. The term "harvested", as used in this definition, shall be as explained in § 723.976.

(d) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1957 through 1961. The term "harvested", as used in this definition, shall be as explained in § 723.976.

(e) "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested including trash.

§ 723.973 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last decimal place required shall be increased by "1". For example, 10.5536 would be 10.55; 10.55550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 723.974 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.975 Applicability of §§ 723.971 through 723.987.

Sections 723.971 through 723.987 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm mar-

keting quotas for the marketing year beginning October 1, 1962.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.976 Determination of harvested tobacco acreage for old farms.

(a) The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the five years 1957–61. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm.

(b) The tobacco harvested acreage shall include the acreage regarded as planted to tobacco under the conservation reserve program. The tobacco acreage to be regarded as devoted to tobacco under the conservation reserve program for each of the years 1957 through 1961 shall be determined in accordance with Part 719 of this chapter, except that for this purpose the tobacco acreage used (in lieu of an allotment) in computing the Soil Bank base shall be used in determining the 1957, 1958, 1960, and 1961 credits under the conservation reserve program. The 1959 allotment shall be used in determining the 1959 credits under the conservation reserve program.

(c) The 1959 harvested acreage shall be the same as the 1959 allotment, and shall be zero for a farm for which no 1959 allotment was determined.

(d) In determining the harvested acreage for 1957, 1958, 1960, and 1961, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases, after application of the provisions of paragraphs (a) and (b) of this section, although this allowance shall not operate to increase the harvested acreage above the tobacco acreage used in computing the Soil Bank base.

§ 723.977 Determination of 1962 preliminary acreage allotments for old farms.

(a) The preliminary acreage allotment for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1957–61, except that if the five-year average is in excess of the three-year, 1959–61 average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1959–61, or

(3) Forty-five percent of the acreage of tobacco harvested on the farm in 1961: *Provided,* That the preliminary acreage allotment for any old farm shall not be less than 0.01 acre.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that did acquire it, and is retired from agricultural production: *Provided,* That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.880: *And provided further,* That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter.

§ 723.978 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.977 shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to § 723.979 shall not exceed the State acreage allotment: *Provided,* That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco: *And provided further,* That if in any of the calendar years 1958–61 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and was harvested for marketing from the same acreage of a farm, the 1962 acreage allotment established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested; in case the allotment is transferred through a pool to another farm under § 723.980 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as provided herein, or in case the farm is divided or combined with other land before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotments for the divided farms or the allotment for the combined farm shall be reduced as provided herein. However, if the 1959 allotment was reduced because of the harvesting of more than one crop of tobacco in 1958, as described in the preceding sentence, the 1962 allotment shall not be reduced due to such harvesting in 1958.

§ 723.979 Adjustment of acreage allotments for old farms, correction of errors in old farm allotments, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.978, the individual 1962 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing old farm allotments as above described under this section, correction of errors in old farm allotments, and providing acreage allotments for overlooked old farms, shall not exceed two percent of the 1962 State acreage allotment. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 723.980 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.982. For a farm for which the 1959 allotment was placed in a pool, the 1959 allotment remaining in the pool shall be the 1962 preliminary allotment. If no 1959 allotment was or may be computed for the farm which was acquired as described in this section, and tobacco was planted thereon in 1960 or 1961, the 1962 preliminary allotment shall be determined in accordance with § 723.977.

(b) The displaced owner of a farm may, not later than June 15, 1962, release in writing to the county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other

physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 723.981 Farms divided or combined.

Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter.

§ 723.982 Determination of normal yields.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1945–60 for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.983 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.980, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 75 percent of the average of the allotments established for two or more but not more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in item 1 above, other than the allotment requested in the application.

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

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1962 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 723.971 through 723.987 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 723.984 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee not later than March 10, 1962.

§ 723.985 Determination of normal yields.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.986 Approval of determinations made under §§ 723.971 through 723.985.

(a) All allotments and yields shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determinations made under §§ 723.971 through 723.985. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper, are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of

the farm, or (3) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided,* That the notice of allotment for any farm shall be mailed no later than May 1, 1962.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, provided that for future allotment purposes, the 1962 allotment shall be considered fully planted if 75 percent of the smaller of the correct notice or such erroneous notice is planted.

§ 723.987 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASCS county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1961.

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

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PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler Tobacco, Cigar-Binder Tobacco and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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AUTHORITY: §§ 723.1311 through 723.1328 issued under secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1363, 1375, 1377, 1378, 1824, 1836, Pub. L. 87-33.

GENERAL

§ 723.1311 Basis and purpose.

The regulations contained in §§ 723.1311 through 723.1328 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco. The purpose of the regulations in §§ 723.1311 through 723.1328 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.1311 through 723.1328, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.1311 through 723.1328 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.1312 Definitions.

As used in §§ 723.1311 through 723.1328, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment," "combination," "community committee," "county committee," "State committee," "county," "county office manager," "cropland," "current year," "Department," "Deputy Administrator," "division," "farm," "farm serial number", "field," "history acreage," "operator," "person," "photograph number," "preceding year," "producer," reconstitution," "Secretary," "Soil Bank Contract," "State administrative officer," and "subdivision."

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" for the 1962–63 marketing year means the five years 1957–61.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1956. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961 respectively, shall not be considered in determining whether the farm is a new farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 723.1316.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1957 through 1961. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961 respectively, shall not be considered in determining whether the farm is an old farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 723.1316.

(f) "Tobacco" means:

(1) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.1313 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1." For example, 10.5536 would be 10.55; 10.5550 would b 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 723.1314 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

§ 723.1315 Applicability of §§ 723.1311 through 723.1328.

Sections 723.1311 through 723.1328 govern the establishment of farm acreage allotments and normal yields in connection with the 1962 crop of tobacco.

AEREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.1316 Determination of 1962 preliminary acreage allotments for old farms.

(a) Subject to the provisions of paragraph (b) of this section, the preliminary tobacco acreage allotment for a farm for 1962 (or for any subsequent year) shall be the same as the allotment (prior to any reduction for violation) for the immediately preceding year: *Provided,* That if the tobacco acreage history for the farm in at least one of the two preceding years was not as much as 75 percent of the allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the five-year average tobacco acreage history.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines is devoted to commercial or residential development or other non-agricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided,* That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.1320(a): *And provided further,* That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter (1960 acreage allotments retransferred to a parent farm in cases under this proviso shall be considered fully planted for tobacco acreage history purposes).

(c) The tobacco acreage history during the base period shall be determined as follows:

(1) For 1960 and subsequent years:

(i) The tobacco acreage history for 1960 and subsequent years shall be the same as the allotment for 1960 or respective subsequent year (prior to any reduction for violation) if (*a*) the farm consists of federally owned land as provided in Part 719 of this chapter or (*b*) if in 1960 or the respective subsequent year, or in either of the two preceding years, the sum of the final tobacco acreage on the farm and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation);

(ii) If the tobacco acreage history cannot be considered the same as the tobacco acreage allotment under the provisions of subdivision (i) of this subparagraph, it shall be the sum of the final tobacco acreage on the farm, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation (unless the provisions of subdivision (iii) of this subparagraph are applicable);

(iii) If the county committee determines (with approval of a representative of the State committee) that the sum of the final tobacco acreage and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (*a*) the allotment (prior to any reduction for violation), or (*b*) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(iv) Notwithstanding the provisions of subdivisions (i), (ii), and (iii) of this subparagraph, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(2) For 1957, 1958, and 1959, the tobacco acreage history for a farm shall be the allotment, prior to any reduction for violation, for the respective year.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco un-

der the conservation reserve program shall be determined in accordance with Part 719 of this chapter and any amendments thereto.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 718 of this chapter and any amendments thereto, to be the final acreage of tobacco on the farm.

(f) As used in this section, federally owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco acreage history purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 723.1320(c) to the county committee for reapportionment to other farms in the county. The tobacco acreage history shall be the same as the pooled allotment. As used in this section, the term "allotment" means the allotment prior to any increase from reapportionment of acreage released from the pool pursuant to § 723.1320(c) by the displaced owner for reapportionment in other farms.

(h) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of tobacco acreage history restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(i) Notwithstanding the foregoing provisions of this section, the tobacco acreage history for 1960, 1961, and 1962 new farms shall be the same as the 1960, 1961, or 1962 allotment, respectively. Although no adjustment for abnormal weather or diseases shall be made as such in the tobacco acreage history for a new farm, the final tobacco acreage itself for such farms shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 723.1317 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.1316 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.1318 shall not exceed the State acreage allotment.

§ 723.1318 Adjustment of acreage allotments for old farms, correction of errors made in acreage allotments for old farms, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.1316, the individual 1962 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed, in the case of cigar-binder (types 51 and 52) tobacco one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year; and not to exceed, in the case of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco four percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year, shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 723.1319 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1961–62 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1962 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing:

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1961 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1962 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1961 or a prior year, the 1962 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or a subsequent year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 723.1320(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1962 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1962. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1962 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1962 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota,

the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1961–62 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 723.1252 (Marketing Quota Regulations, 1961–62 Marketing Year, (Cigar-Binder and Cigar-Filler and Binder) (26 F.R. 5112).

§ 723.1320 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having right of eminent domain, or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco to production of shade-grown cigar leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.1322 for determining normal yields for old farms.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1962 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.1326(a).

(c) The displaced owner of a farm may, not later than June 15, 1962, release in writing to the county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 723.1321 Farms divided or combined.

Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter.

§ 723.1322 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1956–60, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.1323 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.1320 (a) or (b), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 75 percent of the average of acreage allotments established for two or more but not to exceed five old farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the tobacco acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41), cigar-binder (types 51 and 52), or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in item 1 above other than the allotment requested in the application.

(3) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind

of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1962 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 723.1311 through 723.1328 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be canceled by the county committee as of the date established.

§ 723.1324 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee not later than March 10, 1962.

§ 723.1325 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.1326 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco.

(a) Notwithstanding the foregoing provisions of §§ 723.1311 through 723.1325, an allotment may be established for a farm which in 1961 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in 1962. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.1320(b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; and labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.1318.

(b) The normal yield for any such farm under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1322 for similar farms in the community.

§ 723.1327 Approval of determinations made under §§ 723.1311 through 723.1326 and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 723.1311 through 723.1326. All acreage allotments and yields shall be approved by a representative of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 723.1319(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1962.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, except that in determining whether or not 75 percent of the allotment is planted the provisions of § 723.1316 (c), (d)(2), (f), (g), (h), and (i) shall be followed.

§ 723.1328 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allot-

ment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1961.

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

[F.R. Doc. 61-6724; Filed, July 17, 1961; 8:49 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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MISCELLANEOUS

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725.1327 Application for review.

AUTHORITY: §§ 725.1311 through 725.1327 issued under secs. 301, 313, 315, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 66 Stat. 597, 72 Stat. 703, 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1314a, 1315, 1363, 1375, 1377, 1378, 1824, 1836, P.L. 87-33.

GENERAL

§ 725.1311 Basis and purpose.

The regulations contained in §§ 725.1311 through 725.1327 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.1311 through 725.1327 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.1311 through 725.1327, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.1311 through 725.1327, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.1312 Definitions.

As used in §§ 725.1311 through 725.1328, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" for the 1962–63 marketing year means the five years 1957–61.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1956. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961, respectively, shall not be considered in determining whether the farm is a new farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 725.1316.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1957 through 1961. If in accordance with applicable law and regulations, no 1957 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961, respectively, shall not be considered in determining whether the farm is an old farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 725.1316.

(f) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13 and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; or Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.1313 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 725.1314 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service.

§ 725.1315 Applicability of §§ 725.1311 through 725.1327.

Sections 725.1311 through 725.1327 govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1962, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1962, in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.1316 Determination of 1962 preliminary acreage allotments for old farms.

(a) Subject to the provisions of paragraph (b) of this section, the preliminary tobacco acreage allotment for a farm for 1962 (or for any subsequent year) shall be the same as the allotment (prior to any reduction for violation) for the immediately preceding year: *Provided,* That if the tobacco acreage history for the farm in at least one of the two preceding years was not as much as 75 percent of the allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the five-year average tobacco acreage history.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines is devoted to commercial or residential development or other non-agricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided,* That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 725.1320(a): *And provided further,* That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter. (1960 acreage allotments retransferred to a parent farm in cases under this proviso shall be considered fully planted for tobacco acreage history purposes.)

(c) The tobacco acreage history during the base period shall be determined as follows:

(1) For 1960 and subsequent years:

(i) The tobacco acreage history for 1960 and subsequent years shall be the same as the allotment for 1960 or respective subsequent year (prior to any reduction for violation) if (*a*) the farm consists of Federally-owned land as provided in Part 719 of this chapter or (*b*) if in 1960 or the respective subsequent year, or in either of the two preceding years, the sum of the final tobacco acreage on the farm and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation);

(ii) If the tobacco acreage history cannot be considered the same as the tobacco acreage allotment under the provisions of subdivision (i) of this subparagraph, it shall be the sum of the final tobacco acreage on the farm, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation, (unless the provisions of subdivision (iii) of this subparagraph are applicable);

(iii) If the county committee determines (with approval of a representative of the State committee) that the sum of the final tobacco acreage and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (*a*) the allotment (prior to any reduction for violation), or (*b*) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(iv) Notwithstanding the provisions of subdivisions (i), (ii), and (iii) of this subparagraph, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(2) For 1957, 1958, and 1959, the tobacco acreage history for a farm shall be the allotment, prior to any reduction for violation, for the respective year.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco under the conservation reserve program shall be determined in accordance with Part 719 of this chapter and any amendments thereto.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 718 of this chapter and any amendments thereto, to be the final acreage of tobacco on the farm.

(f) As used in this section, Federally owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco acreage history purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 725.1320(b) to the county committee for reapportionment to other farms in the county. The tobacco acreage history shall be the same as the pooled allotment. As used in this section, the term "allotment" means the allotment prior to any increase from reapportionment of acreage released from the pool pursuant to § 725.1320(b) by the displaced owner for reapportionment to other farms.

(h) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of tobacco acreage history restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(i) Notstanding the foregoing provisions of this section, the tobacco acreage history for 1960, 1961 and 1962 new farms shall be the same as the 1960, 1961 or 1962 allotment, respectively. Although no adjustment for abnormal weather or disease shall be made as such in the tobacco acreage history for a new farm, the final tobacco acreage itself for such farms shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 725.1317 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 725.1316 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.1318 shall not exceed the State acreage allotment: *Provided,* That in the case of burley tobacco the farm acreage allotment shall not be less than the smallest of (a) the 1961 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further,* That no 1961 burley tobacco allotment of seventy-hundredths of an acre or less

shall be reduced more than one-tenth of an acre, and no 1961 burley tobacco farm acreage allotment of more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

§ 725.1318 Adjustment of acreage allotments for old farms, correction of errors made in acreage allotments for old farms, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 725.1316, the individual 1962 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed, in the case of burley and flue-cured tobacco, one-tenth of one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year; and not to exceed, in the case of fire-cured, dark air-cured, and Virginia sun-cured tobacco, four percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year, shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 725.1319 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1961–62 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1962 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1961 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1962 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1961 or a prior year, the 1962 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or in a subsequent year, more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 725.1320(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1962 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than (1) April 1, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1962, in all other States; otherwise, if the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1962 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1962 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the prdouction of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre, and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by

the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1961–62 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.1252 (Marketing Quota Regulations, 1961–62 Marketing Year, Burley, Flue, Fire, Air and Sun) (26 F.R. 4915).

§ 725.1320 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 725.1322 for determining normal yields for old farms.

(b) The displaced owner of a farm may, not later than June 15, 1962, release in writing to the county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 725.1321 Farms divided or combined.

(a) Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter except as otherwise provided in paragraphs (b) and (c) of this section.

(b) If after 1962 farm tobacco acreage allotments have been determined, one or more farms having a 1962 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1962 Virginia sun-cured (type 37) tobacco acreage allotment, or if before 1962 farm tobacco acreage allotments have been established, one or more farms for which a 1961 fire-cured (type 21) tobacco acreage allotment had been established is combined with another or more farms for which a 1961 Virginia sun-cured (type 37) tobacco acreage allotment had been established and a single combined 1961 acreage allotment has not been established for such combined farm, a single combined acreage allotment for the 1962–63 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined farm. Such single combined acreage allotment shall be equal to the total acreage of and be in place of the 1961 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco which have either previously been established for the farms comprising the combined farm, or which shall be computed and established for the farms comprising the combined farm in accordance with the provisions of §§ 725.1316 through 725.1319 solely for the purpose of enabling a single combined 1962 acreage allotment to be determined and established for the combined farm. The county committee shall give written notification to the owner or owners of such combined farm that the owner or his representative may designate, or if there is more than one owner of the land comprising the farm that the representative of all such owners may designate, a single combined 1962 acreage allotment for the combined farm either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension; and that if within such time the county committee is not notified that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall designate the 1962 single combined acreage allotment for the farm as either for fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco on the basis of the prevalent kind of tobacco grown in the area in which such farm is located, the curing facilities on such farm, and the proximity and nature of markets. The occurrence on the same farm of concurrent acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco pursuant to the provisions of § 725.1320(a) shall be deemed to be of the same effect, for the purposes of and in applying the provisions of this paragraph, as a combination of farms described in this paragraph.

(c) For the purposes of this paragraph and paragraph (b) of this section, the term "representative" shall mean the person named and authorized by the owner of a farm to act for him, or if there are two or more owners of the land comprising a farm, the person named and authorized by such owners to act for all of them in designating or choosing for the farm a single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The county committee may require any person to furnish to it such evidence as it may require to reasonably establish such person as an owner or representative of an owner or owners.

§ 725.1322 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1956–60, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.1323 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 725.1320(a), for a new farm shall be that acreage which the county committee with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any

new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in subparagraph (1) of this paragraph, other than the allotment requested in the application.

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

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1962 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 725.1311 through 725.1327, which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 725.1324 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee prior to February 16, 1962.

§ 725.1325 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.1326 Approval of determinations made under §§ 725.1311 through 725.1325 and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 725.1311 through 725.1325. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage, or (2) of allotment reductions due only to failure to return marketing cards, and disposition of tobacco is not otherwise furnished as provided in § 725.1319(b).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than (i) April 1, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1, 1962, in all other States.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 725.1316 (c), (d), (e), (f), (g), (h), and (i) shall be followed.

§ 725.1327 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these; regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1961.

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

[F.R. Doc. 61-6722; Filed, July 17, 1961; 8:49 a.m.]

PART 727—MARYLAND TOBACCO

Subpart—Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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MISCELLANEOUS

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727.1327 Application for review.

AUTHORITY: §§ 727.1311 through 727.1327 issued under secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1363, 1375, 1377, 1378, 1824, 1836, P.L. 87-33.

GENERAL

§ 727.1311 Basis and purpose.

(a) The regulations contained in §§ 727.1311 through 727.1327 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.1311 through 727.1327 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.1311 through 727.1327, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.1311 through 727.1327 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.1312 Definitions.

As used in §§ 727.1311 through 727.1327 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" for the 1962–63 marketing year means the five years 1957–61.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1956. If, in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960 or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961, respectively, shall not be considered in determining whether the farm is a new farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 727.1316.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1957 through 1961. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960 or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1958, 1959, 1960, or 1961 tobacco acreage not be considered in determining whether the farm is an old farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 727.1316.

(f) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.1313 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 727.1314 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service.

§ 727.1315 Applicability of §§ 727.1311 through 727.1327.

Sections 727.1311 through 727.1327 govern the establishment of farm acreage allotments and normal yields in connection with the 1962 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.1316 Determination of 1962 preliminary acreage allotments for old farms.

(a) Subject to the provisions of paragraph (b) below, the preliminary tobacco acreage allotment for a farm for 1962 (or for any subsequent year) shall be the same as the allotment (prior to any reduction for violation) for the immediately preceding year: *Provided*, That if the tobacco acreage history for the farm in at least one of the two preceding years was not as much as 75 percent of the allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the five-year average tobacco acreage history.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines is devoted to commercial or residential development or other non-agricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in

the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 727.1320(a): *And provided further,* That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter. (1960 acreage allotments retransferred to a parent farm in cases under this proviso shall be considered fully planted for tobacco acreage history purposes.)

(c) The tobacco acreage history during the base period shall be determined as follows:

(1) *For 1960 and subsequent years:*

(i) The tobacco acreage history for 1960 and subsequent years shall be the same as the allotment for 1960 or respective subsequent year (prior to any reduction for violation) if (*a*) the farm consists of Federally-owned land as provided in Part 719 of this chapter or (*b*) if in 1960 or the respective subsequent year, or in either of the two preceding years, the sum of the final tobacco acreage on the farm and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation);

(ii) If the tobacco acreage history cannot be considered the same as the tobacco acreage allotment under the provisions of subdivision (i) of this subparagraph, it shall be the sum of the final tobacco acreage on the farm, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation (unless the provisions of subdivision (iii) of this subparagraph below are applicable);

(iii) If the county committee determines (with approval of a representative of the State committee) that the sum of the final tobacco acreage and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (*a*) the allotment (prior to any reduction for violation), or (*b*) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(iv) Notwithstanding the provisions of subdivisions (i), (ii), and (iii) of this subparagraph, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(2) For 1957, 1958, and 1959, the tobacco acreage history for a farm shall be the allotment, prior to any reduction for violation, for the respective year.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco under the conservation reserve program shall be determined in accordance with Part 719 of this chapter and any amendments thereto.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 718 of this chapter and any amendments thereto, to be the final acreage of tobacco on the farm.

(f) As used in this section, Federally owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco acreage history purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 727.1320(b) to the county committee for reapportionment to other farms in the county. The tobacco acreage history shall be the same as the pooled allotment. As used in this section, the term "allotment" means the allotment prior to any increase from reapportionment of acreage released from the pool pursuant to § 727.1320(b) by the displaced owner for reapportionment to other farms.

(h) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of tobacco acreage history restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(i) Notwithstanding the foregoing provisions of this section, the tobacco acreage history for 1960, 1961, and 1962 new farms shall be the same as the 1960, 1961, or 1962 allotment, respectively. Although no adjustment for abnormal weather or disease shall be made as such in the tobacco acreage history for a new farm, the final tobacco acreage itself for such farms shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 727.1317 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 727.1316 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms pursuant to § 727.1318 shall not exceed the State acreage allotment.

§ 727.1318 Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 727.1316, the farm acreage allotment for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed four percent of the total acreage allotted to all tobacco farms in the State for the 1961–62 marketing year shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 727.1319 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1961–62 or a prior marketing year which in fact was produced on a different farm, the acreage allotments established for both such farms for 1962 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all

additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1961 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1962 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids or acquiesces in the filing of, a false acreage report with respect to the acreage of tobacco grown on the farm in 1961 or a prior year, the 1962 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or in a subsequent year, more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 727.1320(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1962 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1962. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1962 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1962 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1961–62 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 727.1252 of this part (Marketing Quota Regulations, 1961–62 Marketing Year, Maryland) (26 F.R. 5208).

§ 727.1320 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 727.1322 for determining normal yields for old farms.

(b) The displaced owner of a farm may, not later than June 15, 1962, release in writing to county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this

paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 727.1321 Farms divided or combined.

Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter.

§ 727.1322 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1956–60, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.1323 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 727.1320(a), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more, but not more than five, old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in subparagraph (1) of this paragraph, other than the allotment requested in the application.

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

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1962 national marketing quota shall, when converted to an acreage allotment by use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

(d) Any new farm allotment approved under §§ 727.1311 through 727.1327 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 727.1324 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee no later than February 15, 1962.

§ 727.1325 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.1326 Approval of determinations made under §§ 727.1311 through 727.1325 and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 727.1311 through 727.1325. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 727.1319(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing

year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided,* That the notice of allotment for any farm shall be mailed no later than May 1, 1962.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 727.1316 (c), (d), (e), (f), (g), (h), and (i), shall be followed.

§ 727.1327 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on July 13, 1961.

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

[F.R. Doc. 61–6725; Filed, July 17, 1961; 8:49 a.m.]

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

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.678 Plum Order 17 (Giant).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 US.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified therein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 11, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 23, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no shipper shall ship any package or container of Giant plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at leaset a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (7 CFR 51.1520 to 1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: July 13, 1961.

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

[F.R. Doc. 61–6698; Filed, July 17, 1961; 8:46 a.m.]

[Avocado Order 24, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, 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 recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the

FEDERAL REGISTER. (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 969.324 (26 F.R. 4928, 5418) are hereby further amended as follows:

In Table 1, the date appearing in Column 2 and the weight and diameter appearing in Column 3 applicable to the Nadir variety are revised so that after such revision the portion of such table applicable to Nadir variety shall read as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Nadir	July 17, 1961	14 oz. 3 5/16 in.	Aug. 21, 1961				

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 17, 1961.

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

Dated: July 13, 1961.

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

[F.R. Doc. 61–6720; Filed, July 17, 1961; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,776]

PART 545—OPERATIONS

Loans on Developed Building Lots and Sites

JULY 12, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalizing § 545.6–3(c) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–3(c)) to enable a builder whose capital has been reduced by development costs to obtain a loan on a developed site by deleting the present limitation confining loans under § 545.6–3(c) to builders seeking to finance the purchase of developed building lots and sites, and for the purpose of effecting such amendment hereby amends that portion of said paragraph (c) of § 545.6–3 immediately preceding subparagraph (1) thereof to read as follows, effective July 18, 1961:

(c) *Loans on developed building lots and sites.* Subject to the limitations of § 545.6–7, a Federal association which has a charter in the form of Charter N or Charter K (rev.) without any variation or amendment inconsistent with the provision of either paragraph (a) or paragraph (b) of § 544.1 may, upon authorization by such association's board of directors and without further action by its members make loans to builders of homes on the security of first liens on other improved real estate as defined in paragraph (b) of § 541.12: *Provided,* That

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1964. Reorg. Plan No. 3 of 1947, 12 F.R. 4981. 3 CFR, 1947 Supp.)

Resolved further that as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same cause, deferment of the effective date thereof is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61–6716; Filed, July 17, 1961; 8:49 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 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYPROPYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Eastman Chemical Products, Inc., Kingsport, Tennessee (FAP 196) and Esso Research and Engineering Company, Post Office Box 172, Linden, New Jersey (FAP 490), proposing changes in the tolerances established by § 121.2501 *Polypropylene* (21 CFR 121.2501), has concluded that reasonable grounds exist and that this section should be amended in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act. 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 (25 F.R. 8625), § 121.2501 is amended in the following respects:

1. Paragraph (b)(1), (2), and (6) are changed to read as follows:

§ 121.2501 Polypropylene.

* * * * *

(b) * * *

(1) It is completely soluble in decahydronaphthalene at 160° C., with a maximum soluble fraction of 13.4 percent after cooling to 25°C.

(2) It is completely soluble in xylene at 120°C., with a maximum soluble fraction of 9.8 percent after cooling to 25° C.

* * * * *

(6) The polypropylene contains no other components that are food additives as so defined unless authorized by specific regulation in this part.

2. Paragraph (c)(1)(iii) is changed to read:

(c) * * *
(1) * * *

(iii) *Density.* Its density is 0.880–0.913 at 23° C., determined by weighing a 1.0–1.5-inch square film first in air and then in methyl alcohol.

3. The reference to "Pro-fax" appearing in paragraph (c)(2)(ii) under the caption *Preparation of sample* is changed to read "polypropylene."

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 and 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 be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 12, 1961.

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

[F.R. Doc. 61–6714; Filed, July 17, 1961; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.108, 146c.204) are amended as follows:

§ 146a.108 [Amendment]

1. In § 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil* * * *, paragraph (b) is amended by changing the words "18 months" in the first sentence to read "18 months or 24 months".

2. Section 146c.204 is amended in paragraph (c)(1)(iv)(*d*) by changing the words "48 months" to read "48 months or 60 months". As amended, paragraph (c)(1)(iv)(*d*) reads as follows:

§ 146c.204 Chlortetracycline hydrochlodide capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.

* * * * *

(c) *Labeling.* * * *

(1) * * *

(iv) * * *

(*d*) If tetracycline phosphate complex is used, or if it contains one or more vitamin substances, analgesic substances, antihistaminics, or caffeine, 24 months, except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month in which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the changes are such that they cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding the articles.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 11, 1961.

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

[F.R. Doc. 61-6715; Filed, July 17, 1961; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

Subpart—Tobacco Loan Program

ADVANCE RATES

Set forth below is a schedule of advance rates, by grades, for the 1961 crop of types 11–14, flue-cured tobacco, under the tobacco loan program published July 6, 1960 (25 F.R. 6323).

§ 464.1301 1961 Crop—Flue-cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate	Grade	Advance Rate
A1F	82.12	B5KF	46.12	H5K	56.12
A2F	78.12	B6KF	38.12	H6K	51.12
A1R	75.12	B4KV	47.12	C1L	76.12
A2R	72.12	B5KV	40.12	C2L	74.12
B1L	72.12	B6KV	32.12	C3L	73.12
B2L	70.12	B3KR	59.12	C4L	72.12
B3L	68.12	B4KR	54.12	C5L	71.12
B4L	64.12	B5KR	48.12	C4LV	66.12
B5L	58.12	B3M	53.12	C5LV	61.12
B6L	52.12	B4M	49.12	C4LL	61.12
B3LV	63.12	B5M	44.12	C5LL	58.12
B4LV	59.12	B6M	36.12	C1F	76.12
B5LV	55.12	B5RS	34.12	C2F	74.12
B3LL	61.12	B6RS	29.12	C3F	73.12
B4LL	56.12	B5GS	32.12	C4F	72.12
B5LL	52.12	B6GS	27.12	C5F	71.12
B1F	72.12	B3GL	59.12	C4FV	66.12
B2F	70.12	B4GL	54.12	C5FV	61.12
B3F	68.12	B5GL	47.12	C4KL	61.12
B4F	64.12	B6GL	44.12	C5KL	57.12
B5F	58.12	B3GF	58.12	C4KF	61.12
B6F	52.12	B4GF	52.12	C5KF	57.12
B3FV	63.12	B5GF	46.12	C5KR	56.12
B4FV	59.12	B6GF	40.12	C5M	56.12
B5FV	55.12	B4GR	43.12	X1L	72.12
B1FR	69.12	B5GR	37.12	X2L	72.12
B2FR	67.12	B6GR	31.12	X3L	71.12
B3FR	64.12	B4GK	42.12	X4L	67.12
B4FR	60.12	B5GK	37.12	X5L	59.12
B5FR	54.12	B6GK	31.12	X3LV	61.12
B6FR	48.12	B4GG	29.12	X4LV	57.12
B1R	61.12	B5GG	26.12	X5LV	49.12
B2R	57.12	B6GG	22.12	X3LL	57.12
B3R	53.12	H1L	74.12	X4LL	53.12
B4R	46.12	H2L	73.12	X1F	72.12
B5R	39.12	H3L	72.12	X2F	72.12
B6R	33.12	H4L	71.12	X3F	71.12
B3RV	51.12	H5L	66.12	X4F	67.12
B4RV	44.12	H6L	60.12	X5F	59.12
B5RV	37.12	H1F	74.12	X3FV	61.12
B3D	44.12	H2F	73.12	X4FV	56.12
B4D	36.12	H3F	72.12	X5FV	47.12
B5D	30.12	H4F	71.12	X4KL	53.12
B6D	26.12	H5F	66.12	X4KF	54.12
B3KL	53.12	H6F	60.12	X5KF	42.12
B4KL	49.12	H3R	67.12	X4KV	44.12
B5KL	46.12	H4R	62.12	X5KV	32.12
B6KL	38.12	H5R	56.12	X4KR	52.12
B3KF	53.12	H6R	49.12	X3M	54.12
B4KF	49.12	H4K	60.12	X4M	47.12

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within Quota" (white or green) marketing card; rates for untied flue-cured tobacco similarily identified are six dollars ($6.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 50 percent of the applicable rates for tobacco identified on a "Within Quota" (white or green) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2 or No-G will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate	Grade	Advance Rate
X5M	40.12	P5L	40.12	P5G	27.12
X3G	51.12	P2F	64.12	N1L	27.12
X4G	45.12	P3F	61.12	N1F	34.12
X5G	34.12	P4F	54.12	N1R	26.12
P2L	64.12	P5F	37.12	N1GL	25.12
P3L	61.12	P3G	47.12	N1GF	29.12
P4L	54.12	P4G	37.12	N1GR	24.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Signed at Washington, D.C., on July 13, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-6727; Filed, July 17, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14026 (RM-211); FCC 61-877]

PART 12—AMATEUR RADIO SERVICE

Maritime Mobile Operation on a World-Wide Basis in the 14.00–14.35 Mc Band

1. On April 3, 1961, the Commission released a notice of proposed rule making in the above-entitled matter seeking comments in favor of, or in opposition to, an amendment to § 12.90(b)(2) of its rules to permit maritime mobile operations in the frequency band 14.00–14.35 Mc on a world-wide basis. This notice was duly published in the FEDERAL REGISTER, April 6, 1961 (26 F.R. 2876), and all timely comments filed in response thereto have been considered by the Commission.

2. Comments were received both from organizations and individuals, all unanimously favoring the proposed rule amendment. By adopting this change, amateurs licensed by the Commission who are operating beyond the continental limits of the United States, its territories and posessions will be on a somewhat more equal footing in terms of privileges with amateurs operating within these areas. In light of the absence of opposition and for the reasons which were set forth in detail in the Notice of Proposed Rule Making, the Commission sees no reason why the proposed rule amendment should not be adopted.

3. Authority for the amendment set forth in the attached Appendix is contained in section 4(i) and .303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, This 12th day of July 1961, that § 12.90(b)(2) of Part 12 of the Commission's Rules is amended as set forth below, effective August 21, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 13, 1961.

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

Part 12 of the Commission's rules is amended as follows:

In § 12.90(b), the introductory text and subparagraph (2) are amended to read as follows:

§ 12.90 Requirements for portable and mobile operation.

* * * * * *

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

* * * * *

(2) When outside the jurisdiction of a foreign government: Operation may be conducted within Region 2 on any amateur frequency band between 7.0 Mc and 148 Mc, inclusive; and when not within Region 2, operation may be conducted only on the amateur frequency bands 14.00–14.35 Mc, 21.00–21.45 Mc, and 28.0–29.7 Mc.

NOTE: Region 2 is defined as follows: On the east, a line (B) extending from the North Pole along meridian 10° west of Greenwich to its intersection with parallel 72° north; thence by Great Circle Arc to the intersection of meridian 50° west and parallel 40° north; thence by Great Circle Arc to the intersection of meridian 20° west and parallel 10° south; thence along meridian 20° west to the South Pole. On the west, a line (C) extending from the North Pole by Great Circle Arc to the intersection of parallel 65°30′ north with the international boundary in Bering Strait; thence by Great Circle Arc to the intersection of meridian 165° east of Greenwich and parallel 50° north; thence by Great Circle Arc to the intersection of meridian 170° west and parallel 10° north; thence along parallel 10° north to its intersection with meridian 120° west; thence along meridian 120° west to the South Pole.

[F.R. Doc. 61–6733; Filed, July 17, 1961; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 83, Rev.]

[General Order 92]

[General Order 93]

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Part 235 is hereby revised by changing the existing text of §§ 235.1 and 235.2 to read as set forth below under a new Subpart A followed by two new Subparts B and C to read also as set forth below:

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on January 5, 1960 (25 F.R. 60) a notice of proposed rule making with respect to the Filing of Freight Rates in the Foreign Commerce of the United States; and

Whereas, the Board has considered written statements and comments on said rule submitted by interested parties and on August 23, 1960, heard oral argument by parties desiring to be heard on said rule; and

Whereas, after consideration of the aforesaid statements, comments, and oral arguments pertaining to the proposed rule, it appears that some modifications may be desirable in the rule as proposed on January 5, 1960:

Now therefore, it is hereby ordered, That pursuant to section 21 of the Shipping Act, 1916, as amended. (46 U.S.C. 820), section 19, Merchant Marine Act, 1920 (46 U.S.C. 876), section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and section 4, Administrative Procedure Act (5 U.S.C. 1003), the following rule shall be effective 30 days following date of publication in the FEDERAL REGISTER:

[General Order 83, Rev.]

Subpart A—Filing of Freight Rates in the Foreign Commerce of the United States

Sec.
235.1 Filing of schedules; contents.
235.2 Time for filing.
235.3 New filings.

§ 235.1 Filing of schedules; contents.

(a) Every common carrier by water in foreign commerce shall file with the Federal Maritime Board schedules showing all the rates and charges established and controlled by such carrier for or in connection with the transportation of property, except full ship loads of cargo loaded and carried in bulk without mark or count, in the foreign commerce of the United States, and, if a through rate between points in the United States and foreign points has been established with another carrier by water, all the rates and charges for or in connection with the transportation of property, except full ship loads of cargo loaded and carried in bulk without mark or count. The schedules filed as aforesaid by any such common carrier by water in foreign commerce shall show the points from and to which each such rate or charge applies; and shall contain all the rules and regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates or charges.

(b) Each schedule filed as required herein shall be in tariff form and shall contain the following information:

(1) A title and number by which it may be identified. Unless a sequence of numbers has already been established and is desired to be continued, initial filings under this section should be number "1", and subsequent filings should be numbered in sequence. Changes, modifications or cancellations should show the identifying title and number of the schedule which is changed, modified or cancelled.

(2) The name of the carrier (or carriers if filed on behalf of more than one).

(3) The ports (or territory if no restrictions are made as to ports) from which and to which the schedule applies.

(4) The effective date.

(5) The name of the conference, if a conference schedule is filed. If desired this may be included in the title.

(6) The name, title and address of the person by whom the schedule is filed.

(7) The rates and charges, including the basis for assessment thereof; e.g., whether per 2,240 lbs. per 40 cubic feet, per 100 lbs., etc., and including all rules and regulations which in anywise change, affect or determine any part or the aggregate of such rates or charges. Where a rate is shown as being on a weight or measurement basis the schedule should show the rule for determining which basis is to be applied; e.g., whichever produces the greater revenue. Where a contract system is in effect, both contract and non-contract rates should be shown.

(8) Definitions of all symbols and abbreviations used.

(9) All other information necessary to show the proper application of the rates and charges.

(c) A schedule shall be amended as necessary by the issuance of either revised pages or numbered supplements. Every such amendment shall bear an effective date and a suitable reference to the schedule it amends.

(d) In the filing of joint through rates the names of all participating carriers shall be shown; the division of the rate as between carriers need not be shown. In the absence of any arrangement between carriers to the contrary, the filing shall be made by the initial carrier. This, however, does not relieve any of the participating carriers from their responsibility of seeing that the required filing is accomplished, and does not change any requirement in connection with the filing of agreements under section 15 of the Shipping Act, 1916.

(e) Where transhipping carriers have agreed to observe the schedules of direct carriers, they need not file separate schedules but in lieu thereof, they may file a statement, under designating title and number making specific reference to the schedule on file which they observe.

(f) In lieu of filing individual schedules conference carriers may file jointly single schedules through a conference official, such as the chairman or secretary. Evidence of this official's authority to file on behalf of conference members must be furnished. A copy of the minutes of the conference showing that members have unanimously authorized this official to file on their behalf will be accepted.

(g) Should a conference relinquish rate making authority over any particular commodity; e.g., by declaring the rate open thereon, or authorize departure by individual members from conference schedules filed pursuant to this section each individual carrier must file in conformity with this section a schedule of the rates which it will charge on such shipments, except on full shipload cargo loaded in bulk without mark or count. These rates may be filed through the authorized conference official, if so desired.

(h) As the rates to be filed under this section must be the rates actually charged, schedules should not contain statements to the effect that the rates shown therein are minimum rates, or any other than the actual rates.

(i) Except for good cause shown, schedules will be submitted in looseleaf form on paper not larger than 8 inches by 11 inches.

§ 235.2 Time for filing.

Any schedule required to be filed as aforesaid and any change, modification or cancellation of any rate, charge, rule or regulation contained in any such schedule which results in an increase in cost to the shipper shall be filed not less than 30 days before the date such schedule, change, modification or cancellation becomes effective. *Provided,* That for good cause the Board may allow any such increase to become effective on less than 30 days notice. Any change in the rates, charges, rules or regulations which results in a decreased cost to the shipper may become effective upon the filing thereof with the Federal Maritime Board. "Filing" shall constitute the date of postmark when such schedule, change, modification or cancellation is transmitted by mail to the Board. Any schedule, change, modification or cancellation which is established by parties outside the continental United States shall be transmitted to the Board by air and the date on which such air-mail is post-marked will be considered to be the date filed.

§ 235.3 New filings.

Common carriers by water engaged in the import trade of the United States who do not have schedules on file with the Board at the time this rule becomes effective will be allowed a period of 60 days thereafter in which to make the initial filing of the required schedules of rates and charges.

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on January 5, 1960 (25 F.R. 60, 61) a notice of proposed rule making with respect to establishment of a system of distribution of freight tariffs to the public by common carriers by water in the foreign commerce of the United States; and

Whereas, the Board has considered written statements and comments on said rule submitted by interested parties, and on August 24, 1960, heard oral argument by parties desiring to be heard on said rule; and

Whereas, after consideration of the aforesaid statements, comments, and oral arguments pertaining to the proposed rule, it appears that some modifications may be desirable in the rule as proposed on January 5, 1960:

Now therefore, it is hereby ordered, That pursuant to sections 15, 16 and 17, Shipping Act, 1916, as amended (46 U.S.C. 814, 815 and 816), section 19 of the Merchant Marine Act of 1920 (46 U.S.C. 876), section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), section 4, Administrative Procedure Act (5 U.S.C. 1003), the following rule shall be effective 30 days following date of publication in the FEDERAL REGISTER:

[General Order 92]

Subpart B—PUBLIC DISTRIBUTION OF FREIGHT TARIFFS

Sec.
235.10 Establishment of system of distribution.
235.11 Advice to Federal Maritime Board.
235.12 Manner of distribution.

§ 235.10 Establishment of system of distribution.

Every common carrier by water in the foreign commerce of the United States shall establish a system for the distribution upon request of its schedules of rates and charges and rules and regulations pertaining thereto, for the transportation of property in the foreign trade of the United States, free or upon payment of a reasonably compensatory subscription fee. Such system shall provide for the distribution of schedules, and changes, modifications and cancellation thereof, as promptly as is reasonably possible, but in no event later than the effective date.

§ 235.11 Advice to Federal Maritime Board.

Details as to such distribution system, including the proposed fee, if any, shall be furnished the Board within 60 days following the adoption of this rule by the Board, and thereafter, simultaneously with the filing of a carrier's initial schedule with the Board in accordance with the Board's rules. Any change in such system, including a change in the subscription fee, shall be furnished the Board prior to its effective date.

§ 235.12 Manner of distribution.

Distribution of schedules, changes, modifications or cancellation thereof, may be accomplished by the carrier directly or through the use of a competent tariff publishing agent (including a duly authorized officer of a steamship conference of which the carrier is a member).

Whereas, the Board has noted that common carriers by water in the foreign commerce of the United States are from time to time transporting persons as passengers, free or at fares and charges which are lower than those assessed other persons for similar service and accommodations, including shippers and consignees who ship goods over the vessels of such carriers, and/or the officers, agents, employees or members of the immediate families of such shippers or consignees, and

Whereas, it appears that the giving of such free or reduced passage by common carriers by water may give an undue or unreasonable preference or advantage to particular persons or descriptions of traffic and may subject other persons or descriptions of traffic to undue or unreasonable prejudice or disadvantage within the meaning of section 16, First, of the Shipping Act, 1916, as amended (Act) and

Whereas, the giving of such free or reduced passage to shippers, consignees and/or their officers, agents, employees, and/or the members of their immediate families is in the nature of a gratuity to said shippers or consignees designed to influence the routing of their cargo, which may be unjustly discriminatory between shippers in violation of section 17 of the Act, and may constitute an unfair device or means to enable such shippers or consignees to obtain transportation for their property at less than the regular rates or charges for transportation on the lines of such carriers within the meaning of section 16, Second, of the Act, and

Whereas, it now appears that a rule requiring every common carrier by water in the foreign trade of the United States to file schedules showing its fares and charges for the transportation of passengers and to submit annual reports as to all transportation accorded passengers free or at reduced fares and charges, is necessary for the administration of the regulatory provisions of the Act.

Now, therefore, pursuant to sections 17 and 21 of the Shipping Act, 1916, as amended (46 U.S.C. 816, 820), section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and section 4, Administrative Procedure Act (5 U.S.C. 1003), the Federal Maritime Board hereby prescribes and orders enforced the following regulation, effective 30 days following the date of publication in the FEDERAL REGISTER:

[General Order 93]

Subpart C—Filing of Passenger Fares in the Foreign Commerce of the United States

Sec.
235.20 Filing of schedules; contents.
235.21 Time for filing.
235.22 New filings.
235.23 Reports.

§ 235.20 Filing of schedules; contents.

Every common carrier by water engaged in foreign commerce (as defined in the first section of the Act) which carries one or more passengers shall file with the Federal Maritime Board schedules showing all the fares and charges for or in connection with the transportation of passengers between points in the United States and foreign points on its own route; and, if a through route, with through fares and charges, has been established with another carrier by water; all the fares and charges for or in connection with the transportation of passengers between points in the United States on its own route and foreign points on the route of such other carrier by water. The schedules filed as aforesaid by any such common carrier by water in foreign commerce shall show the point from and to which each such fare or charge applies; and shall contain all the rules and regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid fares or charges, including any rules or regulations for the carrying of passengers free or at reduced fares or charges and any rules, regulations or provisions for the interchange of accommodations from one class to another for the ship's convenience (to effect economies in the

ship's operation or to increase the usage of the ship's passenger space).

§ 235.21 Time for filing.

Any schedule required to be filed as aforesaid, and any change, modification or cancellation of any fare, charge, rule or regulation contained in any such schedule shall be filed not less than 30 days before the date such schedule, change, modification or cancellation becomes effective. Filing shall constitute the date of postmark when such schedule, change, modification or cancellation is transmitted by mail to the Board. Any schedule, change, modification or cancellation which is established by parties outside the continental United States shall be transmitted to the Board by air and the date on which such airmail is postmarked will be considered to be the date filed.

§ 235.22 New filings.

Common carriers by water engaged in the foreign commerce of the United States who do not have schedules on file with the Board at the time this rule becomes effective will be allowed a period of 60 days in which to make the initial filing of the required schedules of rates and charges.

§ 235.23 Reports.

If any common carrier by water (in the foreign commerce of the United States) transports a passenger in the foreign commerce of the United States free, or at a fare or charge different from the applicable fare or charge specified in the carrier's schedule on file with the Board or makes any exception to the governing rules and regulations set forth in the schedule, such carrier shall, within 30 days after the close of each calendar year, submit a statement to the Board specifying:

(a) the name of the person so transported (but no such report is required as to transportation which is provided at the direction of the government of the carrier or is for the account of the government of the carrier);

(b) the full extent of the concession granted and the basis upon which it was granted, stating specifically whether the passenger to whom such special concession was granted was known to be a shipper, consigneed or receiver of freight transported by such carrier or an employee or member of the immediate family of such shipper, consignee or receiver and whether or not such concession was predicated in any way upon this shipper, consignee or receiver relationship.

The following free or reduced rate transportation need not be reported:

(1) transportation which is granted in accordance with provisions set forth in the carrier's schedule of fares and charges on file with the Board;

(2) any change in passenger accommodations which is made by the ship without collection of additional fare or charge when such change is made because of the physical condition of the passenger accommodations arising from leakage, damage or other related causes or because of the physical condition of the passengers (including sickness);

(3) if the change is caused by a general re-arrangement of accommodations for convenience of the ship to effect economies in the ship's operation or to increase the usage of the ship's passenger space;

(4) any concession which does not result in a reduction in excess of 10 percent in the applicable fare or charge specified in the carrier's approved schedule.

Dated: June 29, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6750; Filed, July 17, 1961; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order No. 937]

PART 95—CAR SERVICE

Missouri-Illinois Railroad Company Authorized to Operate Over Certain Trackage of St. Louis-San Francisco Railway Company, St. Louis Southwestern Railway Company, Southern Illinois and Missouri Bridge Company and Missouri Pacific Railroad Company

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 11th day of July A.D. 1961.

It appearing that the Missouri-Illinois Railroad Company has pending before the Interstate Commerce Commission an application for certain trackage rights to operate over the tracks of The St. Louis-San Francisco Railway Company between Ste. Genevieve and Rockview, Missouri; over the tracks of the St. Louis Southwestern Railway Company, between Rockview and Illmo, Missouri; over the tracks of the Southern Illinois and Missouri Bridge Company, between Illmo, Missouri, and North Junction, Illinois; and, also over the tracks of the Missouri Pacific Railroad Company, between North Junction and Flinton, Illinois, so as to permit the handling of traffic originated or terminated on its line, or over its line pending a decision of the Commission in Finance Docket Nos. 21662, 21663, and 21664 (consolidated in Finance Docket No. 21662). The Commission is of the opinion that there is presently need for this service, that accordingly an emergency exists; that this temporary operation will best promote service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.937 Service Order 937.

(a) The Missouri-Illinois Railroad Company authorized to operate over certain trackage of the St. Louis-San Francisco Railway Company, The St. Louis Southwestern Railway Company, the Southern Illinois and Missouri Bridge Company and The Missouri Pacific Railroad Company. The Missouri-Illinois Railroad Company be, and it is hereby, authorized to operate over certain trackage listed below:

(1) Over the tracks of St. Louis-San Francisco Railway Company between Ste. Genevieve, Missouri (approximately Mile Post T-64.5) and Rockview, Missouri (approximately Mile Post T-141.8), a distance of approximately 77.3 miles.

(2) Over the tracks of St. Louis Southwestern Railway Company between Rockview, Missouri (approximately Mile Post I-10.7) and Illmo, Missouri (approximately Mile Post I-3.0), a distance of approximately 7.7 miles.

(3) Over the tracks of Southern Illinois and Missouri Bridge Company, between the connection of its tracks with those of St. Louis Southwestern Railway Company, near Illmo, Missouri, to a connection with tracks of Missouri Pacific Railroad Company at North Junction, Illinois, a distance of approximately 4.4 miles.

(4) Over the tracks of Missouri Pacific Railroad Company, between North Junction, Illinois (approximately Mile Post 119.3) and a crossing at Flinton, Illinois (approximately Mile Post 49.2), a distance of approximately 70.1 miles.

This temporary authority is granted contingent upon final action by the Commission in the pending Finance Dockets.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 19, 1961.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Missouri Public Service Commission, Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-6701; Filed July 17, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

Miscellaneous Amendments

1. Revise § 578.1; add new paragraphs (n), (o), (p), and (q) to § 578.2; and revise figure 1, U.S. Military Decorations Chart, as follows:

§ 578.1 Purpose.

The primary purpose of the awards program is to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement. Medals constitute one of the principal forms for such evidence; in the United States Army, medals are of the following categories:

(a) Military decorations are awarded on a restricted individual basis in recognition of and as a reward for heroic, extraordinary, outstanding, and meritorious acts, achievements, and services; and such visible evidence of recognition is cherished by recipients. Decorations are primarily intended to recognize acts, achievements, and services in time of war.

(b) The Good Conduct Medal is awarded in recognition of exemplary behavior, efficiency, and fidelity during enlisted status in active Federal military service.

(c) Service medals are awarded generally in recognition of honorable performance of duty during designated campaigns or conflicts. Award of decorations, and to a lesser degree, award of the Good Conduct Medal and of service medals, provide a potent incentive to greater effort, and are instrumental in building and maintaining morale.

§ 578.2 Definitions.

The following definitions are furnished for clarity and uniformity:

* * * * *

(n) *Active Federal military service.* The term "active Federal military service" means all periods of active duty and, except for service creditable for the Armed Forces Reserve Medal, excludes periods of active duty for training. Service as a cadet at the United States Military Academy is considered to be active duty.

(o) *He, his, him.* Include the terms "she" and "her," as appropriate.

(p) *Medal.* A term used in either of two ways:

(1) To include the three categories of awards, namely: decorations, Good Conduct Medal, and service medals; or

(2) To refer to the distinctive physical device of metal and ribbon which constitutes the tangible evidence of an award.

(q) *Officer.* Except where expressly indicated otherwise, the word "officer" means "commissioned or warrant officer."

FIGURE 1—ARMY PERSONAL DECORATIONS

Decorations (Listed in order of precedence)	Awarded for—			Awarded by—		Awarded to—			
	Heroism		Achievement or service			Military		Military	
	Combat	Non-Combat		Under war criteria [a]	Under peace criteria [a]	U.S.	Foreign	U.S.	Foreign
MILITARY									
Medal of Honor (Est. 1862)	X			(1)		War [b]			
Distinguished Service Cross (Est. 1918).	X			(2)		War	War	War [c]	War. [c]
Distinguished Service Medal (Est. 1918).			X	(2)	(2)	War, Peace.	War [j]	War [c j]	War. [c j]
Silver Star (Est. 1918)	X			(3)		War	War	War [c]	War. [c]
Legion of Merit (Est. 1942)			X	(4)	(3)	War, Peace.	War, Peace. [d]		
Distinguished Flying Cross (Est. 1926).	X [e]	X [e]	X [e]	(3)	(3)	War, Peace.	War		
Soldier's Medal (Est. 1926)		X		(3)	(3)	War, Peace.	War		
Bronze Star Medal (Est. 1944)	X [f]		X	(3)		War	War	War	War. [c]
Air Medal (Est. 1942)	X [e]		X [e]	(3)	(3)	War, Peace.	War	War	War. [c]
Army Commendation Medal (Est. 1945).		X	X	(3)	(3 g)	War, Peace. [k]			
Purple Heart (Est. 1782; Revived 1932).	Wounds			(6)		War		War	
NONMILITARY									
Medal for Merit (Est. 1942)			X	(1)				War [j]	War.
National Security Medal (Est. 1953).	X	X	X	(1)	(1)	War, Peace.	War	War, Peace.	War.
Medal of Freedom (Est. 1942)	X	X	X	(4)	(3)		War, Peace. [g]	War, Peace. [h]	War, Peace. [g]
Distinguished Civilian Service Medal (Est. 1957).			X		(3)			Peace [i]	Peace.
Outstanding Civilian Service Medal (Est. 1960).			X		(3)			Peace [i]	Peace.

[1] President of the U.S. He may award all decorations; only he may award the Medal of Honor.
[2] Secretary of the Army. Secretary of Defense awards the LM to foreign military personnel.
[3] Senior Army commander of any separate force. He may delegate his authority to (a) any subordinate commander in the grade of major general or higher and (b) any brigadier general who commands a tactical unit, and, as such, occupies a position vacancy of a major general. Exception: Authority to award the DSC to foreign personnel is retained by the Secretary of the Army.
[4] Commanders specifically designated by the Secretary of the Army (usually theater commanders.)
[5] Commander in the grade or position of major general or higher, heads of Hq DA Staff agencies.
[6] Commander of any separate force in the grade or position of a major general or higher. He may delegate his authority to any field grade officer.
[a] Peace criteria apply to all personnel in times of total peace; similarly, war criteria apply to all personnel in times of formal declared war plus 1 year thereafter. When no formal war has been declared but the U.S. is engaged in military operations against an armed enemy, all personnel in the combat zone and certain individuals in the communications zone (i.e., only those whose duties involve direct control or support of combat operations) are considered under war criteria; all remaining personnel are considered under peace criteria.
[b] Army Medal of Honor is awarded only to Army officer and enlisted personnel.
[c] Not usually awarded to these personnel.
[d] Awarded to foreign military in one of four degrees. The degrees of Chief Commander and Commander compare to award of the DSM to U.S. military, the degrees of Officer and Legionnaire compare to award of the LM to U.S. military. Second or succeeding awards of this decoration must be in the same or a higher degree than the previous award.
[e] Must meet requirement "while participating in aerial flight."
[f] Must meet requirement "in actual ground combat" for valor, awarded with a bronze star "V" device to distinguish from an award made for achievement or service.
[g] Awarded to foreign personnel in one of four degrees: Gold Palm (corresponds to LM, Chief, Commander degree); Silver Palm (corresponds to LM, Commander degree); Bronze Palm (corresponds to LM, Officer and Legionnaire degrees); and without Palm (corresponds to Bronze Star Medal). Only one Medal of Freedom, either with or without palm, is awarded to any one person. Second and successive awards may be evidenced by the additon of a palm of a higher degree.
[h] The meritorious act or service must be of degree required for the award of the BSM to U.S. military. Usually awarded for acts or services performed within an active theater of operations, never for acts of services performed within continental limits of the United States.
[i] Not awarded for service rendered as a Department of the Army employee.
[j] Last awarded in 1952.
[k] Never awarded to officers of general rank.

2. Revise paragraph (a) in § 578.13; add new § 578.17b; and revise § 578.19, as follows:

§ 578.13 Army Commendation Medal.

(a) *Criteria.* The Army Commendation Medal established by the Secretary of War on December 18, 1945, and amended in Department of the Army General Orders 10, 1960, is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after December 6, 1941, shall have distinguished himself by meritorious achievement or meritorious service. (See figure 1.)

(1) The required meritorious achievement or meritorious service while of lesser degree than that required for the award of the Legion of Merit must nevertheless have been accomplished with distinction and must have been of the same degree as required for the award of the Bronze Star Medal or Air Medal. An award may be made when the operational requirements for the award of the Bronze Star Medal have not been fully met.

(2) An award may be made for acts of outstanding courage which do not meet the requirements for an award of the Soldier's Medal.

(3) An award for meritorious service will not normally be made for a period of service of less than 6 months' duration.

(4) The Army Commendation Medal will not be awarded to general officers.

(5) It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers, warrant officers, and enlisted personnel whose achievements and services meet the prescribed standards.

(6) Awards may be made upon letter application to The Adjutant General to any individual commended after December 6, 1941, and prior to January 1, 1946, in a letter, certificate, or order of commendation, as distinguished from letter of appreciation, signed by an officer in the grade or position of a major general or higher.

(7) The Army Commendation Medal may be awarded in connection with military participation in the Department of the Army Suggestion Program.

(8) Awards of the Army Commendation Ribbon and of the Commendation Ribbon with Metal Pendant are redesignated by Department of the Army General Orders 10, March 31, 1960, as awards of the Army Commendation Medal, without amendments of certificates or of orders previously issued.

* * * * *

§ 578.17b Outstanding Civilian Service Medal.

(a) *Criteria.* The Outstanding Civilian Service Medal established by the Secretary of the Army in DA General Orders No. 3, 1960, is awarded to private citizens, Federal Government officials at the policy development level, and technical personnel who serve the Army in an advisory capacity or as consultants. Award is made by the Secretary of the Army, or by major commanders on behalf of the Secretary of the Army when the contribution is of significance to or within the major command concerned only.

(b) *Recommendations.* Same as § 578.17a(c).

(c) *Description.* Outstanding Civilian Service Medal, Department of the Army, is bronze, 1¼ inches in diameter. The central design of the obverse of the medal incorporates a disc with a wreath on the lower half of the rim denoting nonmilitary service. The equalateral triangle is symbolic of the civilian. Displayed on the triangle is the eagle from the Great Seal of the United States. The reverse of the medal is inscribed "Awarded to _____ for Outstanding Civilian Service to the United States Army." The medal is suspended from a ribbon 1⅜ inches wide consisting of thirteen alternating stripes equally spaced, seven white and six red, with a blue stripe 1/64 inch wide centered on each white stripe. A rosette ½ inch in diameter consisting of a gathered red center on a white background with a narrow blue stripe, the rim composed of alternating red and white vertical stripes with a narrow blue stripe centered on the white, is included for wear on civilian clothing.

§ 578.19 Foreign individual awards.

(a) *Constitutional restriction.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince, or foreign state. (Const., Art I, Sec. 9.) This includes decorations, awards, and gifts tendered by any official of a foreign government.

(b) *Definitions.* (1) "Accept" or "Acceptance" as used in this section means assumption of ownership and permanent possession of a military award or similar object awarded by a foreign government or official for which congressional approval has been granted.

(2) "Receive" or "Receipt" as used in this section means the act of coming into temporary custody of a military award or similar object awarded by a foreign government or official for which congressional approval is required.

(c) *General policy.* The provisions for receipt and/or acceptance, or prohibition thereof, outlined in this section apply to all members of the Armed Forces on active duty, all members of the Reserve components, and all civilian employees of the Army. This policy should be observed also when the award or gift is tendered to a member of the immediate family of any of the foregoing personnel.

(d) *Participation in ceremonies.* Except as prohibited by paragraph (h) of this section, an individual may participate in a ceremony and receive the tender of a foreign award or gift. The receipt of the award or gift will not constitute acceptance of the award by the recipient. Immediately following the ceremony, the individual will forward the award or gift with all appurtenances thereto, and all official papers including diploma and citation, to The Adjutant General. A brief statement should accompany the award explaining the act or service for which the award was made, date and place of presentation, and name and title of official who made the presentation.

(e) *Congressional authorization.* Except for such awards as may be specifically authorized by the Congress, The Adjutant General will forward each foreign award or gift to the Secretary of State to be held in escrow pending approval of its acceptance by the Congress. Each military and civilian recipient of foreign awards, upon discharge or permanent retirement or other permanent separation from active Federal service, should notify The Adjutant General in order that action may be taken with reference to his award or gifts. The Secretary of State is required by law to transmit the names of retired personnel to the second session of each alternate Congress (5 U.S.C. 115a). Upon approval by the Congress, the award or gift will be forwarded to the individual concerned.

(f) *Acceptance of foreign awards.* An award by a friendly foreign nation may be accepted without the requirement for securing approval by the Congress only as indicated below:

(1) By the next of kin if the award is conferred posthumously upon a former member of the Armed Forces of the United States.

(2) By the next of kin if the recipient dies before approval of acceptance can be obtained.

(3) If the award was conferred or earned while the recipient was serving as a bona fide member of the Armed Forces of the nation conferring the award and if the award is one authorized to be conferred generally upon members of that nation's forces. Such foreign awards must meet the following applicable requirements:

(i) A decoration must be awarded prior to the recipient's entrance into active service in the Armed Forces of the United States.

(ii) A badge must have been qualified for by the recipient under criteria established by the country concerned for award of the badge.

(iii) A service medal must have been earned under usual criteria established by the country concerned.

(g) *Foreign service medals.* Service medals awarded by foreign governments for service performed while a member of the Armed Forces of the United States may not be accepted or worn except the Philippine Service Ribbons, the United Nations Service Medal, and others which may be specifically authorized.

(h) *Military Assistance Program.* (1) As an exception to the general policy and procedures set forth in the foregoing paragraphs, the following prohibition shall apply to members of the Armed Forces and civilian employees performing duties in connection with the Military Assistance Program. Specifically, this prohibition includes personnel assigned or attached to, or otherwise performing duty with, Military Assistance Advisory Groups, Military Advisory Groups, Military Aid Groups, or missions having Military Assistance Program functions. Such personnel, regardless of assignment, may not accept the tender of any decoration, award, or gift from foreign governments for duty of this nature. In addition, personnel performing military assistance advisory, programming, budgeting, and/or logistic functions in any headquarters, office, agency, or organization may not accept the tender of any decoration, award, or gift from foreign governments in recognition of such duties. Accordingly, participation in ceremonies involving any such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition. If presentation is made in spite of such representation, the decoration, award, or gift will be forwarded with a full explanation of the circumstances to The Adjutant General for disposal. This restriction also applies to personnel performing United Nations Truce supervisory activities.

(2) When an award or gift is proffered to a member of the Armed Forces or a civilian employee performing any duty in connection with the Military Assistance Program in recognition of actual combat services against an armed enemy of the United States, or in recognition of heroism involving the saving of life, the foregoing prohibition is inapplicable, and the provisions of paragraph (e) of this section will be followed.

3. Revise §§ 578.20, 578.26, and 578.27, as follows:

§ 578.20 Supply of medals and appurtenances.

(a) Items issued by Department of the Army: (1) Decorations, (2) Service medals, (3) Service ribbons, (4) Palms, (5) Rosettes, (6) Clasps, (7) Arrowheads, (8) Service Stars, (9) Good Conduct Medals, (10) Oak-Leaf Clusters, (11) Letter "V" devices, (12) Certificates for decorations, (13) Lapel buttons for decorations, (14) Lapel buttons, miscellaneous, (15) 10-year devices, (16) Berlin airlift devices, (17) Containers for decorations.

(b) Items not issued or sold by Department of the Army: (1) Miniature medals and appurtenances, (2) Miniature service ribbons, (3) Miniature devices, (4) Lapel buttons for service medals, (5) Lapel buttons, miscellaneous.

§ 578.26 General.

(a) *Purpose.* Service (campaign) medals denote honorable performance of military duty within specified limiting dates in specified geographical areas. With the exception of the Medal of Humane Action and the Armed Forces Reserve Medal they are awarded only for active Federal military service.

(b) *Awarding.* Awarding of service medals is effected pursuant to announcement of criteria by the Secretary of the Army in Department of the Army Bulletins or General Orders. A service medal thus is automatically awarded to each individual who meets the published criteria. Orders are not required.

(c) *Requisitioning.* Service medals for service prior to World War I will not be requisitioned for display purposes since only minimum essential quantities are available for issue to authorized recipients.

(d) *Duplicating awards.* Not more than one service medal will be awarded for service involving identical or overlapping periods of time, except that each of the following groups of service medals may be awarded to an individual provided he meets the criteria prescribed hereinafter.

(1) World War I Victory Medal and Mexican Service Medal.

(2) World War II Victory Medal and one or more of the campaign medals for that war.

(3) Medal for Humane Action and Army of Occupation Medal.

(4) National Defense Medal, Korean Service Medal, and United Nations Service Medal.

(5) Armed Forces Reserve Medal and any other service medal listed hereinafter.

§ 578.27 Good Conduct Medal.

(a) *Purpose.* The Good Conduct Medal, established by Executive Order 8809 and amended by Executive Order 9323 and by Executive Order 10444 is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each soldier who distinguishes himself from among his fellow soldiers by his exemplary conduct, efficiency, and fidelity while in an enlisted status. There is no right or entitlement to the medal until the immediate commander has made positive recommendation for its award, and until the awarding authority has announced the award in General Orders. To qualify for an award of the Good Conduct Medal, an enlisted person must meet specified criteria throughout a specified period of continuous enlisted active Federal military service, as outlined in this section.

(b) *Awarding authority.* General and field grade officer commanders are authorized to award the Good Conduct Medal (original and subsequent awards) to enlisted personnel serving under their command jurisdiction who meet the established criteria. This delegated authority is limited to service during the 36 calendar months immediately preceding the date of current considerations. Personnel processing installation or activity commanders are prohibited from awarding the Good Conduct Medal to personnel other than members of their own permanent party.

(c) *Special provisions.* (1) Qualifying periods of service must be continuous enlisted active Federal military service. When an interval in excess of 24 hours occurs between enlistments, that portion of service prior to the interruption is not creditable toward an award.

(2) Entry into service as a cadet or midshipman at any United States service academy or discharge from enlisted status for immedate entry on active duty in an officer status is considered termination of service for the purpose of awarding the Good Conduct Medal.

(3) A qualified person scheduled for separation from active Federal military service should receive the award at his last duty station. Such award is authorized up to 30 days prior to the soldier's departure en route to a separation processing installation in CONUS or overseas. Orders announcing such advance awards will indicate the closing date of periods for the award prefixed with "DOSOA" (indicating "Date of separation on or about").

(4) An award made for any authorized period of less than 3 years must be for the total period of obligated active Federal military service.

(5) Discharge under provisions of AR 635–205 for immediate (re) + enlistment is not termination of service.

(6) Retroactive awards will be made only by The Adjutant General after favorable consideration of requests, submitted through channels, which include adequate evidence of injustice.

(d) *Qualifying periods of service.* Any one of the following periods of continuous enlisted active Federal military service qualifies for award of the Good Conduct Medal or of a Clasp, in conjunction with the criteria in paragraph (e) of this section.

(1) Each 3 years completed on or after August 26, 1940.

(2) For first award only, 1 year served entirely during the period December 7, 1941 to March 2, 1946.

(3) For the first award only, upon termination of service on or after June 27, 1950, of less than 3 years but more than 1 year.

(4) For first award only, upon termination of service, on or after June 27, 1950, of less than 1 year when final separation was by reason of physical disability incurred in line of duty.

(e) *Criteria.* Throughout a qualifying period each enlisted person must meet all of the following criteria for an award.

(1) All conduct (character) and efficiency ratings must be recorded as "Excellent" except that:

(i) Ratings of "Unknown" for portions of the period under considerations are not disqualifying.

(ii) Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to November 22, 1955 are not disqualifying.

(2) No conviction by court-martial during the period.

(3) The individual must not be serving in, nor have been serving at the time of separation in, an assignment of the type designated as "specially controlled duties" in AR 604–10.

(f) *Basis for recommendation.* Recommendation by the individual's immediate unit commander is required for award of the Good Conduct Medal by the approving authority. Such commander's recommendation will be based on his personal knowledge and on the individual's official records for periods of service under prior commanders during the period for which the award is to be made. The lack of official disqualifying comment by such previous commanders qualifies the use of such periods toward the award by current commander.

(g) *Clasp.* A good Conduct Medal Clasp is awarded for wear on the Good Conduct Medal suspension ribbon and service ribbon to denote a second or subsequent award of the medal. Not more than one Good Conduction Medal may be awarded to any one person.

(h) *Presentation.* Presentation of the Good Conduct Medal to military personnel may be made at troop formations.

(i) *Description.* The Good Conduct Medal of bronze is 1¼ inches in diameter. On the obverse is an eagle standing on a closed book and Roman sword, encircled by the words "Efficiency-Honor-Fidelity." On the reverse is a five-pointed star and a scroll between the words "For Good" and "Conduct," surrounded by a wreath formed by a laurel branch on the left and an oak branch on the right. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches long and 1⅜ inches wide composed of stripes of red (1/16 inch), white (1/16 inch), red (1/16 inch), white (1/16 inch) red (1/16 inch), white (1/16 inch), red (⅝ inch), white (1/16 inch), red (1/16 inch) white (1/16 inch), red (1/16 inch), white (1/16 inch), and red (1/16 inch).

4. Revise § 578.48c, and add new §§ 578.48f and 578.49b, as follows:

§ 578.48c Armed Forces Reserve Medal.

Established by Executive Order 10163, as amended by Executive Order 10439. The reverse of this medal is struck in two designs for award to personnel whose Reserve component service has been primarily in the Organized Reserve or primarily in the National Guard. The first design portrays the Minute Man from the Organized Reserve Crest; the other design portrays the National Guard insignia.

(a) *Requirements.* Awarded for honorable and satisfactory service as a member or former member of one or more of the Reserve components of the Armed Forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve, for a period of 10 years under the following conditions:

(1) Such years of service must have been performed within a period of 12 consecutive years.

(2) Each year of active or inactive honorable service prior to July 1, 1949, in any Reserve component listed in Part 563 of this chapter, will be credited toward award. For service performed on or after July 1, 1949, a member must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in Part 563 of this chapter.

(3) Service in a regular component of the Armed Forces, including the Coast Guard, is excluded except that service in a Reserve component which is concurrent in whole or in part with service in a regular component will be included.

(4) Any period during which Reserve service is interrupted by one or more of the following will be excluded in computing, but will not be considered as a break in the period of 12 years:

(i) Service in a regular component of the Armed Forces; or

(ii) During tenure of office by any State official chosen by the voters of the entire State, territory, or possession; or

(iii) During tenure of office of member of the legislative body of the United States or of any State, territory, or possession; and

(iv) While serving as judge of a court of record of the United States, or of any State, territory, possession, or the District of Columbia.

(b) *Ten-year device.* One 10-year device is awarded for wear on the service ribbon and suspension ribbon of the Medal for each 10-year period of service accrued in addition to and under the conditions prescribed above for award of the Medal.

§ 578.48f Antarctica Service Medal.

Established by Public Law 86–600, as promulgated in DOD Instruction 1348.9, November 22, 1960.

(a) *Requirements.* Awarded to any person who after January 1, 1946, meets any of the following qualifications:

(1) Any member of the Armed Forces of the United States or civilian citizen, or resident alien of the United States who, as a member of a U.S. expedition, participates in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the Armed Forces of the United States or civilian citizen, or resident alien of the United States who, under the sponsorship and approval of competent U.S. Government authority participates in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition.

(3) Any member of the U.S. Armed Forces who serves as a crew member of an aircraft flying to or from the Antarctic or within Antarctica in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves on a United States ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

(5) Any person, including citizens of foreign nations, not fulfilling any above qualification, who participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency. In such case, award will be made by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition.

(b) *Clasps and discs.* Wintering over on the Antarctic continent is recognized by the award of the following:

(1) A clasp bearing the words "Wintered over" for wear on the suspension ribbon of the medal; and

(2) A disc bearing an inscribed outline of the Antarctic continent for wear on the service ribbon.

These appurtenances are awarded in bronze for the first winter, in gold for the second winter and in silver for the third winter.

(c) *Miscellaneous provisions.* (1) No person may receive more than one award of the Antarctic Service Medal.

(2) Not more than one clasp or disc will be worn on the ribbon.

(3) No minimum time limits for participation are prescribed.

(4) The Antarctic Service Medal takes precedence immediately after the Korean Service Medal.

§ 578.49b United Nations Medal.

Established by the United Nations Secretary-General, July 30, 1959. Presidential acceptance for the United States Armed Forces announced by Department of Defense Instruction 1348.10, December 6, 1960.

(a) *Eligibility.* Personnel to qualify for award must be or have been in the service of the United Nations, for a period not less than 6 months, with one of the following:

(1) United Nations Observation Group in Lebanon (UNOGIL)

(2) United Nations Truce Supervision Organization in Palestine (UNTSO),

(3) United Nations Military Observer Group in India and Pakistan (UNMOGIP).

(b) *Awards.* Awards are made by the United Nations Secretary-General, or in his name by officials to whom he delegates awarding authority.

(c) *Presentation.* Presentation normally will be made in the field by the Senior Representative of the Secretary-General who makes the award. When presentation is not so accomplished, any person who believes himself eligible for award may submit to The Adjutant General, ATTN: AGPS–AD a request for such award with copy of any substantiating documents. The Adjutant General will forward each such request through the Office of Internal Administration, Office of the Assistant Secretary of State for International Organization Affairs, to the United Nations for consideration.

5. Revise §§ 578.60 and 578.61 and add new § 578.62, as follows:

§ 578.60 Badges and tabs; general:

(a) *Purpose.* The purpose of awarding badges is to provide for public recognition by tangible evidence of the attainment of a high degree of skill, proficiency, and excellence in tests and competition, as well as in the performance of duties. Awards of badges promote esprit de corps, and provide an incentive to greater effort, thus becoming instrumental in building and maintaining morale. Types of badges authorized to be awarded as hereinafter prescribed, are combat and special skill badges, qualification badges and identification badges.

(b) *Recommendations.* Recommendations for awards of badges will be forwarded through channels to the commander authorized herein to make the respective awards or to The Adjutant General, ATTN: AGPS–AD, as promptly as practicable following the individual's qualification.

(c) *Awards of badges*—(1) *General.* Badges may be awarded in the field only by designated commanders. Commanders other than those to whom authority is delegated herein will forward recommendations for such awards through command channels to The Adjutant General, ATTN: AGPS–AD.

(2) *Posthumous awards.* When an individual who has qualified for a badge dies before the award is made, the award nevertheless may be made and the badge forwarded to the next of kin as indicated by the records of the Department of the Army, in the following precedence: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, or eldest grandchild. Posthumous awards made by commanders outside the continental United States will be forwarded to The Adjutant General, ATTN: AGPS–AD.

(3) *Retroactive awards.* Retroactive awards of the Combat Infantryman Badge and Medical Badge will not be made. Exceptions are awards of Combat Infantryman Badge or Medical Badge made by The Adjutant General upon written request by individuals otherwise fully qualified who are recipients of decorations for heroism in combat.

(d) *Announcement of awards.* Except for identification badges, each award of a badge will be announced in special orders of commanders authorized herein to make the award or in letter orders of the Department of the Army.

(e) *Presentation of awards.* Whenever practicable, badges will be presented to military personnel with formal and impressive ceremony. Presentations should be made as promptly as possible following announcement of awards and, when practicable, in the presence of the troops with whom the recipients were serving at the time of qualification.

(f) *Supply of badges and appurtenances*—(1) *Items issued by the Department of the Army:*

(i) Combat and Special Skill badges.

(ii) Qualification badges.

(iii) Qualification badge bars.

(iv) The Guard, Tomb of the Unknown Soldier identification badge (an item of organizational equipment).

(2) *Items not issued or sold by Department of the Army:*

Identification badges, except as provided in pargaraph (a) of this section.

(i) Lapel buttons for badges.

(ii) Certificates for badges.

(iii) Foreign badges.

(iv) Miniature combat infantryman and expert infantryman badges.

(3) *Requisition.* Initial issue or replacement for badge lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person whom it was awarded, will be made upon application, without charge to military personnel on active duty and at stock fund standard price to all others.

(g) *Character of service.* No badge will be awarded to any person who, subsequent to qualification therefor, has been dismissed, dishonorably discharged, or convicted of desertion by court-martial, except as provided in § 578.61(c).

§ 578.61 Combat and special skill badges and tabs.

(a) *Purpose.* Combat and special skill badges are awarded to denote proficiency in performance of duties under hazardous conditions and circumstances of extraordinary hardship as well as special qualifications and successful completion of prescribed courses of training.

(b) *To whom awarded.* (1) The Combat Infantryman Badge may be awarded only to members of the United States Army.

(2) The Medical Badge may be awarded only to members of the United States Army or Navy.

(3) All other combat and special skill badges may be earned by honorable active or inactive service, in or while formally assigned or attached to, the United States Army. Awards of United States Army combat and special skill badges to a foreigner will be made only with the prior consent of his parent government and upon completion of the full requirements established for each badge listed below.

(c) *Reinstatement of awards.* An award once revoked will not be reinstated automatically when, for any reason of conviction by court-martial for desertion in time of war is voided by competent authority.

(d) *Combat Infantryman Badge.*—(1) *Eligibility requirements.* (i) An individual must be an infantry officer in the grade of colonel or below, or an enlisted man, or a warrant officer with infantry MOS, who subsequent to December 6, 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of regimental or smaller size during any period such unit was engaged in active ground combat. Battle participating credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Awards may be made to assigned members of ranger infantry companies assigned or attached to tactical infantry organizations.

(ii) Awards will not be made to general officers nor to members of headquarters companies of units larger in size than battle groups.

(iii) Any officer whose basic branch is other than infantry who, under appropriate orders, has commanded an infantry unit of regimental or smaller size for at least 30 consecutive days is deemed to have been detailed in infantry and is eligible for the award of the Combat Infantryman Badge notwithstanding absence of written orders detailing him in the infantry provided all other requirements for such award have been met. Orders directing the individual to assume command will be confirmed in writing at the earliest practicable date.

(iv) One award of the Combat Infantryman Badge is authorized to each individual for each separate war in which the requirements prescribed have been met. Second, third, and fourth awards are indicated by superposing 1, 2, and 3 stars respectively, centered at the top of the badge between the points of the oak wreath.

(2) *Who may award.* Commanding generals of infantry divisions and commanding officers of infantry battle groups, separate infantry battalions, and separate infantry companies.

(e) *Medical Badge*—(1) *Eligibility requirements.* (i) A member of the Army Medical Service or of the Naval Medical Service assigned or attached to the Army, must have satisfactorily performed medical duties subsequent to December 6, 1941, while assigned or attached in a permanent status as a member of the medical detachment of an infantry unit of regimental or smaller size, or as a member of the medical platoon of an infantry or airborne battle group headquarters company, during any period the unit was engaged in active ground combat. Battle participation credit is not sufficient; the infantry unit must have been in contact with the enemy.

(ii) Awards of this badge will not be made to members of medical battalions, except when attached to an infantry unit as indicated above.

(iii) One award of the medical badge is authorized to each individual for each war in which the above requirements are met. Successive awards are indicated by superimposing stars on the badge as follows: Second award, one star at the top center above the cross; third award, two stars, one at the top center above the cross and one at the bottom center of the wreath; fourth award, three stars, one at the top center above the cross, and one at each side of the wreath at the ends of the stretcher.

(2) *Who may award.* Same as for Combat Infantryman Badge.

(f) *Expert Infantryman Badge*—(1) *Eligibility requirement.* An individual must be an infantry officer or enlisted man, or a warrant officer with an infantry MOS who has satisfactorily completed the proficiency tests prescribed by Army Regulations while assigned to an infantry unit of regimental or smaller size; or when assigned to, or attending a course of instruction at, the United States Army Infantry School.

(2) *Who may award.* Commanding officers of infantry regiments, battle groups and separate infantry units or their next superior, commanders of United States Army Training Centers, and the Commandant, United States Army Infantry School. Commanders at training installations may award the badge to qualified personnel undergoing 6 months' active duty for training under the Reserve Forces Act of 1955 provided such personnel are assigned to infantry units of battle group or smaller size in the Reserve components.

(g) *Parachutist badges.* (1) Three degrees of badges are authorized for award: the Master Parachutist Badge, the Senior Parachutist Badge, and the Parachutist Badge. Eligibility requirements for each badge are set forth in succeeding paragraphs. Awarding authorities for all three are the following: Commanding generals of the United States Continental Army Command; ZI armies and overseas commands; Military District of Washington, U.S. Army; airborne corps; airborne divisions; infantry divisions containing organic airborne elements, and the Quartermaster Research and Engineering Command; the Commandants of the Infantry School and of the Quartermaster School; commanding officers of separate airborne regiments, separate airborne battle groups, or separate airborne battalions, Special Forces Groups (Airborne), and the Special Warfare Center; and President, U.S. Army Airborne and Electronics Board.

(2) Eligibility for awards will be determined from the Individual Jump Record (DA Form 1307) contained in the field 201 file section of the personnel records jacket. Each entry on this form will include pay period covered and initials of the personnel officer; the entry will be made only from a Certificate of Jump and Loading Manifest (DA Form 1306) completed by an officer or jumpmaster.

(h) *Master Parachutist Badge.* An individual must have been rated excellent in character and efficiency and have met the following requirements:

(1) Participated in a minimum of 65 jumps to include:

(i) Twenty-five jumps with combat equipment to consist of normal TOE equipment, individual weapon carried by the individual in combat whether the jump was in actual or simulated combat. In cases of simulated combat the equipment will include water, rations (actual or dummy), ammunition (actual or dummy), and other essential items necessary to sustain an individual in combat;

(ii) Four night jumps made during the hours of darkness (regardless of the time of day with respect to sunset) one of which will be as jumpmaster of a stick;

(iii) Five mass tactical jumps which culminate in an airborne assault problem with a unit equivalent to a battalion or larger; a separate company/battery; or an organic staff of regimental size or larger. The individual must fill a position commensurate with his rank or grade during the problem.

(2) Either graduated from the Jumpmaster Course of the Airborne Department of the Infantry School or the jumpmaster school of a separate airborne battalion or larger airborne unit, or served as jumpmaster on one or more combat jumps or as jumpmaster on 33 noncombat jumps.

(3) Have served on jump status with an airborne unit or other organization authorized parachutists for a total of at least 36 months.

(i) *Senior Parachutist Badge.* An individual must have been rated excellent in character and efficiency and have met the following requirements:

(1) Participated in a minimum of 30 jumps to include:

(i) Fifteen jumps with combat equipment to consist of normal TOE equipment including individual weapon carried in combat whether the jump was in actual or simulated combat. In cases of simulated combat the equipment will include water, rations (actual or dummy), ammunition (actual or dummy), and other essential items necessary to sustain an individual in combat; and

(ii) Two night jumps made during the hours of darkness (regardless of time of day with respect to sunset) one of which will be as jumpmaster of a stick;

(iii) Two mass tactical jumps which culminate in an airborne assault problem with either a unit equivalent to a battalion or larger; a separate company/battery; or an organic staff of regimental size or larger. The individual must fill a position commensurate with his rank or grade during the problem.

(2) Either graduated from the Jumpmaster Course of the Airborne Department of the Infantry School or the jumpmaster school of a separate airborne battalion or larger airborne unit, or served as jumpmaster on one or more combat jumps or as a jumpmaster on 15 noncombat jumps.

(3) Have served on jump status with an airborne unit or other organizations authorized parachutists for a total of at least 24 months.

(j) *Parachutists Badge.* An individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit or the Airborne Department of The Infantry School; or have participated in at least one combat parachute jump into enemy-held territory as a member of an organized force carrying out an assigned tactical mission for which the unit was credited with an airborne assault landing by the theater commander.

(k) *Army aviator badges*—(1) *Badges authorized.* (i) Master Army Aviator Badge.

(ii) Senior Army Aviator Badge.

(iii) Army Aviator Badge.

(2) *Eligibility requirements.* An individual must have satisfactorily completed prescribed training and proficiency tests as outlined in AR 600–106, and must have been designated as an aviator in orders issued by headquarters indicated below:

(3) *Who may award.* (i) The Commandant, Army Aviation School, may designate an individual as an Army Aviator.

(ii) The Adjutant General may designate an individual as an Army Aviator, as a Senior Army Aviator, and as a Master Army Aviator.

(l) *Army Aviation Medical Officer Badge.* The Surgeon General may award this badge to any Army Medical Corps officer to whom he has awarded MOS 3160 (either primary or secondary) upon successful completion of a course in aviation medicine.

(m) *Diver badges*—(1) *Badges authorized.* Diver proficiency is recognized by the following badges:

(i) Master Diver Badge.

(ii) First-Class Diver Badge.

(iii) Salvage Diver Badge.

(iv) Second-Class Diver Badge.

(2) *Eligibility requirements.* An individual must have satisfactorily completed prescribed proficiency tests in accordance with AR 611–75 while assigned or attached to an authorized diving and salvage school or to a unit for which the TOE or TD includes diving personnel.

(3) *Who may award.* The commandant of an authorized diving and salvage school and commanding officer of a regiment, group, or separate battalion for which the TOE or TD includes diving personnel.

(n) *Explosive Ordnance Disposal Supervisor Badge—Eligibility requirements.* Any commissioned officer, warrant officer, or noncommissioned officer in grade E–6 or higher may be awarded the badge if he meets, or has met, all the following requirements:

(i) Successful completion of basic and special weapons disposal courses of instruction.

(ii) Eighteen months cumulative service in a supervisory position in a TOE or TD which the above explosive ordnance disposal courses are a prerequisite.

(iii) Noncommissioned officers must have been rated excellent in character and efficiency at the time of recommendation for the award.

(2) *Who may award.* Commanding generals of divisions and higher commands, and commanding officers of separate groups or equivalent headquarters exercising operational control of EOD personnel or units.

(o) *Explosive Ordnance Disposal Specialist Badge*—(1) *Eligibility requirements.* Any commissioned officer, warrant officer, or enlisted man may be awarded the badge if he meets, or has met, all the following requirements:

(i) Successful completion of the prescribed basic EOD course of instruction.

(ii) Assigned in a TOE or TD position for which the basic EOD course is a prerequisite.

(2) *Who may award.* Same as in paragraph (n) of this section.

(p) *Glider Badge.* The Glider Badge is no longer awarded. An individual who was awarded the badge upon satisfying then current eligibility requirements may continue to wear the badge. Eligibility for award could be established by satisfactory completion of prescribed proficiency tests while assigned or attached to an airborne unit or to the Airborne Department of the Infantry School, or by participation in at least one combat glider landing into enemy-held territory as a member of an organized force carrying out an assigned tactical mission for which the unit was credited with an airborne assault landing by the theater commander.

(q) *Ranger Tab.* (1) The Commandant of the U.S. Army Infantry School may award the Ranger Tab to any person who successfully completed a Ranger Course conducted by that school.

(2) The Adjutant General may award the Ranger Tab to any person who was awarded the Combat Infantryman Badge while serving as a member of a Ranger Battalion (1st–6th, inclusive) or in the 5307th Composite Unit, Provisional (Merrill's Marauders) or to any person who successfully completed a Ranger course conducted by the Ranger Training Command.

§ 578.62 Qualification badges and tabs.

(a) *Driver and Mechanic Badge*—(1) *Purpose.* This badge is awarded to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles. Component bars are authorized only for the following types of vehicles and/or qualifications:

(i) Driver—W (for wheeled vehicles).

(ii) Driver—T (for tracked vehicles).

(iii) Driver—M (for motorcycles).

(iv) Driver—A (for amphibious vehicles).

(v) Mechanic (for automotive or allied trade vehicles).

(vi) Operator—S (for special mechanical equipment).

(2) *Eligibility requirements for drivers.* The individual must have:

(i) Qualified for and possess a current U.S. Government Motor Vehicle Operator's Identification Card (SF 46), issued as prescribed by AR 600–55; and

(ii) Performed assigned duty as a driver or assistant driver of Army vehicles for a minimum of 12 consecutive months, or during at least 8,000 miles and has no Army motor vehicle accident or traffic violation recorded on his Driver Qualification Record (DA Form 348); or

(iii) Performed satisfactorily for a minimum period of 1 year as an active qualified driver instructor, or motor vehicle driver examiner.

(3) *Eligibility requirements for mechanics.* The individual must have:

(i) Passed aptitude tests and have completed the standard mechanics' course with a "skilled" rating or have demonstrated possession of sufficient previous experience as an automotive mechanic to justify such a rating; and

(ii) Been assigned to primary duty as an automotive mechanic, second echelon or higher, or as an active automotive mechanic instructor; and

(iii) If required to drive an Army motor vehicle in connection with automotive mechanic or automotive mechanic instructor duties, qualified for motor vehicle operators permit as prescribed above, and performed duty which included driving motor vehicles for a minimum of 6 consecutive months, and had no Army motor vehicle accident or traffic violation recorded on his Driver Qualification Record (DA Form 348).

(4) *Eligibility requirements for operators of special mechanical equipment.* A soldier or civilian whose primary duty

involves operation of Army materials handling or other mechanical equipment must have completed 12 consecutive months or 500 hours of operation, whichever comes later, without accident or written reprimand as the result of his operation, and his operating performance must have been adequate in all respects.

(5) *Who may award.* Commanding officers of regiments, battle groups, separate battalions, and any commanding officer in the grade of lieutenant colonel or higher.

(b) *Basic qualification badges.* A basic qualification badge is awarded to indicate the degree in which an individual, military or civilian, has qualified in a prescribed record course and an appropriate bar is furnished to denote each weapon with which he qualified. Each bar will be attached to the basic badge which indicates the qualification last attained with the respective weapon. Basic qualification badges are of three classes: Expert, sharpshooter, and marksman. The only weapons for which component bars are authorized are:

Weapon	*Inscription*
Rifle	Rifle.
Pistol	Pistol.
Antiaircraft artillery	AA Artillery.
Automatic rifle	Auto rifle.
Machine gun	Machine gun.
Field Artillery	Field Arty.
Tank Weapons	Tank Weapons.
Flamethrower	Flamethrower.
Submachine gun	Submachine gun.
Rocket Launcher	Rocket Launcher.
Grenade	Grenade.
Carbine	Carbine.
Recoilless rifle	Recoilless Rifle.
Mortar	Mortar.
Bayonet	Bayonet.
Rifle, small bore	Small bore rifle.
Pistol, small bore	Small bore pistol.
Missile	Missile.

(c) *Who may award*—(1) *To military personnel.* Any commander in the grade or position of lieutenant colonel or higher may make awards to members of the Armed Forces of the United States. ROTC camp commanders and professors of military science of ROTC may make awards to members of the ROTC.

(2) *To civilian personnel.* Except to uniformed civilian guards, awards to civilians wil be made only by the Director of Civilian Marksmanship, Headquarters, Department of the Army. The authorization for civilian guards to wear marksmanship badges may be made by installation commanders. Civilian guards will procure badges at their own expense.

(d) *Revocation of awards*—(1) *Basic qualification badges.* An award for previous qualification is revoked automatically whenever an individual, upon completion of firing a record course for which the previous award was made, has not attained the same qualification. If the bar which is revoked automatically is the only one authorized to be worn on the respective basic qualification badge, the award of the basic badge likewise is revoked automatically. An award once revoked will not be reinstated.

(2) *Driver and Mechanic Badge.* An award of this badge will be revoked only by a commander authorized to award the badge and only for any of the following reasons:

(i) *Motor vehicle driver and operator of special mechanical equipment.* (*a*) In the event of a moving traffic violation in which life or property was endangered, or an accident which involved either property damage or personal injury wherein the awardee was at fault.

(*b*) If the event of damage to the vehicle for which the awardee is responsible due to lack of preventive maintenance.

(*c*) In the event of an unsatisfactory rating of the awardee as a driver.

(ii) *Motor mechanic.* (*a*) In the event of failure of awardee to perform his assigned duties as a mechanic in an excellent manner.

(*b*) In the event of damage to vehicle or shop equipment as a result of careless or inefficient performance of duty by the awardee.

(*c*) In the event of unsatisfactory shop performance by the awardee.

(3) *Miscellaneous.* An award of a distinguished designation badge or the Excellence in Competion Badge will be revoked only by the Commanding General, United States Continental Army Command, or by The Adjutant General and only when an award has been made through error or as the result of fraud.

(e) *Distinguished designation badges*—(1) *Purpose.* A Distinguished Rifleman Badge or a Distinguished Pistol Shot Badge is awarded to a member of the Army or to a civilian in recognition of a preeminent degree of achievement in target practice firing with the standard military service rifle or pistol. Winners of distinguished designation badges will not part with them without authority of the Secretary of the Army and will hold them subject to inspection at any time.

(2) *Types of badges.* Each badge consists of a bar and pendant. There are two designs of bars: One with inscription "US Army" for award to Army members; and the other with inscription "US.," for award to civilians.

(3) *Eligibility requirements.* (i) A member of the Army will be designated as a Distinguished Rifleman or Distinguished Pistol Shot when he has earned three credits toward the distinguished designation, provided that at least one credit was earned by having been awarded the Excellence in Competition Badge for achievement in the National matches or in the All-Army Championships.

(ii) A civilian will be designated by the Army as a Distinguished Rifleman or Distinguished Pistol Shot when for the third time he has qualified for award of the Excellence in Competition Badge, provided that at least one of these awards was won in the National matches or for having placed among the upper 50 percent of individuals determined to be entitled to such awards in either a major command competition or National Rifle Association Regional Championship match. Badges awarded prior to 1948 will be considered toward achievement of the distinguished designation under the rules of the match in which won. A credit granted by the National Board for the Promotion of Rifle Practice under rules in effect for matches prior to 1948 will be considered toward the award of this badge the same as though an Excellence in Competition had been awarded.

(iii) The year in which a person first became eligible for designation by the Army as a Distinguished Rifleman or Distinguished Pistol Shot is the year in which he is regarded as having attained the distinguished designation and for which he will be so designated.

(iv) In computing credits toward distinguished designation only one credit per calendar year in any one individual or team match will be allowed.

(4) *Who may award.*—(i) *To Army personnel.* Commanding General, United States Continental Army Command. Copies of letters of authorization will be forwarded to The Adjutant General, ATTN: AGPF, for record purposes.

(ii) *To all others.* The Adjutant General.

(5) *Engraving.* The name of the recipient and the year of attainment will be engraved on the reverse of the metal pendant.

(f) *Excellence in Competition Badge*—(1) *Purpose.* Excellence in Competition Badges are awarded to individuals in recognition of an eminent degree of achievement in target practice firing with the standard military service rifle or pistol.

(2) *Types of badges.* Types of badges and criteria for award are under revision. When finalized, they will be published in a change to this section.

(3) *Eligibility requirements.* The number of badges which will be awarded in recognition of achievement in the National Matches, the All-Army Championships, Major Command Competitions, or in National Rifle Association Regional Championships will depend primarily upon the number of "nondistinguished" participants in the match. In all competitions except those included in the National Matches the badge will be awarded only for excellence in individual competition. In the National Matches the badge may be awarded for

achievement in both individual and team competition. The conditions governing eligibility for award of the badge in the National Matches are prescribed by the National Board for the Promotion of Rifle Practice in joint regulations entitled "Rules and Regulations for National Matches". Comparable badges will be awarded to civilians by the Director of Civilian Marksmanship in accordance with regulations prescribed by the National Board for the Promotion of Rifle Practice. A badge for excellence in competition in a match conducted subsequent to 1947 will be awarded only to a person whose score in authorized competition constitutes a credit toward a distinguished designation badge. The determination as to whether a badge for excellence in competition which has been awarded for achievement in a match conducted prior to 1948 may be considered toward the award of a distinguished designation badge will be in accordance with Army Regulations in effect at the time such match was conducted.

(4) *Limit on award.* (i) In no case will an individual be awarded more than one badge of each type. Credits will be given in lieu of additional awards of the same badge.

(ii) Individuals who have either qualified for or attained the distinguished designation are ineligible for further awards of this badge. Any such individual who frauduently accepts an additional award of the Excellence in Competition Badge when he is aware of his eligibility for distinguished designation, or has been designated as a Distinguished Rifleman or Distinguished Pistol Shot will be subject to revocation of the award.

(5) *Who may award.*—(i) *To Army personnel in active service.* Commanding General, United States Continental Army Command. Copies of letters of authorization will be forwarded to The Adjutant General, ATTN: AGPF, for record purposes.

(ii) *To all others.* The Adjutant General, upon recommendation of the Commanding General, United States Continental Army Command, or the National Board for the Promotion of Rifle Practice, as appropriate.

(g) *President's Hundred Tab.* A President's Hundred Tab is awarded to each person who qualified among the top 100 successful contestants in the President's Match held annually at the National Rifle Matches.

[AR 672-5-1, 3 May 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

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

[F.R. Doc. 61-6672; Filed, July 17, 1961; 8:45 a.m.]

No. 136——5

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER E—VISAS

[Dept. Reg. 108.469]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects:

1. The definition of the term "attendants" contained in § 41.1 is amended to read as follows:

§ 41.1 Definitions.

* * * * *

Attendants. "Attendants" as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v), and 212(d)(8) of the Act, shall include an alien who is paid from the public funds of a foreign government or from the funds of an international organization and who is accompanying or following to join the principal alien to whom he owes a duty or service.

2. Section 41.91 (a)(28)(vii) and (c)(1)(ii) are amended to read as follows:

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(28) *Affiliates and members of proscribed organizations.* * * *

(vii) The words "actively opposed", as used in section 212(a)(28)(I)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a voluntary member.

* * * * *

(c) *Failure of application to comply with Act.* (1) * * *

(ii) The application contains a false or incorrect statement other than one which would constitute a ground of ineligibility under section 212(a) (9) or (19) of the Act;

3. Section 41.126(b) is amended to read as follows:

§ 41.126 Transfer of visas.

* * * * *

(b) *Procedure for transfer.* A formal application for the transfer of a nonimmigrant visa from one passport to another shall not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall, except as provided in § 41.124(b), be evidenced by placing the visa stamp with all of the original data in the alien's passport. The transferred visa shall be valid for the same period as the original visa and for the number of applications for admission remaining as of the date of the transfer. The word "Transferred" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the transfer shall be made on the reverse of Form FS-257 on file at the original visa-issuing office. If the visa is transferred at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

4. Section 41.127(b)(1) is amended to read as follows:

§ 41.127 Crew-list visas.

* * * * *

(b) *Application.* (1) A list of all alien crewmen who are serving on board a vessel or aircraft which is proceeding to the United States and who are not in possession of valid individual entry documents shall be submitted, in duplicate, to a consular officer on Immigration and Naturalization Service Form I-418 (Crew List) or such other forms as may be prescribed. In lieu of a manifest on Form I-418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization (ICAO) manifest, or on Customs Form 7507 (General Declaration) whenever the number of crewmen does not exceed the number which can be listed on the form. In cases of alien seamen serving on vessels, the duplicate copy of Form I-418 shall contain in column (4) the date, city and country of birth of each alien seaman listed who does not have in his possession a valid individual visa or an Immigration and Naturalization Service Form I-151 and, in column (5), the place of issuance and the authority issuing the passport held by such alien seaman. The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

5. Section 41.134(h) is amended to read as follows:

§ 41.134 Revocation and invalidation of visas.

* * * * *

(h) *Reconsideration of revocation and reinstatement of visa when revocation unwarranted.* The consular officer shall consider any evidence which may be submitted by the alien, his attorney or representative, indicating that the revocation or invalidation of a visa may have

been unwarranted. If it is determined that the visa was not properly revoked or invalidated, the visa shall be reinstated without fee. A memorandum regarding the action taken and the reasons therefor shall be placed in the consular files, and appropriate notification shall be forwarded promptly to the alien, to the carriers concerned, to the Department, and to the issuing office if notice of revocation or invalidation has been given in accordance with paragraph (c), (e), (f), or (g) of this section.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

6. Section 42.6(h) is amended to read as follows:

§ 42.6 Immigrants not required to present passports.

* * * * *

(h) *Beneficiaries of individual waivers.* (1) An immigrant who is within one of the categories described in paragraphs (a) through (d) of this section, except that he is applying for a visa in the country of which he is a national and the possession of the passport is required for departure from that country and in whose case the passport requirement shall have been waived by the Secretary of State, as evidence by a specific instruction from the Department to the consular officer. (2) An immigrant who establishes that he is unable to obtain a passport, who is not within any of the foregoing categories, and in whose case the passport requirement imposed by § 42.112 or by the regulations of the Immigration and Naturalization Service, shall have been waived by the Attorney General and the Secretary of State, as evidenced by a specific instruction from the Department to the consular officer.

7. Section 42.66(a)(2) is amended to read as follows:

§ 42.66 Cancellation of registration.

(a) * * *

(2) The registrant has been refused a visa on some ground which cannot be overcome by the presentation of further evidence or by a probable change in the circumstances of his case;

8. Section 42.91(a)(28)(vii) is amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(28) *Affiliates and members of proscribed organizations.* * * *

(vii) The words "actively opposed", as used in section 212(a)(28)(I)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch or affiliate or subdivision thereof, of which the alien was formerly a voluntary member.

9. Section 42.116(b)(1) is amended to read as follows:

§ 42.116 Registration and fingerprinting.

* * * * *

(b) *Fingerprinting.* (1) Every alien, except a child under fourteen years of age, executing an application for an immigrant visa shall be fingerprinted on Form AR–4 (Alien Registration Fingerprint Chart) or in such other manner as may be authorized by the Department.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: July 7, 1961.

HARRIS H. HUSTON,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 61-6717; Filed, July 17, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 563; Amdt. 47]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C69 Emergency Evacuation Slides

Proposed § 514.75 establishing minimum performance standards for evacuation slides to be used on civil aircraft of the United States, was published in 25 F.R. 10852.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received from industry requested several changes in the referenced FAA standard. These were evaluated and where substantiated have been adopted in line with the comments. The standard will be reissued and dated June 15, 1961. The revised standard reflects renumbering of paragraphs due to elimination of Part I, 4.2.5 *Support in Impact Area.* As this requirement is controversial and there is no firm evidence to indicate whether or not side support straps should be used, it has been determined that at present it is a matter to be left to the operators' discretion. Paragraph 4.1.3 of Part II has also been eliminated for the same reason.

The following recommendations of changes in the FAA standard were not adopted for the reasons given:

Part I, paragraph 3.3—Deletion of gunfiring test and reduction in inflation cycling requirements of the referenced military standard. The FAA standard permits a choice of any of three types of air reservoirs. Only the military standard includes a gunfiring test which is for the purpose of ensuring adequate ductility. However, no alternate method was proposed in the recommendation, nor was any proof offered to show that a reduction in the inflation cycle would be an adequate test of the fatigue life of the reservoir. It is considered that adoption of the recommendations would lower the level of safety to an unknown degree. Any air reservoirs on the market, sold as meeting the military specification, will already have passed the gunfire and cycling tests.

Part I, paragraph 4.2—Recommendation that the temperature extremes between which the slide and its inflation system must function should also require proper functioning at ambient pressures equivalent to a minimum of 6,000 feet above sea level. An inflatable slide will actually inflate better at high altitudes than it will at sea level due to an increase in the ambient pressure. Therefore, such a requirement would be pointless. The suggestion that slides already installed and designed to operate between −20° F. and +140° F. be approved as they are has been provided for since the proposed TSO stated that slides already approved may continue to be manufactured under the provisions of their original approval.

Part I, paragraph 4.2.11—An added requirement to safeguard against accidental inflations is an installational problem for the user of the slide rather than a performance requirement for the slide manufacturer. It is not considered necessary or appropriate to include a general precaution of this kind in the TSO since the installation of the equipment must comply with Civil Air Regulations § 4b.606 (a) and (b) and 4b.646 which cover such hazards.

Part I, paragraph 4.2.13, Part II, paragraphs 4.1.9 and 4.1.10—The evacuation rate was objected to by one of the airline operators as being unrealistic. However, no substantiating evidence was offered and the rate is one which has been easily exceeded in tests.

Part II, paragraph 4.1.4—Recommendation that the test bag be exactly defined as to size, shape, and material is not wholly justified. The weight and impact of the bag is considered much more critical and the test will be satisfactory as proposed.

In connection with the comment regarding adoption of only one basic criterion using preparation time and egress rate required for the inflatable slide, this criterion would probably prevent the use of noninflatable slides or result in competitive tests to attempt to show that the rate requirement could be met with noninflatable slides. At present, the difference in evacuation time is recognized by allowing greater occupancy in aircraft equipped with inflatable slides. Therefore, no revision of the allowable rates is considered desirable.

The following recommendations for changes in the FAA standard were adopted. Changes are being made to the standard in line with these comments and the standard will be reissued and dated June 15, 1961.

Part I, paragraph 4.2 is clarified to make it unmistakable that both slide and inflation system shall be able to function within the specified temperature limits.

Part I, paragraph 4.2.1 is revised to permit the use of a single 510 lbs. weight in actual test in lieu of three evacuees.

Part I, paragraph 4.2.10 (renumbered 4.2.9). The mandatory requirement for quick disconnection of the inflation hose and the slide has been deleted and the provision has been rewritten to clearly show that it is optional with the manufacturer as to whether he designs his evacuation slide to also comply with the standards applicable to such device for use as a flotation means. However, if the slide is designed to also qualify as a flotation means, these additional design features shall in no way interfere with the use of the slide as an evacuation means.

Part I, paragraph 4.2.9 (renumbered 4.2.8) and Part II, paragraph 4.1.8 (renumbered 4.1.7). The mandatory requirement for re-entry provisions also has been deleted. The paragraphs have been rewritten similarly to the quick disconnection provision as stated above.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.75 is added as follows:

§ 514.75 Emergency evacuation slides—TSO–C69.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for emergency evacuation slides which are required to be of an approved type to be eligible for use on civil aircraft of the United States. New models of emergency evacuation slides manufactured on or after August 15, 1961, shall meet the standards set forth in FAA standard "Emergency Evacuation Slides".[1] Emergency evacuation slides approved by the Administrator prior to August 15, 1961, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* The slide shall be permanently marked in accordance with the marking provisions of § 514.3 except that (1) a part number which shall vary with length or any other change in the slide, (2) serial number, and (3) date of manufacture shall be included.

(c) *Data requirements.* (1) One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Packing instructions.

(ii) Operation instructions.

(iii) Assembly drawing.

(iv) Applicable limitations pertaining to installation of slides on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the slide from performing its intended function and from complying with the minimum performance standards under all reasonable foreseeable emergency conditions. The slide manufacturer shall also provide the purchaser with such limitations.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his evacuation slide. (See paragraph (d) of this section.)

(d) *Quality control.* Emergency evacuation slides shall be produced under a quality control system, established by the manufacturer, which will assure that each slide is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(3) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

[1] Copies of the FAA Standard may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

Effective date: August 15, 1961.

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

Issued in Washington, D.C., on July 11, 1961.

GEORGE C. PRILL,
Director, Bureau of Flight Standards.

[F.R. Doc. 61–6673; Filed, July 17, 1961; 8:49 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–AN–22]

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

Alteration of Amendment-Deletion of Low Altitude Reporting Points

On May 25, 1961, Airspace Docket No. 60–AN–22 was published in the FEDERAL REGISTER (26 F.R. 4488). Among other actions, the amendments contained in this docket designated the Inlet, Ninilchik, and Shoal, Alaska, intersections as low altitude VOR reporting points effective July 27, 1961.

Since the publication of these amendments, it has been determined that the above-mentioned reporting points are not required on a compulsory basis. Therefore, action is taken herein to amend the docket by deleting these reporting points from the text.

Since this action involves changes which are procedural in nature, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–AN–22 is amended by deleting the following:

1. Inlet INT: The INT of the Kenai, Alaska, VOR 345° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

2. Ninilchik INT: The INT of the Kenai, Alaska, VOR 217° and the Homer, Alaska, VOR 330° radials.

3. Shoal INT: The INT of the Kenai, Alaska, VOR 026° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

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

Issued in Washington, D.C., on July 11, 1961.

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

[F.R. Doc. 61–6711; Filed, July 17, 1961; 8:48 a.m.]

[Reg. Docket No. 783; Amdt. 227]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-10	500–1	500–1	500–1
				A-dn	NA	NA	NA

Procedure turn South side of West crs, 279° Outbnd, 099° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 098°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a left climbing turn to 1500′, return to the CTE LFR, hold on the West crs, one minute, right turns.
NOTES: No weather reporting. No tower communications at airport. Contact Salisbury Radio for ATC clearance. Prior approval required from NASA Chincoteague Va., for landings at this airport.

City, Chincoteague; State, Va.; Airport Name, NASA Chincoteague; Elev., 38′; Fac. Class., MRLWZ; Ident., CTE; Procedure No. 1, Amdt. 3; Eff. Date, 29 July 61; Sup. Amdt. No. 2; Dated, 7 Nov. 59

PROCEDURE CANCELLED, EFFECTIVE 29 JULY 1961, OR UPON DECOMMISSIONING OF HARBOR ISLAND FM.

City, Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17′; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 2, Amdt. 3; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 2; Dated, 3 Dec. 55

PROCEDURE CANCELLED, EFFECTIVE 29 JULY 1961, OR UPON DECOMMISSIONING OF HARBOR ISLAND FM.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 424′; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 2, Amdt. 4; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 3; Dated, 2 Jan. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 29 JULY 1961, OR UPON DECOMMISSIONING OF RBn.

City, Glens Falls; State, N.Y.; Airport Name, Warren County; Elev., 328′; Fac. Class., BMH; Ident., GFL; Procedure No. 1, Amdt. 4; Eff. Date, 29 Dec. 56; Sup. Amdt. No. 3; Dated, 21 May 55

Summit Hill Int	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Wallburg Int	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Greensboro VOR	LOM	Direct	2400	S-dn-14	400–1	400–1	400–1
Thomas Int	LOM	Direct	2400	A-dn	800–2	800–2	800–2
Pine Hall Int	LOM (Final)	Direct	2400				

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300′#; 330–310° within 15–25 miles, 2500′; 310–330° within 15–25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 138°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of LOM, climb to 2400′ on 138° crs from LOM or, when directed by ATC, turn left, climb to 2500′ on R-054 GSO-VOR within 20 miles or turn left, climb to 2400′ and return direct to LOM.
Other changes: Deletes transitions from Winston-Salem LFR and GSO-LFR.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 6; Eff. Date, 29 July 61; Sup. Amdt. No. 5 (ADF portion Comb. ILS–ADF); Dated, 16 Mar. 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Hood RBn	Direct	MEA	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 164° Outbnd, 344° Inbnd, 2500′ within 7 mi. Beyond 7 mi NA. Nonstandard due to Federal Airway Victor 17.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 344°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles or over Hood FM, turn right, climb to 2500′ and proceed to Hood RBn, thence maintain 2500′ on the 164° bearing within 7 mi. Beyond 7 mi NA.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac.Class., MHW; Ident., HLR; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig. Dated, 6 Aug. 60

Int 289° crs to PAK "H" and Lihue VOR R-165.	PAK "H" (Final)	Direct	2000	T-dn*	500–1	500–1	500–1
				C-d	1000–1	1000–1	1000–2
				C-n	1000–3	1000–3	1000–3
				A-dn	1000–3	1000–3	1000–3

Procedure turn South side of crs, 109° Outbnd, 289° Inbnd. 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to Port Allen airport, 260°—6.0 mi. VFR must be established within 6.0 miles at Port Allen Airport. Flight from Port Allen Airport to Lihue Airport must be accomplished by reversing course and following shoreline in easterly and northeasterly direction under visual flight rule conditions at or above authorized minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make left turn, climb to 5000′ on crs of 169° from PAK "H" within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: High terrain North side of crs.
*Takeoff on Runway 21 restricted to 600–2 day, 700–2 night.

City, Lihue; State, Hawaii; Airport Name, Lihue; Elev., 148′; Fac. Class., "H"; Ident., PAK; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig.; Dated, 26 Dec. 59

Lubbock VOR	LOM	Direct	4500	T-dn	300–1	300–1	200–½
Lubbock LFR	LOM	Direct	4500	C-dn	400–1	500–1	500–1½
Int R-019 LBB and brg 169° to LOM	LOM	Direct	4500	S-dn-17	400–1	400–1	400–1
Int E crs LX LFR and brg 349° to LOM	LOM	Direct	4500	A-dn	800–2	800–2	800–2
Int R-115 LBB and brg 349° to LOM	LOM	Direct	4500				

Procedure turn E side N crs, 349° Outbnd, 169° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA. Nonstandard due to ATC requirements. All turns to be made on East side of course.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 169°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 5100′ on crs 169° within 20 miles or, when directed by ATC, turn left, climb to 4500′ on E crs of LX LFR within 20 miles.
CAUTION: 4085′ MSL tower 7.5 miles S of airport on missed approach.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class., LOM; Ident., LB; Procedure No. 1, Amdt. 8; Eff. Date, 29 July 61; Sup. Amdt. No. 7; Dated, 17 June 61

King Int	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Greensboro VOR	Wallburg Int	Direct	2300	C-dn	500–1	500–1	500–1½
Pine Hall Int	LOM	Direct	2300	S-dn-33	400–1	400–1	400–1
Thomas Int	LOM (Final)	Direct	2000	A-dn	800–2	800–2	800–2
Wallburg Int	LOM (Final)	Direct	2000				

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300′#; 330–310° within 15–25 miles, 2500′; 310–330° within 15–25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn South side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 328°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, turn left, climb to 2400′ returning to LOM direct or, when directed by ATC, turn left climbing to 2400′, proceeding to Yadkin Int via R-284 GSO-VOR.
CAUTION: 3107′ antenna 16.0 miles NW of airport.

City, Winston-Salem; State, N.C.; Airport Name, Smith-Reynolds; Elev., 969′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 7; Eff. Date, 29 July 61; Sup. Amdt. No. 6; Dated, 11 Mar. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thomas Int	GSO-VOR (Final)	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area Transition Altitudes: 0-360° within 15 miles, #2300′; 330-310° within 15-25 miles, 2500′; 310-330° within 15-25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2300′ within 10 mi.

Minimum altitude over facility on final approach crs, 1900′.

Crs and distance, facility to airport, 030°—3.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2300′ on R-029 within 20 miles or when directed by ATC, turn right, climb to 2300′ and return to VOR.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., BVOR; Ident., GSO; Procedure No. 1, Amdt. 2; Eff. Date, 29 July 61; Sup. Amdt. No. 1; Dated, 21 May 54

All directions	VOR	Direct	MEA	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 163° Outbnd, 343° Inbnd, 2500′ within 7 mi. Beyond 7 mi NA. Nonstandard due to Federal Airway Victor 17.

Minimum altitude over facility on final approach crs, 1900′.

Crs and distance, facility to airport, 343°—4.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles or over Hood FM turn right, climb to 2500′ and proceed direct to Hood VOR, thence maintain 2500′ on the 163° radial within 7 mi. Beyond 7 mi NA.

NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., TVOR; Ident., HLR; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No Orig.; Dated, 6 Aug. 60

MY LFR	MSY VOR	Direct	1400	T-dn	300-1	300-1	300-1
Laplace RBn	MSY VOR (Final)	Direct	1400	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Radar site located at Moisant International Airport. Radar transition altitude 1500′ within 25 miles. Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3-5 miles of radio towers 750′ and 563′ 12 mi SE of Radar site, and 978′ 16 mi ESE of Radar site. Radar may be used to position aircraft for a final approach within 5 miles of MSY-VOR or Bayou St. John FM with the elimination of a procedure turn.

Procedure turn South side of crs, 262° Outbnd, 082° Inbnd, 1400′ within 10 mi.

Minimum altitude over VOR on final approach crs, 900′.

Crs and distance, facility to airport, 081°—7.4 mi.

Minimum altitude over Bayou St. John FM on final approach crs, 500′.

Crs and distance, Bayou St. John FM to airport, 082°—3.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 mi of VOR or 3.1 mi after passing Bayou St. John FM, turn left, climb to 2000′ on MSY VOR R-079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R-064, climbing to 1500′ within 20 mi.

CAUTION: 978′ MSL tower 6 mi SSE of airport.

NOTES: Air Carrier use NA. Full weather information not available—visibility information only.

City, New Orleans; State, La.; Airport Name, New Orleans; Elev., 8′; Fac. Class., BVOR; Ident , MSY; Procedure No. 1, Amdt. 2; Eff. Date, 29 July 61; Sup. Amdt. No. 1; Dated, 13 Aug. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Murdock Int	SRQ-VOR	Direct	1200	T-dn	300-1	300-1	200-½
Hansen Int	SRQ-VOR	Direct	1200	C-dn	500-1	500-1	500-1½
Egmont RBn	SRQ-VOR	Direct	1200	S-dn-13	500-1	500-1	500-1
				A-dn#	800-2	800-2	800-2

Procedure turn South side of crs, 304° Outbnd, 124° Inbnd, 1200′ within 10 miles.

Minimum altitude over facility on final approach crs, 500′.

Crs and distance, breakoff point to appr end of Runway 13, 132°—0.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1200′ on R-095 within 20 miles.

AIR CARRIER NOTE: Procedure may be authorized only for carriers having approval of their arrangements for weather service at this airport.

#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Sarasota; State, Fla.; Airport Name, Sarasota-Bradenton; Elev., 24′; Fac. Class., BVOR; Ident., SRQ; Procedure No. TerVOR-13, Amdt. 1; Eff. Date, 29 July 61; Sup Amdt. No. Orig.; Dated, 18 Feb. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Buffalo MHW	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Angola FM	SW crs ILS (Final)	Direct	*1500	C-dn	400-1	500-1	500-1½
Buffalo VOR	SW crs ILS	Direct	2000	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 mi of Cheektowaga FM.
No glide slope or markers; 1500′ over Cheektowaga FM; 2.3 mi from Cheektowaga FM to Rny 5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi after passing Cheektowaga FM, climb to 2000′ on NE crs ILS or, when directed by ATC, make a climbing right turn to 2100′ on E crs Buffalo LFR within 10 mi.
*Do not descend below 2000′ until 7 mi past Angola FM (distance from Angola FM to Cheektowaga FM exceeds standard).

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., ILS, FM; Ident., I-BUF, CQA; Procedure No. 2, Amdt. 3; Eff Date, 29 July 61; Sup. Amdt. No. 2; Dated, 2 Mar. 57

Greensboro LFR	Rebel Fix	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area Transition Altitudes: 0-360° within 15 miles, 2300′#; 330-310° within 15-25 miles, 2500′; 310-330° within 15-25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn East side of crs, 138° Outbnd, 318° Inbnd, 2500′ within 10 miles of Rebel Int.
Minimum altitude over Rebel Int on final approach crs, 1900′.
Crs and distance, Rebel Int to airport, 318°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2500′ on NW crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 2500′ on R-054 GSO-VOR within 20 miles or turn right, climb to 2500′ and return to Rebel Int via ILS localizer crs.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
Other change: Deletes transition from Winston-Salem LFR.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., ILS-IGSO; Ident., VOR-GSO; Procedure No. ILS-32, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig.; Dated, 9 July 55

GJT-VOR	GJT HW	Direct	8000	T-dn	400-1	400-1	300-1
Loma Int	GJT HW (Final)	Direct	8000	C-dn#	600-1½	600-2	600-2
Int GJT-VOR R-047 and NW crs ILS*	GJT-HW	Direct	8000	S-dn-11**	400-1	400-1	400-1
Int GJT-VOR R-303 and NW crs ILS*	Int GJT-VOR R-320 and NW crs ILS	Direct	10,000	A-dn	1000-2	1000-2	1000-2
Int GJT-VOR R-320 and NW crs ILS*	Loma Int	Direct	8000				
Whitewater Int	GJT-VOR	Direct	10,000				

Shuttle to 8000′ in a standard right hand holding pattern at GJT HW, 110° inbnd, 290° outbnd.
Procedure turn South side NW crs, 290° Outbnd, 110° Inbnd, 8000′ within 10 mi of GJT HW.
Minimum altitude at G.S. Int. inbnd, 8000′.
Minimum altitude over GJT HW on final approach crs, 8000′.
Altitude of G.S. and distance to approach end of rnwy at OM, 6060′—3.9 mi; at MM, 5065′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn, climb to 8000′ on NW crs of ILS to GJT HW.
Other changes: Deleted the restriction of 10 miles on shuttle and procedure turn. Deleted Air Carrier Note on sliding scale.
*Simultaneous reception of GJT-VOR and ILS required for these transitions.
#All maneuvering to South of airport; high terrain North.
**500-1 required with any component of the ILS inoperative.

City, Grand Junction; State, Colo.; Airport Name, Walker Field; Elev., 4858′; Fac. Class., ILS; Ident., I-GJT; Procedure No. ILS-11, Amdt. 14; Eff. Date, 29 July 61; Sup. Amdt. No. 13; Dated, 4 Feb. 61

Summit Hill Int	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Wallburg Int	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Greensboro VOR	LOM	Direct	2400	S-dn-14*	200-½	200-½	200-½
Thomas Int	LOM	Direct	2400	A-dn	600-2	600-2	600-2
Pine Hall Int	LOM (Final)	Direct	2400				

Radar Terminal Area Transition Altitudes: 0-360° within 15 miles, 2300′#; 330-310° within 15-25 miles, 2500′; 310-330° within 15-25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn N side NW crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2400′.
Altitude of G.S. and distance to approach end of Runway at OM, 2385′—4.2 mi; at MM, 1159′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2400′ on SE crs ILS (138°) within 20 miles or, when directed by ATC, turn left, climb to 2500′ on R-054 GSO-VOR within 20 miles or turn left, climb to 2400′ and return direct to LOM.
Other changes: Deletes transitions from Winston-Salem LFR and GSO-LFR.
*400-¾ required when glide slope not utilized.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., ILS; Ident., I-GSO; Procedure No. ILS-14, Amdt. 6; Eff. Date, 29 July 61; Sup. Amdt. No. 5 (ILS Portion Comb. ILS-ADF); Dated, 16 Mar. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lubbock VOR	LOM	Direct	4500	T-dn	300–1	300–1	200–½
Lubbock LFR	LOM	Direct	4500	C-dn	400–1	500–1	500–1½
Int R-019 LBB and N crs ILS	LOM	Direct	4500	S-dn-17	200–½	200–½	200–½
Int E crs LX-LFR and N crs ILS	LOM	Direct	4500	A-dn	600–2	600–2	600–2
Int R-115 LBB and N crs ILS	LOM	Direct	4500				

Procedure turn E side N crs, 348° Outbnd, 168° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA. Nonstandard due to ATC requirements. All turns to be made on East side of course.
Minimum altitude at G.S. Int Inbnd, 4500′.
Altitude of G.S. and distance to approach end of rny at OM 4500′—3.8, at MM 3490′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5100′ on S crs ILS (169) within 20 miles or, when directed by ATC, turn left, climb to 4500′ on E crs LX-LFR within 20 miles, or climb to 4500′ on R-110 LBB within 20 mi.
CAUTION: 4085′ MSL tower 7.5 miles S of airport on missed approach.
NOTES: Narrow localizer course—4 degrees.
Other change: Deletes transition from Roundup FM.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev , 3256′; Fac. Class., ILS; Ident., I-LBB; Procedure No. ILS-17, Amdt. 8; Eff. Date, 29 July 61; Sup. Amdt. No. 7; Dated, 17 June 61

Roseville VHF Int	Perkins Int*	Direct	1500	T-dn	300–1	300–1	200–½
Roseville LF Int	Perkins Int*	Direct	1500	C-dn	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

No procedure turn. Transitions authorized are for straight-in approaches from the NE only. Final approach crs inbnd from Perkins Int, 195°.
No glide slope or markers. Alt. over Perkins Int. 1500′ distance 6.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi of the Perkins Int., climb to 1200′ and hold SW of the LOM in a one-minute right turn pattern, 195° outbnd, 015° inbnd.
Other change: Deletes transition from McClellan RBn.
*Int Sacramento ILS NE crs and 090° brng to MHR "H" facility.

City, Sacramento; State, Calif.; Airport Name, Sacramento Municipal; Elev., 21′; Fac. Class., ILS; Ident., I-SAC; Procedure No. ILS-20, Amdt. 4; Eff. Date, 29 July 61; Sup. Amdt. No. 3; Dated, 11 Apr. 59

King Int	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Greensboro VOR	Wallburg Int	Direct	2300	C-dn	500–1	500–1	500–1½
Pine Hall Int	LOM	Direct	2300	S-dn-33*%	300–¾	300–¾	300–¾
Thomas Int	LOM (Final)	Direct	2200	A-dn	600–2	600–2	600–2
Wallburg Int	LOM (Final)	Direct	2200				

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300′#; 330–310° within 15–25 miles, 2500′; 310–330° within 15–25 mi, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn South side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway at OM, 2200′—3.9 mi; at MM, 1120′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2400′, returning to LOM direct or, when directed by ATC, turn left climbing to 2400′, proceed to Yadkin Int via R-284 GSO-VOR.
CAUTION: 3107′ antenna 16.0 miles NW of airport.
*No approach lights.
%400–¾ required when glide slope not utilized.

City, Winston-Salem; State, N.C.; Airport Name, Smith-Reynolds; Elev., 969′; Fac. Class., ILS; Ident., I-INT; Procedure No. ILS-33, Amdt. 7; Eff. Date, 29 July 61; Sup. Amdt. No. 6; Dated, 11 Mar. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller, (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All Directions	Radar site	Within 20 mi	2500				
				Precision approach			
				T-dn-33	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33#	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2500′ and proceed direct to Hood VOR or Hood RBn (VOR) thence maintain 2500′ on R-163 within 7 miles; beyond 7 miles NA. (ADF) thence maintain 2500′ on the 164° brng within 7 mi; beyond 7 mi NA.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
#PAR touch-down point Runway 33, threshold painted, 1000′ NW of SE end. 3712′ of usable runway available.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., Fort Hood AAF; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 29 July 61; Sup Amdt. No. 1; Dated, 6 Aug. 60

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on June 26, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6083; Filed, July 17, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO–318–A1]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Decision with Respect to Proposed Amendments to the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on April 26, 1961, after notice thereof published in the FEDERAL REGISTER (26 F.R. 2870) on proposed amendments to the marketing agreement and to Order No. 130 (7 CFR Part 1030) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision of the Deputy Administrator, Agricultural Marketing Service, in this proceeding, was filed with the Hearing Clerk, United States Department of Agriculture, on June 21, 1961. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 61–5869; 26 F.R. 5679) on June 24, 1961. No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61–5869; 26 F.R. 5679) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendments to the marketing agreement and amendments to the marketing order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Prunes Grown in Designated Counties in Oregon and in Malheur County, Oregon" and "Order Amending the Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in Idaho and in Malheur County, Oregon" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 90.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

Order[1] *Amending the Order Regulating the Handing of Fresh Prunes Grown in Designated Counties in Idaho and in Malheur County, Oregon*

§ 1030.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; 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 Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on April 26, 1961, upon proposed amendments to the marketing agreement and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. 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 said order, as hereby amended, regulates the handling of prunes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of prunes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of prunes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of prunes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended as follows:

1. Under "Definitions," after § 1030.17, a new section is added as follows:

§ 1030.18 Prunes available for current shipment.

"Prunes available for current shipment" means all prunes both unharvested and harvested but not marketed, remaining for shipment on the day specified by the committee in accordance with § 1030.53.

2. Under "Regulations," §§ 1030.50 through 1030.55, are deleted and the following sections substituted therefor:

§ 1030.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1030.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of prunes within the production area;

(2) The expected general quality and size of prunes in the production area and in other areas;

(3) The expected demand conditions for prunes in different market outlets;

(4) The expected shipments of prunes produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

[1] 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 orders have been met.

§ 1050.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1030.52, it shall so recommend to the Secretary.

(b) At any time during a week for which the Secretary, pursuant to § 1030.52 has fixed the quantity of prunes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week.

(c) In making its recommendations for regulations pursuant to paragraphs (a) and (b) of this section, the committee shall give appropriate consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1030.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of prunes grown in the production area.

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of prunes.

(4) Prescribe requirements, other than volume limitations, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(5) Limit the quantity of prunes which may be handled during a specified week: *Provided,* That such limitation shall be made effective for a week only if regulations under subparagraph (1) of this paragraph are in effect for such week. The quantity so fixed may be increased by the Secretary at any time during such week.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1030.53 Prorate bases and allotments.

(a) *Prorate bases.* (1) Each person who has prunes available for current shipment as of such date as may be specified by the committee and who desires to handle such prunes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(2) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require and shall include at least (i) the name and address of the producer or duly authorized agent, if any, for each orchard or portion thereof, the fruit of which is included in the quantity of prunes available for current shipment by the applicant; (ii) an accurate description of the location of each such orchard or portion thereof, including the number of acres contained therein; and (iii) an estimate of the total quantity of prunes available for current shipment from each orchard by the applicant in terms of the unit of measure designated by the committee.

(3) Such application shall include only such prunes available for current shipment which the applicant controls (i) by a bona fide written contract giving the applicant authority to handle such prunes, or (ii) by having legal title thereto, or (iii) by having executed a bona fide written agreement to purchase such prunes. If an applicant controls prunes pursuant to subdivision (i) or (iii) of this subparagraph, he shall submit a copy of each type of such contract or agreement to the committee, together with a statement that no other types of contracts or agreements are used, and shall maintain a file of all original contracts evidencing such control, which shall be subject to examination by the committee.

(4) If any person gains or loses the control of prunes required by subparagraph (3) of this paragraph, there shall be a corresponding increase or decrease in the quantity of prunes available for current shipment by such person only when such gain or loss has taken place and has been reported to the committee by such person prior to the date specified by the committee in § 1030.53(a)(1). This report shall be made upon forms made available by the committee and the report shall be verified in such manner as the committee may require.

(5) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of prunes available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased by the committee by an amount necessary to correct the error, omission, or inaccuracy.

(6) Each season, during the week immediately preceding the week when volume regulations are likely to be recommended, the committee shall compute the total quantity of prunes available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of prunes available for current shipment by such applicant and the total quantity of prunes available for current shipment by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

(b) *Allotments.* Whenever the Secretary has fixed the quantity of prunes which may be handled during any week, the committee shall calculate the quantity of prunes which may be handled by each person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base for such person and the total quantity of prunes which may be handled during such week as fixed by the Secretary. The committee shall promptly give notice to each person of the allotment computed for him pursuant to this part.

(c) *Shipments to storage.* The Secretary, based upon recommendations submitted by the committee or from other available information, may authorize handlers to ship prunes to public refrigerated storage in transit both within the area of production or between the production area and any point outside thereof in excess of a handler's allotment established pursuant to § 1030.53(b). The committee, with approval of the Secretary, shall require that at the time such prunes are removed from such storage, they be charged against the handler's allotment in the week such prunes are removed from storage. The committee, with the approval of the Secretary, may establish such rules, regulations, and safeguards as it may deem necessary to insure that prunes shipped to refrigerated storage in transit are handled in compliance with the provisions of this section.

(d) *Overshipments.* During any week for which the Secretary has fixed the total quantity of prunes which may be handled, any person who has received an allotment for such week, may handle in addition to his allotment a quantity of prunes in an amount not to exceed the equivalent of 500 half-bushel baskets or such other quantity the committee, with the approval of the Secretary, may establish. The quantity of prunes so handled in excess of such person's allotment shall be deducted from such person's allotment for the next week.

(e) *Undershipments.* If any person handles during any week a quantity of prunes covered by a regulation issued pursuant to § 1030.52(a)(5), in an amount less than his allotment of prunes for such week, he may handle, in addition to his allotment for the next week only, a quantity of such prunes

equal to such undershipment or not to exceed the equivalent of 500 half-bushel baskets or such other quantity as the committee, with the approval of the Secretary, may establish, whichever is the lesser amount.

(f) *Allotment loans.* (1) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Such loans shall be reported to the committee by both parties promptly after any such agreement has been entered into, and each such loan shall be repaid in the next week following the one in which such loan was made: *Provided,* That no loans made during one season shall be required to be repaid from allotments issued during the following season.

(2) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of subparagraph (1) of this paragraph as to reporting each loan agreement to the committee.

§ 1030.54 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1030.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such suspension.

§ 1030.55 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1030.41, 1030.52, 1030.54, and 1030.56, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1030.41, 1030.52, 1030.54, or 1030.56, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1030.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

§ 1030.56 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1030.52 or § 1030.54, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided,* That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes.

Referendum Order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period June 1, 1960, through May 31, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Washington, Payette, Gem, Canyon, Ada, and Owyhee in the State of Idaho and Malheur County in the State of Oregon, in the production of fresh prunes for market to ascertain whether such producers favor the issuance of an order amending the order regulating the handling of fresh prunes grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 S.W. Washington St., Portland 5, Oregon, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

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

Dated: July 13, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–6721; Filed, July 17, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 943]

[Docket No. AO 231–A16]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and 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), notice is hereby given of a public hearing to be held at the Hotel Dallas, Dallas, Texas, beginning at 10:00 a.m., c.s.t., on July 24, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Texas Milk Producers Federation:

Proposal No. 1. Delete § 943.51(a) of Order No. 43 and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth of a cent) plus $1.85 for the months of March through June and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 25 cents computed as follows:

(1) Divide the total producer receipts by the gross Class I utilization (excluding inter-handler transfers) under this part and Parts 949, 952, 982, and 998 of this chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage for the two four-month periods computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage for the one year period computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained;

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 122.0.

(4) Substract from the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and preceding month, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of the current month, compute a sum from the remaining deviation percentages which excludes any amount by which, any of such deviation percentage exceed any of such deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviations, as the case may be, computed pursuant to subparagraph (5) of this paragraph, round to the nearest even full cent, and increase or decrease, respectively, the Class I price by such sum: *Provided,* That such adjustment shall not vary from the adjustment of the preceding month by more than 5 cents.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2621 West Mockingbird Lane, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., July 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6761; Filed, July 17, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl *N*-methylcarbamate in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohlrabi, melons, pumpkins, and winter squash.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), except that the method determines simultaneously the total residues of 1-naphthyl *N*-methylcarbamate and free 1-naphthol.

Dated: July 11, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-6713; Filed, July 17, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-92]

FEDERAL AIRWAYS

Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and § 600.1557 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of intermediate altitude VOR Federal airway No. 1762 from the Eugene, Oreg., VOR, as a 10-mile wide airway via the intersection of the Eugene VOR 346° and the Newberg, Oreg., VOR 204° True radials; the Newberg VOR; thence as a 16-mile wide airway via the intersection of the Newberg VOR 355° and the Olympia, Wash., VOR 195° True radials; thence as a 10-mile wide airway via the Olympia VOR; intersection of the Olympia VOR 019° and the Seattle, Wash., VOR 247° True radials; to the Seattle VOR. The portion of this airway which would coinside with the McChord Air Force Base, Wash., Restricted Area/Military Climb Corridor (R-6711) would be used only after obtaining prior approval from the appropriate authority. This airway would provide a southbound route from Seattle which would by-pass the heavy concentration of air traffic in the vicinity of Portland, Oreg. The reduced airway width from 16 to 10 miles would provide separation from intermediate altitude VOR Federal airway No. 1557.

It is also proposed to designate intermediate altitude VOR Federal airway No. 1764 from the North Bend, Oreg., VOR, as a 16-mile wide airway to the intersection of the Newberg VOR 204° and the Eugene VOR 346° True radials; thence as a 10-mile wide airway to the Newberg VOR. This action would align Victor 1764 to overlie low altitude VOR Federal airway No. 287 and would provide a transition route between Portland and the coastal airway structure for air traffic operating to and from the Portland terminal area. The reduced airway width from 16 to 10 miles would provide separation from Victor 1557.

Intermediate altitude VOR Federal airway No. 1557 is designated in part from the Eugene VOR, as a 16-mile wide airway via the intersection of the Portland VOR 196° and the Newberg VOR 166° True radials; thence as a 10-mile wide airway to the Portland VOR; thence as a 16-mile wide airway via the intersection of the Portland VOR 353° and the Seattle VOR 197° True radials; to the intersection of the Seattle VOR 197° and the Hoquiam, Wash., VOR 095° True radials; thence as a 10-mile wide airway to the Seattle VOR. It is proposed to redesignate Victor 1557 from the Eugene VOR, as a 10-mile wide airway via the Portland VOR; intersection of the Portland VOR 353° and the Seattle VOR 197° True radials; thence as a 12-mile wide airway to the intersection of the Seattle VOR 197° and the Hoquiam VOR 095° True radials; thence as a 10-mile wide airway to the Seattle VOR. The alignment of Victor 1557 would remain unchanged. The reduced airway width from 16 miles to 10 and 12 miles would provide separation from Victor 1764 and Victor 1762.

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 Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All com-

munications 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 Field 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 Field Division Chief.

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

Issued in Washington, D.C., on July 12, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6709; Filed, July 17, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-100]

FEDERAL AIRWAYS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1759 from the Alamosa, Colo., VOR, as a 16-mile wide airway to the intersection of the Alamosa VOR 005° and the Denver, Colo., VOR 207° True radials; intersection of the Denver VOR 207° and the Kiowa, Colo., VOR 246° True radials; thence a 10-mile wide airway to the Denver VOR. This proposed airway would provide a more direct route for aircraft operating at intermediate altitudes between Albuquerque, N. Mex., and Denver. The reduced airway width of 10 miles between Denver and the intersection of the Denver VOR 207° and Kiowa VOR 246° True radials would facilitate the separation of aircraft departing Denver to the south and southwest from terminal area traffic.

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 Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field 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 Field Division Chief.

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

Issued in Washington, D.C., on July 12, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6710; Filed, July 17, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[State Director's Order No. 2]

CERTAIN DISTRICT RANGE MANAGERS

Delegation of Authority; Contracts

JUNE 30, 1961.

Pursuant to the authority contained in section 1(d) of Order No. 679 of the Director of the Bureau of Land Management the following classes of employees are authorized as of July 1, 1961, to enter into contracts for construction or services, including equipment rental not to exceed $2,500.00. Any one purchase order of supplies is not to exceed $500.00.

District Range Manager, Canon City, Colo.
District Range Manager, Craig, Colo.
District Range Manager, Denver, Colo.
District Range Manager, Durango, Colo.
District Range Manager, Grand Junction, Colo.
District Range Manager, Montrose, Colo.

LOWELL M. PUCKETT,
State Director,
Colorado State Office.

[F.R. Doc. 61-6705; Filed, July 17, 1961; 8:47 a.m.]

[State Director's Order No. 3]

ADMINISTRATIVE OFFICER, COLORADO STATE OFFICE

Delegation of Authority; Contracts and Leases

JUNE 30, 1961.

Pursuant to the authority contained in section 1(d) of the Order No. 679 of the Director of the Bureau of Land Management the following class of employee is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount; make open market purchases up to $2,500.00 and enter into leases of space in real estate as provided in those sections.

Administrative Officer—Colorado State Office Denver, Colo.

LOWELL M. PUCKETT,
State Director,
Colorado State Office.

[F.R. Doc. 61-6674; Filed, July 17, 1961; 8:45 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

JULY 10, 1961.

The Department of Agriculture filed an application, Serial Number Idaho 010796, for the withdrawal of certain lands from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights, notice of which was published as Federal Register Document 60-1930 in the issue of March 3, 1960. The applicant has amended the application to add the lands described below.

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, P.O. Box 2237, Boise, Idaho.

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:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Red River Ranger Station Administrative Site and Pasture

T. 27 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 4; N½NW¼NE¼.

The area described aggregates 20 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands are relieved of the segregative effect of the above-mentioned application at 10:00 a.m., July 25, 1961.

The lands terminated are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Red River Ranger Station Administrative Site and Pasture

T. 27 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 3; E½NE¼NW¼, NW¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼, SW¼;
Sec. 4; W½SW¼NE¼, SE¼SE¼.
T. 28 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 34; SE¼NE¼SW¼, E½SE¼SW¼.
Totaling: 340 acres.

Cabin Creek Camp and Picnic Area

A strip of land 10 chains wide being 5 chains wide on each side of the thread of Cabin Creek beginning at the confluence of Cabin Creek and Fish Creek and extending 1.25 miles up Cabin Creek through the following legal subdivisions:
T. 29 N., R. 3 E.,
Sec. 20; E½;
Sec. 21; N½.
Totaling: 100 acres.

Gaines Bar Camp Area

A strip of land 6 chains wide on the northerly side of the Salmon River contiguous to and beginning at the mean high water mark, thence extending northeasterly from the confluence of Rhett Creek and Salmon River upstream for 45 chains and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:
T. 25 N., R. 9 E.
Sec. 30; SE¼.
Totaling: 27 acres.

Lodgepole Pine Camp and Picnic Area

T. 28 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 34; W½NE¼NE¼, E½SE¼NW¼NE¼.
Totaling: 25 acres.

The areas described aggregate 492 acres.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-6675; Filed, July 17, 1961; 8:45 a.m.]

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1961.

WALTER BRENTON.

[F.R. Doc. 61-6680; Filed, July 17, 1961; 8:46 a.m.]

RALPH W. FACKLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Deletion—Flintkote Corp.
(3) None.
(4) None.

This statement is made as of June 21, 1961.

Dated: June 21, 1961.

RALPH W. FACKLER.

[F.R. Doc. 61-6681; Filed, July 17, 1961; 8:46 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 1, 1961.

Dated: June 24, 1961.

LESTER R. GAMBLE.

[F.R. Doc. 61-6682; Filed; July 17, 1961; 8:45 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Iowa Electric Light and Power Company.
(3) No change.
(4) No change.

This statement is made as of June 22, 1961.

Dated: June 22, 1961.

FRANK W. GRIFFITH.

[F.R. Doc. 61-6683; Filed, July 17, 1961; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 1, 1961.

Dated: June 23, 1961.

ANDREW PAT JONES.

[F.R. Doc. 61-6684; Filed, July 17, 1961; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1961.

Dated: June 26, 1961.

VIVAN B. JONES.

[F.R. Doc. 61-6685; Filed, July 17, 1961; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 26, 1961.

Dated: June 26, 1961.

MAX R. LLEWELLYN.

[F.R. Doc. 61-6686; Filed, July 17, 1961; 8:46 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of June 22, 1961.

Dated: June 22, 1961.

JOHN P. MADGETT.

[F.R. Doc. 61-6687; Filed, July 17, 1961; 8:46 a.m.]

GORDON S. MEYRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 22, 1961.

Dated: June 22, 1961.

GORDON S. MEYRICK.

[F.R. Doc. 61-6688; Filed, July 17, 1961; 8:46 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 23, 1961.

Dated: June 23, 1961.

STANLEY J. SICKEL.

[F.R. Doc. 61-6689; Filed, July 17, 1961; 8:46 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1961.

Dated: June 26, 1961.

WILLARD B. SIMONDS.

[F.R. Doc. 61-6690; Filed, July 17, 1961; 8:46 a.m.]

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 23, 1961.

Dated: June 23, 1961.

JOSEPH F. SINNOTT.

[F.R. Doc. 61-6691; Filed, July 17, 1961; 8:46 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Additions Atlantic Refining Co.
(3) None.
(4) None.

This statement is made as of June 21, 1961.

Dated: June 21, 1961.

STANLEY C. TOWNSEND.

[F.R. Doc. 61-6692; Filed, July 17, 1961; 8:46 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 21, 1961.

Dated: June 21, 1961.

WILFORD D. WILDER.

[F.R. Doc. 61-6693; Filed, July 17, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-126]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS *Mormacsun*", which is under time charter to States Marine Lines, Inc., for a period of three to five months from May 10, 1961, to permit States Marine Lines, Inc., to subcharter said vessel to Matson Line of San Francisco for one voyage of about one month's duration commencing on or about July 22, 1961, in Matson Line's regular liner service in the domestic trade of the United States between Hawaii and U.S. Atlantic ports. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board/Maritime Administration.

A hearing on the application has been set for July 21, 1961, at 9:30 a.m., e.d.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 20, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the Rules of Practice and Procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on July 20, 1961, will not be granted in this proceeding.

Dated: July 14, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6771; Filed, July 17, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-152]

FLORIDA WEST COAST NUCLEAR GROUP, INC.

Notice of Termination of Action on Application

Please take notice that pursuant to request by the Florida West Coast Nuclear Group, Incorporated, dated June 26, 1961, the Atomic Energy Commission has terminated action on the application for license to construct and to operate a 150 MW (thermal) nuclear power demonstration reactor at a site in Polk County, Florida. Docket No. 50-152 is closed.

Notice of receipt of this application was published in the FEDERAL REGISTER on December 29, 1959. (24 F.R. 10922)

For the Atomic Energy Commission.

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

Dated at Germantown, Maryland this 12th day of July, 1961.

[F.R. Doc. 61-6706; Filed, July 17, 1961; 8:47 a.m.]

[Byproduct Material License No. 12-733-2]

VOLK RADIOCHEMICAL CO.

Order Designating Place for Hearing

On June 23, 1961 an order was entered reopening the above entitled proceeding and designating a further hearing to convene at 10:00 a.m., on July 26, 1961, in a court room to be assigned in the United States District Court Building, 219 South Clark Street, Chicago, Illinois.

The order of June 23, 1961 stated, among other things, that the issue, whether proposed conditions for the operations proposed to be made a part of the Volk Radiochemical Company, Byproduct Material License No. 12-733-2 are or should be applicable to Volk premises, must be again considered in view of the added authority granted for a different location, i.e., at 8260 Elmwood Avenue, Skokie, Illinois, for the operations conducted by Volk under this license.

The Court Room hereby designated as a place for this proceeding to convene at 10:00 a.m., on July 26, 1961, is Court Room No. 600 in the United States District Court Building, 219 South Clark Street, Chicago, Illinois.

Issued: July 12, 1961, Germantown, Md.

SAMUEL W. JENSCH,
Hearing Examiner.

[F.R. Doc. 61-6707; Filed, July 17, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

TAXI AEREO PANAMA, S.A.

[Docket 12575]

Notice of Prehearing Conference

In the matter of the application of Taxi Aereo Panama, S.A., for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to conduct scheduled and nonscheduled air transportation of personal property (cargo) over a route between points in the Republic of Panama and Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 25, 1961, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues, Northwest, Washington, D.C., before Examiner Henry F. Martin, Jr.

Dated at Washington, D.C., July 13, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6728; Filed, July 17, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-50]

PROPOSED STEEL FRAME STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Champlin Oil and Refining

Company, Enid, Oklahoma, proposes to construct a steel frame structure near Enid, Oklahoma, at latitude 36°24'49" north, longitude 97°50'19" west. The overall height of the structure would be 1,430.2 feet above mean sea level (196.5 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 3.5 miles northwest of the center of Woodring Field, Enid, Oklahoma, and would exceed this Agency's TSO–N18 criteria as applied to this airport. However, the aeronautical study revealed that the proposed structure would not adversely affect air traffic operations at Woodring Field.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be lighted in accordance with applicable standards of this Agency.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 11, 1961.

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

[F.R. Doc. 61–6708; Filed, July 17, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14003; FCC 61–878]

KORD, INC.

Memorandum Opinion and Order Granting Petition for Reconsideration

In re application of: KORD, Inc., Pasco, Washington, Docket No. 14003, File No. BR–3410; for renewal of license of Station KORD, Pasco, Washington.

1. The Commission has before it for consideration (1) the petition for reconsideration, filed by KORD, Inc., on April 26, 1961, of the Commission's order designating KORD's application for renewal of license for hearing; (2) the opposition of the Broadcast Bureau, filed on May 16, 1961; and (3) KORD's reply of June 2, 1961.

2. This case is one of general importance in the broadcast field. For, the basic ground upon which KORD's renewal application was set for hearing concerns the issue of "proposals versus actual operation". The facts, very briefly, are as follows: In its application for a construction permit, KORD proposed to present 6 percent local live programming; entertainment, 84 percent; religious, 0.5 percent; agriculture, 2 percent; educational, 0.5 percent; news, 6 percent; discussion, 0 percent; talks, 5 percent; miscellaneous, 2 percent. This proposal was reaffirmed in a 1957 application for consent to the assignment of the KORD license. Its 1960 renewal application showed, however, that KORD in its composite week had devoted no time to local live, educational, talks, or miscellaneous programming; its percentages were entertainment, 87.5 percent; news, 11.3 percent; religious, 0.6 percent; agriculture, 0.6 percent. And, instead of the 700 commercial spot announcements it had proposed for an 84-hour broadcast week, it broadcast 1,631 in an operating week only slightly longer. This raised serious questions as to excessive programming interruption and excessive amount of advertising material as distinguished from programming material. Because of these variations, the Commission, on September 28, 1960, directed a 309(b) letter to the applicant.

3. In response to this letter, KORD amended its proposal on November 1, 1960, to the following: Local live, 9.1 percent; entertainment, 84.2 percent; religious, 1.3 percent; agricultural, 1.2 percent; educational, 0.6 percent; news, 10.3 percent; discussion, 0 percent,[1]; talks, 2.4 percent; commercial spots, 1343; non-commercial spots, 180. As to the variations it explained (1) that it intersperses very short public service offerings in such categories as local live, education, religion, and agriculture and that its staff personnel failed to log these short offerings; (2) that it was unable to find dependable program sources in the area of education and agriculture; and (3) that it increased its number of spots to 1631 because of the upturn in the local economy. After study of this new proposal and the accompanying explanation, we concluded that a hearing was required on the issue of substantial variation between programming representations and actual performance. A hearing seemed necessary to develop the facts as to whether these allegedly non-logged short public service offerings did make up the noted deficiencies (for example, the difference between 0 and 6 percent in local live programming); and in fact we believe a hearing is usually required where such explanations as this (i.e., defective logging) are advanced. A hearing was also believed necessary to document the facts as to (2), above, particularly since KORD, after just stating that it was unable to find dependable program sources in education and agriculture, nevertheless proposed to put on substantially the same amount of such programming in its November 1 amendment. The explanation as to (3) is unsatisfactory: A mere upturn in the economy is not license for completely throwing aside a station's representations as to number of commercial spots and putting on an excessive number. Columbia Amusement Co., 12 R.R. 509, 567.

4. We have carefully examined KORD's petition for rehearing and the related pleadings. We are not persuaded by KORD's arguments addressed to the considerations in par. 3, above. Were this application considered by itself, we have no doubt but that a hearing would be in order on the issue of KORD's proposals as compared with its actual operation. But as we stated at the outset, this case raises issues beyond the narrow confines of the particular application.

5. KORD argues that the program proposal has never been considered as a "binding commitment" by the licensee, and, citing several examples in its area, that the Commission has frequently granted renewals involving substantial deviations between the proposals and the performance. It is true that the proposal has never been regarded as "binding" in the sense of a contract—that is, that it must be exactly and precisely discharged. As we make clear below (par. 9, infra), considerable flexibility and discretion is not only permitted but called for in the public interest. But it is just as well established that the licensee does have a duty to carry out substantially the programming policies embodied in its proposal (or in the alternative, to justify to the Commission why there has been substantial departure therefrom). From 1946 on, this has been the thrust of the Commission's renewal procedures. The renewal form and the composite week selected at random are all geared to it. The Commission has directed hundreds of letters at renewal time to licensees, pointing out the substantial deviations from proposals and requiring explanations therefor. In comparative hearings, it has stressed the importance of an applicant's past broadcast record in evaluating whether a grant to him would best serve the public interest. In short, the Commission's concern with proposal vs. actual operation is not a new development, but has long been an integral part of its concern with the public interest in the broadcast field.

6. But in one respect, the Commission's designation order does constitute a departure from previous procedure. The renewal application has consistently been granted, where the applicant substantially "upgrades" its proposals and gives reliable assurances that these new proposals will be carried out. KORD has done that in this case. Its November 1, 1960, proposals are substantially in accord with its original proposals or better (e.g., 9.1 percent in local live as against an original proposal of 6 percent). In connection with this renewal proposal, KORD, through its principals and staff, has demonstrated fairly close and continuing contact with its service area in order to determine the area's needs; further, the staff has been encouraged to participate in civic activities and at staff bi-weekly meetings, there is discussion of ways and means to meet the area's needs and to participate in public service projects. And, it has made clear that it not only will carry out the November 1, 1960, proposals but is in fact doing so at the present time. Thus, in the three-month period prior to designation for hearing, KORD carried roughly 7 percent local live, 82 percent entertainment, 1.1 percent agriculture, 0.6 percent educational, 1.4 percent religious, 2 per-

[1] The applicant does, however, propose to present discussion or public affairs programming on a non-regularly scheduled basis.

cent talks, and 12 percent news. Its spot announcements averaged 725 and 244 NSCA; its recent operation thus clearly strikes a more reasonable balance between advertising copy and programming material. KORD earnestly asserts that it will continue this improvement, and that the Commission should not single it out to bear the burden of an expensive hearing.

7. We accept this contention of KORD in this case. Our action in designating KORD's application stemmed logically from our declaration in the Programming Statement of July 29, 1960, that "the principal ingredient of the licensee's obligation to operate his station in the public interest is the diligent, positive, and continuing effort by the licensee to discover and fulfill the tastes, needs, and desires of his community, or service area, for broadcast service" (emphasis supplied) (25 F.R. 7291, 7295). (See par. 9, infra, for the preceding context of this statement.) [2] But while it is, of course, within our power to take a new approach in acting upon some particular application (see, e.g., Federal Communications Commission v. WOKO, Inc., 329 U.S. 223), we think it better policy to act prospectively, wherever appropriate. Here it is appropriate to do so, for two reasons. First, as to the particular application, KORD has given substantial assurance that it will carry out its modified proposals. We have also determined to give KORD a short term renewal of one year. And we concur in the observation in KORD's petition that "it is obvious that in any future license period KORD will be keenly aware that its performance will be scrutinized with great care."

8. Second, and more important, by issuing this opinion, we immediately make clear to broadcasters the seriousness of the proposals made by them in the application form. The Commission relies upon these proposals in making the statutory finding that a grant of the application would be in the public interest. The proposals, we stress, cannot be disregarded by the licensee, without adequate and appropriate representations as to change in the needs of the community. In short, a licensee cannot disregard his proposals in the hope that he will simply be permitted to "upgrade" when called to account. He does not have the right to one or any license period where he does not have to make a good faith effort to deliver on his public service proposals.[3]

[2] See, also, statement of then Chairman Ford on the Complaints and Compliance Division, FCC Public Notice dated May 20, 1960 (Mimeo B-88758): "For these station audits, we will use, as one of our tools, sample monitoring of station programs which will be compared with the logs of the stations, and the representations of the stations to the Commission, * * *"

[3] We reject KORD's contention that a licensee should not be called to account for deviations during his initial licensee period. Of course, a new licensee is entitled to leeway in the initial months of operation. But such leeway does not extend to the entire license term, and specifically to the last year of the three-year period. We note that KORD was content to do little during its license period but that with receipt of the 309(b) letter, it has made marked strides in carrying out its representations.

9. It is desirable that we make clear just what is the licensee's obligation in this respect. We repeat that the proposals made are not "binding" to the last decimal point. In our July 29, 1960 Programming Statement, we made the following observation as to the statistical data on programming in the application form:

> It should be emphasized that the statistical data before the Commission constitute an index only of the manner of operation of the stations and are not considered by the Commission as conclusive of the over-all operation of the stations in question.
>
> Licensees will have an opportunity to show the nature of their program service and to introduce other revelant evidence which would demonstrate that in actual operation the program service of the station is, in fact, a well rounded program service and is conformity with the promises and representations previously made in prior applications to the Commission.

Further, we fully recognize that the public interest vis-a-vis a programming format in a particular community is not a fixed, immutable concept. On the contrary, we hope and expect the licensee to be responsive to the changing needs of the community. It is for this reason that we have, in the proposed revision of the programming section of the basic broadcast application forms (Docket No. 13961), prescribed that applicants shall notify the Commission as to significant changes in overall broadcast operations.

10. But all this does not mean that the representations can be disregarded without adequate justification. They are serious representations as to the applicant's policy for program and commercial operation, and the Commission takes them seriously. It is one thing for a licensee to decide that its community has greater need for religious or educational programs than particular agriculture or talk or entertainment programs—or, indeed, for an essentially new format; this is a judgment peculiarly within the licensee's competence. But it is quite another thing for the applicant to drastically curtail his proposed public service programming in education, religion, agriculture, discussion, local live, etc., and increase his advertising content and "music-news", without an appropriate and adequate finding of a change in the programming needs of his area. Nor can such an applicant mechanically recite, "changing needs of the community"; he has a burden of demonstrating just why his community has less need for such public service programming than when he originally proposed it. In short, what we require in this area is essentially the same thing as in the case of the original proposal: a good faith effort; the applicant must conscientiously seek to carry out those proposals which he found, and finds, serve the public interest needs of his community. See Report and Statement Re: Commission En Banc Programming Inquiry, 25 F.R. 7291, released on July 29, 1960.[4]

[4] This view is fully supported by the recent statement of the Special Counsel to the National Association of Broadcasters (in Docket 12782): "* * * if representations are made to the Commission relating to program policy to obtain a license or a renewal, and performance departs from these representations under circumstances reflecting bad faith, the Commission must be free to hold the licensee to its promises."

11. For the foregoing reasons: *It is ordered,* That the petition for reconsideration of KORD is granted, and that the order released March 27, 1961 (FCC 61-378, Mimeo No. 1758) is set aside, and

It is further ordered, That the application of KORD, Inc. for renewal of license of Station KORD is granted for the period ending 3:00 a.m., August 1, 1962.

Adopted: July 12, 1961.

Released: July 13, 1961.

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

[F.R. Doc. 61-6730; Filed, July 17, 1961; 8:50 a.m.]

[Docket No. 14005; FCC 61M-1201]

PARKS ROBINSON (WISV)

Order Rescheduling Hearing

In re application of Parks Robinson (WISV), Viroqua, Wisconsin, Docket No. 14005, File No. BP-13321; for construction permit.

The Hearing Examiner having under consideration a communication dated July 10, 1961, from counsel for Parks Robinson (WISV);

It appearing that counsel in this proceeding have all concurred in an extension of time for exchange of applicant's engineering exhibits from July 15, 1961, to August 10, 1961;

It further appearing that counsel have concurred in the rescheduling of the hearing herein from July 24, 1961, to September 12, 1961;

It further appearing that good cause exists why the date for exchange of applicant's engineering exhibits as well as the date for the hearing be rescheduled and there is no opposition thereto;

Accordingly, it is ordered, This 11th day of July 1961, that the date for exchange of applicant's engineering exhibits, be, and the same is hereby rescheduled from July 15, 1961, to August 10, 1961: *It is further ordered,* That the hearing herein now scheduled for July 24, 1961, be, and the same is hereby rescheduled to September 12, 1961, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 12, 1961.

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

[F.R. Doc. 61-6731; Filed, July 17, 1961; 8:50 a.m.]

[Docket Nos. 14188-14190; FCC 61M-1204]

SAN JUAN NON-PROFIT T-V ASSOCIATION

Order Specifying Place of Hearing

In re applications of San Juan Non-Profit T-V Association, Farming-

ton-Bloomfield Highway Area, and Huerfano-Bloomfield Highway Area, Farmington, New Mexico, Docket No. 14188, File No. BPTT-528; Docket No. 14189, File No. BPTT-530; Docket No. 14190, File No. BPTT-531; for construction permits for three new television broadcast translator stations.

It is ordered, This 11th day of July 1961, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which will be held in Farmington, New Mexico, at a time to be specified by subsequent order.

Released: July 12, 1961.

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

[F.R. Doc. 61-6732; Filed, July 17, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Application for Amendment of License

JULY 12, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Western Colorado Power Company, licensee for Project No. 733, (correspondence to: Leighton and Sherline, 910 Seventeenth Street NW., Washington 6, D.C.) located on the Uncompahgre River in Ouray County, Colorado and affecting lands of the United States within the Uncompahgre National Forest, for amendment of its license for the project, so as to: (1) Exclude the signal circuit line which became unnecessary after the project was put into semi-automatic operation, reducing the lands of the United States occupied by the project from 4.377 acres to 2.703 acres; and (2) amend Exhibit M to show the project improvements remaining in the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 21, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6702; Filed, July 17, 1961; 8:47 a.m.]

[Project No. 2300]

BROWN CO.

Notice of Application for License

JULY 12, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Brown Company, 650 Maine Street, Berlin, New Hampshire, for license for constructed Project No. 2300, known as the Shelburne Hydroelectric Development, and located on the Androscoggin River in the Town of Shelburne, Coos County, New Hampshire.

The project consists of: a timber-crib rock-fill dam surmounted with 9-foot flashboards; a log sluice and waste gate; three waste gates in the powerhouse addition; a low dike and concrete wall; a powerhouse containing two 1,200-horsepower turbines connected to two 960-kilowatt generators and one 2,500-horsepower turbine connected to an 1,800-kilowatt generator; a small pond with normal water surface elevation of 733.55 feet; a side-channel wasteway; step-up transformers; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 21, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6703; Filed, July 17, 1961; 8:47 a.m.]

[Docket Nos. CP61-30, CP61-185]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Issuing Certificate of Public Convenience and Necessity and Providing for Further Hearing

JULY 11, 1961.

This case, which is before us pursuant to the Commission's order issued May 5, 1961, providing for omission of the intermediate decision procedure, arose on applications filed by Natural Gas Pipeline Company of America (Natural) for a certificate of public convenience and necessity under section 7(c) and 7(e) of the Natural Gas Act (Act). Natural seeks authority to expand its system to increase daily design capacity by a total of 160,000 Mcf of gas per day,[1] to render additional service to existing customers. Our May 5, 1961 order cited above granted Natural's request that these proceedings be severed from the dockets formerly consolidated herewith concerning producer sales to Natural,[2] the company's position being that its present expansion is supportable without these additional supplies.

Natural has two operating divisions, both of which it proposes to expand in this proceeding. In Docket No. CP 61-30, it would expand its Natural Division, which extends from the West Panhandle Field in Texas, to a point near Joliet, Illinois, in the vicinity of Chicago, by 40,000 Mcf daily design capacity. In this same docket it would expand its Gulf Coast Division, which extends from the south Gulf Coast Area in Texas to a point near Joliet,[3] by a total of 60,000 Mcf per day. In Docket No. CP61-185, it would expand its Gulf Coast Division by 60,000 Mcf per day additional to the 60,000 Mcf per day proposed in Docket No. CP61-30. Sales from this increased capacity would be to existing customers.

The questions presented by this case are the usual ones arising in pipeline certificate proceedings, of gas supply, markets, facilities, financing, economic feasibility, and rates. Opposition comes principally from staff and the Coal interveners,[4] which challenge the adequacy of Natural's gas supply to support the proposed expansion, and raise certain questions respecting the economic feasibility of the project. Also, the Coal interveners question whether the use of storage in lieu of pipeline facilities has been properly explored, and the City of Chicago contends that Natural has not sustained certain proposed compressor station repiping.

As more fully stated hereinafter, we conclude that Natural has adequately supported the expansion proposed in Docket No. CP61-30 but that its gas supply is not adequate to support in addition the expansion in Docket No. CP61-185. However, in view of Natural's claim in its reply brief that it has acquired additional new supplies not shown at the hearing, we shall defer decision on Docket No. CP61-185 pending further hearing with respect to such claimed new supplies, and shall render our decision in that docket at the conclusion of the further hearing.

Facilities. In Docket No. CP61-30, the company's Natural Division would be expanded by 40,000 Mcf per day to 870,000 Mcf per day, from its present peak sales capacity of 830,000 Mcf per day. The facilities for this increase would consist of some 63 miles of 36-inch partial loop pipeline paralleling existing pipeline facilities in Kansas and Iowa, at various locations between Compressor Station Nos. 102 and 109; various river crossings on the main transmission pipeline; and the revision of suction and discharge manifold piping at Compressor Stations Nos. 102 through 110.

In the same docket, Natural would expand its Gulf Coast Division by 60,000 Mcf per day to 669,000 Mcf per day, from its present peak sales capacity of 609,000 Mcf per day. The facilities for this increase would consist of some 27 miles of 30-inch partial loop pipeline paralleling existing transmission pipeline north of Compressor Station No. 311 in Piatt and McLean Counties, Illinois; a total of 58,400 additional brake horsepower by supercharging 73 mainline compressor engines located at Compressor Stations Nos. 301 through 311; and approximately 22.5 miles of 8-inch lateral pipeline and five meter stations in the Texas Gulf Coast area to receive gas from new sources of supply. The

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[1] The capacity figures used herein are on an "as metered" basis.

[2] The dockets thus severed were Texaco Seaboard Inc., CI61-118; Texaco Inc., CI61-119; and Humble Oil & Refining Company, CI61-157.

[3] This pipeline system was originally constructed by Texas Illinois Natural Gas Pipeline Company and was subsequently acquired by Natural.

[4] Fuels Research Council, Inc., National Coal Association, United Mine Workers of America, and Mid-West Coal Producers Institute, Inc.

total estimated cost of all the facilities in this docket is $23,734,000.

Since we are deferring decision on Docket No. CP61–185, it is unnecessary to detail at this time the facilities proposed therein.

The City of Chicago, an intervener herein, objects to Natural's proposal in Docket No. CP61–30 to revise the suction and discharge manifold piping at Compressor Stations Nos. 102 through 110 on the Natural Division. City of Chicago contends that there has been no testing and there is no evidence to support the replacement of the piping at these compressor stations, at a cost of $4,000,000 and with an increase in the cost of service of aproximately $600,000.

However, a Natural engineering witness testified that much of this piping was installed when the original system was constructed in 1930 and 1931 and that, from a safety standpoint, good operating practice dictates that this piping should be replaced. Obviously, the safety of the pipeline's operations is important to life and property. On a matter of this kind we are reluctant, particularly in the absence of material opposing evidence, to substitute our judgment for the managerial judgment of those responsible for the safety of such operations. In our view this evidence, although brief, substantially supports the authorization of the repiping.

The Coal interveners contend that the record in this proceeding should be reopened to permit Natural and its customers to present evidence respecting the possible use of underground storage facilities to meet increased market requirements. The Coal interveners argue that Natural is presently engaged in developing such facilities, which would tend to alleviate the company's gas supply problem and provide capacity without substantial mainline facilities, but that the record does not show whether Natural gave proper consideration to this possibility.

Although in general we favor the development and operation by pipeline companies of storage facilities, where feasible and economical, in our judgment it would not be practicable to enlarge this proceeding and consider at this time the possibility of Natural's developing additional storage on its system, particularly since there is no proposal to this end before us in this case. Furthermore, such reopening would delay the consummation of the company's entire present proposal to provide service to its present customers in the coming winter and would therefore not be in the public interest.

We conclude that neither the foregoing nor any other objections advanced herein justify denying authorization of the facilities Natural proposes in Docket No. CP61–30. On the contrary, the record establishes that they are reasonable and adequate in design. Likewise, the estimated cost thereof appears reasonable.

Markets. Natural and most of its customer companies presented evidence of the customers' needs for the additional volumes of gas proposed to be delivered, witnesses testifying on behalf of customer companies seeking most of the volumes to be marketed. Companies which would purchase gas have entered into precedent agreements for the volumes Natural would sell them. The following tabulation shows the particular customers and the volumes each would purchase:

Customer	CP61–30 Mcf/day (1,000 Btu)[1]
Allied Gas Co	1,762
Associated Natural Gas Co	425
Citizens Gas Co	414
Central Illinois Electric & Gas Co	5,500
Illinois Power Co	5,000
Interstate Power Co	500
Iowa-Illinois Gas and Electric Co	2,364
City of Nashville, Illinois	555
North Shore Gas Co	7,000
Northern Illinois Gas Co	30,000
Northern Indiana Public Service Co	15,000
Princeton Gas Service Co	300
City of Sullivan, Illinois	150
The Peoples Gas Light & Coke Co	21,000
Wisconsin Southern Gas Co., Inc	2,000
United Cities Gas Co	700
City of Salem, Illinois	200
Subtotal	92,870
Prior allocation (Illinois Power Co.)	3,000
Unallocated capacity	9,130
Total	105,000

[1] These market figures are on an "as billed" basis, and are greater than the capacity figures shown hereinabove, because Natural bills on the basis of 1,000 Btu per cubic foot gas, whereas the gas delivered has a higher Btu content.

The testimony and accompanying market data of record establish that the market estimates are reasonable and that markets exist which need and will purchase this additional service.

Gas Supply. As indicated at the outset, staff opposes certification of Natural's Gulf Coast Division expansion in Docket No. CP61–185, on the ground that the company's gas supply is inadequate. The Coal interveners oppose certification of the entire project for this reason, among others, arguing that in view of the dependence of the regulated companies upon the limited and wasting supplies of natural gas, it is important that we apply our gas supply requirements rigorously. The parties' principal objection is that the deliverability life of Natural's reserves falls short of the 12-year figure the Commission has heretofore usually required. Staff contends that system requirements, including requirements of Docket No. CP61–30 1973, relying on short-term supplies of alone, could be met for 12 years through less than 10 percent of total requirements. However, staff contends that supplying the requirements of Docket No. CP61–185 in addition would necessitate Natural's obtaining more than 10 percent of its total requirements of this docket from short-term supplies of gas.

On the point of reserves, staff contends that Natural had 9,535,433 Mmcf (14.65 psia) of reserves under its control as of January 1, 1961, and would have a life reserve index of 18.7 years if both its applications herein are granted, or 19.2 years if only the application in Docket No. CP61–30 were granted. Staff points out that, in contrast, the nation's natural gas life reserve index at the end of 1960 was 20.1 years, or 20.2 years in the State of Texas, where Natural's Gulf Coast Division purchases most of its gas supplies.

In sum, staff's position is that the primary criteria for determining whether a pipeline company whose gas supply has fallen below minimum Commission standards should be allowed to expand its service is the overall improvement made in the company's supply situation. Staff argues that the grant of the authorizations sought in both dockets would adversely affect the company's deliverability position and would be at the expense of a decreasing life reserve index.

Natural argues that certain staff adjustments in computing the deliverability of its reserves are unjustified. As to the termination of the Old Ocean and Chocolate Bayou Field contracts, which staff says is a basic reason for the company's gas deficiency, Natural contends their expiration would result in Natural's available long-term supply being less than estimated system requirements beginning in 1972 on an average daily basis only. It argues that if Natural increases its takes in certain fields to the maximum daily quantities allowed by the contracts and otherwise permissible, the deliverability of its reserves would extend through the year 1973 and would thus meet Commission minimal requirements.

In any event, says Natural, any reductions in gas from the Old Ocean and Chocolate Bayou Fields can and should be compensated for by the purchase of additional gas supplies on a short-term basis until such time as new long-term purchases might prudently be made without giving rise to an unmanageable excess gas supply or imposing unnecessary increased costs on Natural's customers from burdensome take-or-pay provisions. Furthermore, the company contends that it would be most unreasonable to deny its expansion because of the claimed deliverability deficiency, in view of the trifling amount of the deficiency; the history of many years of successful effort by the company in obtaining needed gas supplies; the excellent prospects for obtaining additional supplies in the numerous gas production areas traversed by Natural's line; the attachment after the hearing of reserves in excess of those required to make up the alleged deficiency; and the preponderating importance to the public of rendering the proposed increased service.

We conclude that although the record with respect to Natural's gas supply will support the grant of the authorizations sought in Docket No. CP61–30, it will not support in addition those sought in Docket No. CP61–185. In our order issued December 1, 1959, in Docket Nos. G–14829, et al., 22 F.P.C. 979, 980, 981, a case involving Texas Illinois Natural Gas Pipeline Company, now Natural's Gulf Coast Operating Division, we emphasized that the primary criterion for determining whether a pipeline whose supplies of gas have fallen below our minimum standards should be allowed to expand its service is whether there had been an overall improvement in the pipeline's gas supply situation. The facts in this case disclose that the authorization

of Natural's entire proposal herein would not improve but would reduce the company's gas supply relative to its system requirements, as compared to its most recent showing in other proceedings. In the matter of deliverability, if Natural's proposals in both the present dockets are authorized, the company would have to obtain more than 10 percent of its total requirements from new, noncontracted sources of supply. Thus in 1972 and 1973, Natural would have average daily requirements of 1,409,000 Mcf, of which 10.60 percent (149,400 Mcf) and 10.47 percent (147,600 Mcf) would have to be purchased under new agreements. Such heavy reliance on new supplies has never before been permitted Natural or any other natural-gas company subject to Commission regulation. Likewise, Natural's historic reserve life index appears to have been relatively static in recent years and the expansions proposed herein would result in a decline in the life index compared to the index shown in the most recent Natural proceedings.

However, Natural in its reply brief contends that since the preparation of the exhibits in this proceeding, the company has added new long-term gas reserves far in excess of those required to make up the deficiency indicated by staff. The company contends that independent producers have filed for certificates in some eighteen dockets requesting the authorization of sales of gas to Natural in daily quantities totaling 23,061 Mcf, all under long-term contracts. The availability in the eleventh and twelfth years of the additional 23,061 Mcf per day of gas claimed by Natural would, if substantiated, reduce the company's reliance on new supplies and thereby slightly improve its gas supply situation over the showing most recently made in other proceedings. Such a further substantiation of its gas supply, taken with the showing made in other respects on gas supply and on the other elements of public convenience and necessity, would justify the authorizations requested by Natural in both Docket Nos. CP61–30 and CP61–185.

Accordingly, we shall defer final decision in Docket No. CP61–185 pending further hearing on the limited issue of whether the new volume of 23,061 Mcf per day of gas claimed by Natural to be available but concerning which evidence has not heretofore been adduced in this proceeding is in fact available to the company, and issues directly related thereto. Such further hearing shall be convened on July 31, 1961, as hereinafter ordered. Pending the reconvened hearing, Natural shall file with the Commission and serve on all parties, within 10 days from the date of issuance of this order, reserve and deliverability estimates with respect to the said 23,061 Mcf per day of gas. At the conclusion of the hearing, we will entertain a motion for the omission of the intermediate decision procedure or such other motion or stipulation as will expedite final decision in Docket No. CP 61–185.

Financing. Natural contemplates financing the costs, aggregating $23,734,000, of facilities in Docket No. CP61–30 by the issuance and sale of first mortgage pipeline bonds in the principal amount of $25,000,000. Funds also would be thus provided for meeting costs of financing and increasing working capital. Natural states that to the extent interest savings can be achieved by interim financing, short-term bank loans might be resorted to which would be funded out of the permanent financing. The evidence adduced by Natural establishes that this plan for financing is reasonable and feasible and can be consummated. Upon the completion of the financing described above, Natural's capitalization ratio would be within the limits previously approved by the Commission.

Economic feasibility and rates. To establish the economic feasibility of its proposed expansion, Natural adduced evidence of estimates of revenues, expenses, income and cash flow, based upon its filed rates now in effect and being charged. The evidence indicates that Natural's rate of return would be in excess of 7 percent on a system-wide basis during the three years following the expansion proposed in Docket No. CP61–30.

Despite this showing, staff counsel expresses reservations with respect to the economic feasibility of Natural's project and the Coal interveners contend that this element has not been proved. These parties' position is that Natural's present rates are "tilted" by the assessment of more costs to the demand component and less to the commodity component than we have customarily approved. They say that in pending rate proceedings respecting Natural in Docket No. RP60–8, a greater proportion of costs might be assessed to the commodity component, resulting in higher commodity rates, reduced commodity sales, and the lessened feasibility of the present proposal. They argue that Natural should have adduced evidence of what the effect of eliminating the rate tilt would be on the economics of Natural's operations, in order to enable a complete appraisal of the proposed expansion. Staff contends that such information is further called for to enable the Commission to evaluate the significance of any filing for increased rates which might subsequently be made by Natural in consequence of the installation of the facilities certificated herein. However, staff does not recommend that the present record be reopened to receive such data, but suggests that Natural be alerted that it will be required in future certificate proceedings.

The facts of record summarized hereinabove establish, and we find, that Natural's expansion as proposed in Docket No. CP61–30 is economically feasible. In our view, a detailed examination now of the tilt in Natural's rates and related matters is not justified or feasible in the circumstances of this certificate case. Natural's presentation was based on its rates presently in effect and being charged, which is a reasonable and appropriate basis for decision here. Staff comments respecting the possible effects of changing the allocation of costs to Natural's commodity rates and related matters evince a concern for matters which warrant consideration in future cases respecting Natural.

Finally, on May 22, 1961, Illinois Power Company filed a motion to terminate the intervention of the Village of Cerro Gordo, Illinois, in this proceeding. As grounds, therefor, Illinois Power Company alleges that the Village intervened to obtain gas from Natural to supply a municipal gas distribution system the Village proposed to build, but that at a Village election, authority to construct the project and to issue bonds therefor was denied, so that the Village is unable to sell the gas it sought herein. Illinois Power Company further alleges that the Board of Trustees of the Village has granted Illinois Power Company a franchise to sell and distribute gas, and to construct a system therefor, in the Village. These allegations are not controverted by the Village, which did not present any evidence at the hearing or file a brief in the case. Obviously, there is no basis for granting the Village of Cerro Gordo any gas in this proceeding. In view of all these circumstances, it appears that the matter of the Village's intervention is moot and no useful purpose would be served by granting Illinois Power Company's motion. Accordingly, it will be denied.

The Commission further finds:

(1) Natural Gas Pipeline Company of America, a Delaware corporation having its principal place of business at Chicago, Illinois, is engaged in the transportation of natural gas in interstate commerce and the sale in interstate commerce of natural gas for resale and is a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The proposed facilities of Natural herein described and as more fully set forth in its applications, are to be used in the transportation and sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof by Natural are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The transportation and sales of natural gas by Natural proposed in Docket No. CP61–30 are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered, upon the terms and conditions contained in the order, which terms and conditions are reasonable and required by the public convenience and necessity.

(4) Natural is able and willing properly to do the acts and to perform the services proposed in Docket No. CP61-30, and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(5) Decision in Docket No. CP61-185 should be deferred pending further hearing, as more fully stated hereinafter.

The Commission orders:

(A) A certificate of public convenience and necessity is hereby issued to Natural, upon the conditions hereinafter set forth, authorizing the construction and operation of the facilities and the sales of natural gas proposed in Docket No.

CP61-30, as more fully described hereinabove and in the company's application and in the record in this proceeding.

(B) Decision in Docket No. CP61-185 is deferred pending further hearing on the limited issue of whether the new volume of 23,061 Mcf per day of gas claimed by Natural to be available but not heretofore adduced in evidence in this proceeding is in fact available to the company, and issues directly related thereto. Such further hearing shall be convened at 10:00 a.m. e.d.t. on July 31, 1961, in a hearing room of the Federal Power Commission, Washington, D.C. Pending the reconvened hearing, Natural shall file with the Commission and serve on all parties, within 10 days from the date of issuance of this order, reserve and deliverability estimates with respect to the said 23,061 Mcf per day of gas. At the conclusion of the hearing, we will entertain a motion for the omission of the intermediate decision procedure or such other motion or stipulation as will expedite final decision in Docket No. CP61-185.

(C) The general terms and conditions set forth in paragraphs (a), (b), (c) (1), (3), (4), and (e) of § 157.20 of the Commission's regulations under the Natural Gas Act shall attach to the certificate issued Natural; and the time within which the facilities authorized herein shall be constructed and placed in regular operation is fixed at ten (10) months from the date of issuance of this order.

(D) The motion filed herein by Illinois Power Company on May 22, 1961, to terminate intervention is hereby denied.

By the Commission.[5]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6704; Filed, July 17, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1961.

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. 37259: *Substituted service—LV for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 40), for itself, and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Buffalo, N.Y., on the one hand, and Jersey City and Newark, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 20 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 37260: *Substituted service—C & NW for Midwest Transfer Company of Illinois.* Filed by Midwest Transfer Company of Illinois (No. 1), for itself, and interested carriers. Rates on building, roofing, and insulating materials, loaded in highway trailers and transported on railroad flat cars, from Chicago, Ill., to Cedar Rapids, Council Bluffs, Des Moines, Ft. Dodge, Mason City, and Sioux City, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Original Page 3-A and original page 4-AA to Midwest Transfer Company of Illinois tariffs MF-I.C.C. 129 and 134, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6700; Filed, July 17, 1961; 8:46 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published. (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9689; 24 F.R. 109; and 26 F.R. 1693), for the period January 22, 1961 through July 25, 1961.

Additions:
(2) Marquette Cement Co.

Dated: July 25, 1961.

F. A. MECHLING.

[F.R. Doc. 61-6699; Filed, July 17, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 12, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining 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 San Francisco Mining 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 13, 1961 to July 22, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6676; Filed, July 17, 1961; 8:45 a.m.]

[File No. 811-986]

HANOVER FUND OF BOSTON, INC.

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

JULY 11, 1961.

Notice is hereby given that The Hanover Fund of Boston, Inc. ("Applicant"), a Massachusetts corporation and an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement thereof.

Applicant represents that it has no assets and no liabilities, and that it has never issued any securities. The files of the Commission indicate that a registration statement for the public offering of Applicant's securities filed under the Securities Act of 1933 (File No. 2-17278) was withdrawn as of April 28, 1961, and did not become effective under the provisions of that Act.

Applicant further represents that it will apply to the Secretary of State of the Commonwealth of Massachusetts for the dissolution of the corporation, and that Hanover Management Corporation, investment adviser to Applicant, has assumed all costs and expenses in connection with such dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it

[5] Separate concurring statement of Commissioner Kline is filed as part of the original document.

shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 26, 1961, at 5:30 p.m., Eastern Daylight Saving Time, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 61–6677; Filed, July 17, 1961; 8:45 a.m.]

[File No. 70–3977]

MISSISSIPPI POWER CO.

Notice of Proposed Issuance of Notes to Banks

JULY 11, 1961.

Notice is hereby given that Mississippi Power Company ("Mississippi"), a public-utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Mississippi proposes to issue, from time to time prior to April 1, 1962, up to an aggregate of $7,700,000 of notes, which includes the amount which is exempt pursuant to the provisions of the first sentence of section 6(b) of the Act. The notes are to be dated in each case as of the date of issuance and will mature not more than nine months after the date of issue of the respective notes. They will bear interest at the prime rate (currently 4½ percent per annum) in effect at Morgan Guaranty Trust Company of New York on the date of the borrowing represented thereby and are prepayable at any time, in whole or in part, without penalty or premium.

The lending banks and the maximum amounts of notes to be issued to each bank are as follows:

Name and addresses of banks	*Maximum amounts to be issued*
Morgan Guaranty Trust Co. of New York, New York, N.Y.	$2,536,000
First National Bank, Jackson, Miss.	1,200,000
Deposit Guaranty Bank & Trust Co., Jackson, Miss.	750,000
Bankers Trust Co., New York, N.Y.	600,000
Continental Illinois Bank & Trust Co., Chicago, Ill.	500,000
Pascagoula-Moss Point Bank, Pascagoula, Miss.	270,000
Merchants & Farmers Bank, Meridian, Miss.	250,000
Hancock Bank, Gulfport, Miss.	230,000
First National Bank, Hattiesburg, Miss.	200,000
First National Bank, Meridian, Miss.	115,000
Citizens National Bank, Meridian, Miss.	100,000
Commercial National Bank & Trust Co., Laurel, Miss.	100,000
Merchants & Marine Bank, Pascagoula, Miss.	100,000
Columbia Bank, Columbia, Miss.	75,000
Gulf National Bank, Gulfport, Miss.	75,000
Citizens Bank, Hattiesburg, Miss.	75,000
First National Bank of Biloxi, Biloxi, Miss.	60,000
Bay Springs Bank, Bay Springs, Miss.	50,000
The Peoples Bank, Biloxi, Miss.	50,000
Newton County Bank, Newton, Miss.	50,000
Citizens Bank, Columbia, Miss.	40,000
Merchants & Manufacturers Bank, Ellisville, Miss.	35,000
Bank of Wiggins, Wiggins, Miss.	35,000
Bank of Commerce, Poplarville, Miss.	30,000
Lumberton State Bank, Lumberton, Miss.	25,000
Bank of Picayune, Picayune, Miss.	25,000
Lamar County Bank, Purvis, Miss.	25,000
Smith County Bank, Taylorsville, Miss.	25,000
The First National Bank of Picayune, Picayune, Miss.	20,000
Richton Bank & Trust Co., Richton, Miss.	15,000
First National Bank of Newton, Newton, Miss.	15,000
Bank of Shubuta, Shubuta, Miss.	12,000
Stonewall Bank, Stonewall, Miss.	12,000
Total	7,700,000

The proceeds from the issuance of the notes are to be applied toward property additions, total expenditures for which are estimated at $17,962,400 for 1961. The notes will be paid in full at or before maturity from the proceeds of the sale of securities of the company in 1962.

The declaration states that the only expenses to be incurred in connection with the issuance of the notes are legal fees, estimated at $500, and miscellaneous expenses, estimated at $500. The declaration also states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 27, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should 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 declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

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

[F.R. Doc. 61–6678; Filed, July 17, 1961; 8:46 a.m.]

[File No. 24NY–5338]

TELESCRIPT-CSP, INC.

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

JULY 12, 1961.

I. Telescript-CSP, Inc. of 155 West 72d Street, New York, N.Y., filed with the Commission a notification on Form 1-A and an offering circular in connection with a proposed offering of 60,000 shares of common stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the issuer failed to disclose in the notification an affiliate of the issuer;

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

1. The failure to disclose that Federman, Stonehill & Co. exercised a controlling interest in the issuer and Mangrow Industrial Corporation, an affiliated issuer, owning fifty percent of the stock of Telescript at the time of the offering;

2. The statement that 16 named individuals may be deemed to be in control of Mangrow Industrial Corporation when only certain individuals in the group exercised control;

3. The failure to disclose a previous material transaction under which the voting rights of the shareholders in Mangrow Industrial Corporation had been changed;

4. The failure to disclose that Michael Rosen, Joseph Michalover, David Dawn, Harold Sporn and Stephen Hofman (5 of the 16 individuals named as in common control of Mangrow) were limited part-

ners of Federman, Stonehill & Co., whose general partner, Hyman Federman, had been controlling stockholder in Mangrow and a director of Telescript.

C. The offering and sale of the issuer's securities violated Section 17(a) of the Securities Act of 1933.

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

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6679; Filed, July 17, 1961; 8:46 a.m.]

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