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FEDERAL REGISTER

VOLUME 27 NUMBER 130

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 6.142 is amended as set out below.

§ 6.142 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1965, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(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. 62-6599; Filed, July 5, 1962; 8:59 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 40]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respect:

1. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1963 crop year to read as follows:

§ 401.3 Application for insurance.

(a) * * *

(2) in counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Linn and Malheur Counties, Oregon, and in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is non-irrigated in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, will not be insured:

2. The portion of the table following paragraph (a) of § 401.3 of this chapter, under the heading "wheat" and pertaining to Idaho, Minnesota and North Dakota is amended effective beginning with the 1963 crop year to read as follows:

Idaho:
Idaho County and all Idaho counties lying north thereof: October 31.
All Idaho counties lying south of Idaho County except Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties: September 15.
Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties: March 31.
Minnesota: March 31.
North Dakota:
Adams, Bowman, Golden Valley and Slope Counties: August 31.
All other North Dakota counties: March 31.

3. Section 2 of the wheat endorsement shown in § 401.32 of this chapter is amended effective beginning with the 1963 crop year by adding a sentence at the end thereto reading as follows:

Insurance on winter wheat will not be provided for the 1963 crop year to insureds in Adams, Bowman, Golden Valley, and Slope Counties, North Dakota, and Faulk, Hand, Potter, and Sully Counties, South Dakota, with a contract in force during the 1962 crop year unless such insureds elect prior to August 31, 1962, to include winter wheat as an insurable crop and waive all rights with respect to cancellation under section 15(a) of the policy for the 1963 crop year.

4. In subsection 8 of the wheat endorsement shown in § 401.32 of this chapter, the table at the end thereof is amended effective beginning with the 1963 crop year by amending the portion of the table pertaining to Idaho, Minnesota and North Dakota to read as follows:

State and County	Cancellation date	Termination date for indebtedness
Idaho:		
Idaho County and all Idaho Counties lying north therof	Mar. 15	Oct. 31
All Idaho Counties lying south of Idaho County except Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	do	Sept. 15
Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Dec. 31	Mar. 31
Minnesota	do	Do.
North Dakota:		
Adams, Bowman, Golden Valley, and Slope Counties	Mar. 15	Aug. 31
All other North Dakota Counties	Dec. 31	Mar. 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6615; Filed, July 5, 1962; 9:02 a.m.]

[Amdt. 36]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

FLAX ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The flax endorsement, published in § 401.22 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.22 The flax endorsement.

The provisions of the flax endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that flax is (a) seeded with any other crop, except perennial grasses of legumes other than vetch, or (b) not seeded for harvest as seed.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by 0.7 of a bushel for any harvested acreage on which the amount harvested is 0.7 of a bushel or more per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year.

If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the flax is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the flax is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of flax on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the production to be counted on any acreage of flax which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production, whichever is greater: *Provided,* That on any acreage from which less than 0.7 of a bushel per acre is harvested, the total production to be counted under the provision of this section shall be that amount in excess of 0.7 of a bushel per acre, except that the production to be counted for any acreage of flax which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed flax which does not grade No. 2 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged flax, as determined by the Corporation, by the market price per bushel at the local market for flax grading No. 2, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged flax.

6. *Meaning of terms.* For the purpose of insurance on flax the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of flax in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of flax in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured flax for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6611; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 37]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

OAT ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The oat endorsement, published in § 401.24 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.24 The oat endorsement.

The provisions of the oat endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that oats are (a) seeded with flax or other small grains or vetch, or (b) not seeded for harvest as grain.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by three bushels for any harvested acreage on which the amount harvested is three or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the oats are seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the oats are normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oats on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corpora-

tion and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the production to be counted on any acreage of oats which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater: *Provided,* That on any acreage from which less than three bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of three bushels per acre, except that the production to be counted for any acreage of oats which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(c) In determining total production volunteer small grains and volunteer vetch growing with the seeded oat crop, and small grains seeded in the growing oat crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as oats on a weight basis.

(d) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed oats which do not grade No. 3 or better and in addition, do not grade No. 4 on the basis of test weight only but otherwise grades No. 3 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged oats as determined by the Corporation, by the market price per bushel at the local market for oats grading No. 3 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged oats.

6. *Meaning of terms.* For the purpose of insurance on oats the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of oats in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of oats in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured oats for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6612; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 38]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

RYE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The rye endorsement, published in § 401.28 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.28 The rye endorsement.

The provisions of the rye endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that rye is (a) seeded with flax or other small grains or vetch, or (b) not seeded for harvest as grain.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by one and one-half bushels for any harvested acreage on which the amount harvested is one and one-half or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the rye is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the rye is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of rye on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the production to be counted on any acreage of rye which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater: *Provided,* that on any acreage from which less than one and one-half bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of one and one-half bushels per acre, except that the production to be counted for any acreage of rye which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(c) In determining total production volunteer small grains and volunteer vetch growing with the seeded rye crop, and small grains seeded in the growing rye crop on acreage on which the Corporation has not

given its consent to be put to another use shall be counted as rye on a weight basis.

(d) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed rye which does not grade No. 2 or better and in addition, does not grade No. 3 on the basis of test weight only but otherwise grades No. 2 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged rye as determined by the Corporation, by the market price per bushel at the local market for rye grading No. 2, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged rye.

6. *Meaning of terms.* For the purpose of insurance on rye the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of rye in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of rye in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured rye for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the March 15 and the termination date for indebtedness shall be the August 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6613; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 39]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

SOYBEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The soybean endorsement, published in § 401.29 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.29 The soybean endorsement.

The provisions of the soybean endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that soybeans are (a) planted for hay, (b) planted in rows too close for cultivation (except in Ohio), (c) planted for the development of hybrid seed, (d) planted in the same row or interplanted in rows with corn, or (e) not planted for harvest as beans. The first proviso of the third sentence of section 1 of the policy shall not be applicable hereunder in counties in Arkansas, Louisiana and Mississippi.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by one and one-half bushels for any harvested acreage on which the amount harvested is one and one-half or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the soybeans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than the December 10 (October 31 in North Dakota and January 15 in Virginia) immediately following the beginning of the normal harvest period for soybeans.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of soybeans on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That on any acreage from which less than one and one-half bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of one and one-half bushels per acre, except that the production to be counted for any acreage of soybeans which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as beans as determined by the Corporation.

(c) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed soybeans which do not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged soybeans as determined by the Corporation, by the market price per bushel at the local market for soybeans grading No. 4, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged soybeans.

6. *Meaning of terms.* For the purpose of insurance on soybeans the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of soybeans in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of soybeans in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured soybeans for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop

year for which the cancellation or the termination is to become effective.

8. *Irrigated acreage.* The following provisions shall apply in lieu of subsection 22(a) of the policy in any case where no damage to the soybean crop on insured acreage occurs due to drought or failure to apply irrigation water: "The acreage of an insured crop which shall be insured on an irrigated basis in any year shall not exceed that acreage which normally could be irrigated adequately with the facilities available, taking into consideration the amount of water available after providing the water required to irrigate the acreage of all uninsured irrigated crops on the farm."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6614; Filed, July 5, 1962; 9:02 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—TOBACCO

Subpart—Cigar-Binder (Types 51 and 52) Tobacco, Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

GENERAL

AUTHORITY: §§ 723.1330 through 723.1361 issued under secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended, sec. 401, 63 Stat. 1054, as amended, sec. 125, 70 Stat. 198, as amended; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 723.1330 Basis and purpose.

Sections 723.1330 through 723.1361 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purpose of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco during the 1962–63 marketing year. Prior to preparing §§ 723.1330 through 723.1361, public notice (27 F.R. 4367) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to §§ 723.1330 through 723.1361 which were submitted have been duly considered within the limts permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956. Since farmers are now engaged in 1962 farming operations, it is herby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 723.1330 through 723.1361 shall therefore become effective upon filing with the Director, Office of the Federal Register.

§ 723.1331 Definitions.

As used in §§ 723.1330 through 723.1361, 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. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee," "County Committee," "County Office Manager," "Deputy Administrator," "Farm," "Operator," and "Secretary."

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1962 which has not been marketed or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1962–63 marketing year.

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

(e) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(f) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(h) "Producer" means a person who as owner, landlord, tenant or sharecropper, is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(i) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(j) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(k) "State Executive Director" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASCS State office, or the person acting in such capacity.

(l) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation Service State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(m) "Tobacco" means:

(1) The types set forth below, as classified in Service and Regulatory

Announcement No. 118 (Part 30 of this title) of the former Bureau of Agriculture Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context.

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

(v) 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;

(vi) 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;

(vii) 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; and

(viii) 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.

(2) Any tobacco (i) that has similar appearance and growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths of either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco shall be considered respectively either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco without regard to 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.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (2) of this paragraph, all or a part of such acreage should not be considered as either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1962 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(n) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1962 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.1345.

(o) "Tobacco subject to marketing quotas" means any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketed during the period October 1, 1962 to September 30, 1963, inclusive, and any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco produced in the calendar year 1962 and marketed prior to October 1, 1962.

(p) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.1332 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.

§ 723.1333 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1962 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal 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, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal 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, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8; and expressions in hundredths calculated as 0.0536 would be 0.05; 0.0551 would be 0.06; and 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. 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.

Identification and Location of Farms and Determination of Acreage

§ 723.1334 Identification and location of farms.

(a) Each farm as operated for the 1962 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1962 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.1335 Determination of tobacco acreage.

(a) *County committee.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1962 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1962 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance

determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 723.1330 to 723.1361, inclusive, and subject to the rule of fractions heretofore provided in § 723.1333(a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* (1) The county office manager or an employee of the county office on behalf of the county office manager, as to each farm, shall notify the farm operator the results of the measurement of tobacco acreage, except that the State committee may elect to not have mailed notices to farm operators where the acreage determined for the farm is within the allotment.

(2) If, it is determined under § 723.1331 (m)(3) that tobacco (harvested or unharvested) is of a kind not subject to marketing quotas, the county office manager, or an employee of the county office on behalf of the county office manager, shall so notify the farm operator.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.1338 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested and the portion of the production of the acreage physically harvested under § 723.1345 which will be disposed of other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.1336 Amount of farm marketing quotas.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with Cigar-Binder and Cigar-Filler and Binder Tobacco Marketing Quota Regulations 1962–63 Marketing Year (26 F.R. 6414, 6641, 7122, 10471). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco.

§ 723.1337 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in Cigar-Binder and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1962–63 Marketing Year (§§ 723.1320, 723.1326 and 723.1329; 26 F.R. 6414, 6641, 6122, 10471).

§ 723.1338 Issuance of marketing cards.

(a) *Marketing card.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) to (e) of this section. Cards shall be issued in the name of the farm operator except that cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station and cards issued under § 723.1341, shall be issued in the name of the successor in interest, and where a part of the farm, which includes all the tobacco acreage on the farm, is cash rented to one producer, cards shall be issued in the name of the one producer.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 723.1347(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1962 from a farm for which no 1962 acreage allotment was established, or

(ii) Where tobacco is harvested in 1962 from a farm and the farm operator or any producer on the farm, as provided in § 723.1335(e), prevents the county committee or its representative or the State committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm, or

(iii) Where tobacco is harvested in 1962 from a farm for which, under § 723.1352(g) the 1962 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 723.1344 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply), shall be issued in any case:

(i) Where tobacco is harvested in 1962 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is to be marketed from a farm in 1962 having carry-over tobacco available for marketing and the percent excess determined pursuant to § 723.1344(b) exceeds zero percent, or

(iii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1962, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1962 the acreage of which is in excess of the farm acreage allotment therefor and the operator or other producer on the farm fails, within ten (10) days from the date of mailing of Form CSS–590, Notice of Excess Acreage (with deposit to cover the cost as determined by the county committee and approved by the State committee), to notify the ASCS county office of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage, and the tobacco produced on the excess acreage is disposed of in accordance with § 723.1345, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to so notify or request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1962 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.1345(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the farm operator acted in good faith, that the acreage of tobacco was not measured or remeasured, as the case may be, and the farm

operator notified in sufficient time to afford him an opportunity to dispose of the excess acreage prior to harvest; or

(iv) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly owned Agricultural Experiment Station fails to comply with all the requirements contained in paragraph (c) (2) of this section prior to the beginning of the harvesting of tobacco from the farm.

(c) *Within quota marketing card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (b) of this section, a within quota marketing card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1962 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 723.1344(b).

(2) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly owned Agricultural Experiment Station furnishes to the ASCS State office, prior to the beginning of the harvesting of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and farms on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, prior to the beginning of the harvesting of tobacco from a farm, an excess marketing card showing zero penalty shall be issued under paragraph (b)(3)(iv) of this section for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The report required in this subparagraph shall be posted and kept available for public inspection in each ASCS county office in which a farm included in the report is located.

(d) *Stamping within quota marketing cards (MQ–76) to show indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any within quota marketing card (MQ–76) issued for the farm shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale. The amount and type of the indebtedness and the name of the debtor shall be entered on the inside back cover of the card. A notation showing indebtedness to the U.S. shall constitute notice to any loan organization that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and shall not necessitate a producer accepting a price support advance from which such indebtedness would be deductible.

(2) Any marketing card may be stamped for the purpose of notifying loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(e) *Replacing or issuing additional marketing cards or reissuing the same marketing card.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm. Upon the return to the ASCS issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketings of tobacco from the farm have been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the card, to have been lost, destroyed or stolen. The county office manager who issued the marketing card may, under § 723.1352 (b), reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1963.

§ 723.1339 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned Agricultural Experiment Station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASCS county office.

§ 723.1340 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.1341 Successors in interest.

Any person who succeeds, other than as a buyer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.1342 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted or is incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASCS office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county office manager who issued the card, then such card shall become valid.

§ 723.1343 Report of misuse of marketing card.

Any information which causes a member of a State, county, or community committee, or any employee of an ASCS State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASCS county or State office.

Marketing or Other Disposition of Tobacco and Penalties

§ 723.1344 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined, as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.1345 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i.e., 100 percent minus the "percent excess") for the year in which the carry-over tobacco was produced except that if the excess portion of the carry-over tobacco has been disposed of under § 723.1345, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres"

(subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1962 allotment (for marketing quota purposes) and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.1345 Disposition of excess tobacco.

(a) *Where tobacco acreage exceeds the allotment.* (1) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing to the county committee proof satisfactory to the committee or its representative that such excess tobacco will not be marketed. Such disposition of excess tobacco, subject to the provisions of paragraph (2) of this paragraph, may take place before harvesting, during harvesting, or after completion of harvesting of the kind of tobacco involved from the farm.

(2) No credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee or its representative determines such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(b) *Where harvested acreage does not exceed allotment and there is excess carry-over tobacco.* If the 1962 harvested acreage is less than the 1962 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1962 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.1344(b) is less than the 1962 allotment may be marketed penalty free.

§ 723.1346 Identification of marketing.

Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1962 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.1347 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1961–62 marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. 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".

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture, for the 1961–62 marketing year was 29.0 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 41.9 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1962–63 marketing year shall be 22 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 31 cents per pound for cigar-binder (types 51 and 52) tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm as determined under § 723.1344.

§ 723.1348 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketing through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.1349 Penalties considered to be due from buyers and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be considered to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State Executive Director showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 723.1349a Producers' penalties; false identification, failure to account, incorrectly determined acreage.

(a) *Penalties for false identification or failure to account.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1962 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 723.1352(e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for disposition of tobacco produced on the farm.

(2) If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.1352(c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm. The fil-

ing of a report by a producer under § 723.1352(c) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 723.1335 shall be paid by the producer.

(c) *Cancelled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been cancelled under § 723.1352(g), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 723.1327, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State Executive Director, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from all areas (patches, fields or parts of fields) from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 723.1350 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition of tobacco, penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASCS State office, not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Converted penalty rate.* The penalty due on any sale of tobacco by a producer as determined under §§ 723.1330 to 723.1361 shall be subject to the converted rate of penalty for the farm on which the tobacco was produced and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 723.1351 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.1330 to 723.1361 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASCS county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

Records and Reports

§ 723.1352 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASCS county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1962. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 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 year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1962 shall return to the ASCS county office the marketing card(s) issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1963. Failure to return the marketing card(s) within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (e) of this section. The county office manager who issued the marketing card may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1963.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASCS State office as follows with respect to such tobacco.

(i) If the 1962 harvested acreage is not in excess of the 1962 farm tobacco acreage allotment, the producer-manufacturer shall furnish the ASCS State office a report, as soon as the tobacco has been weighed, and not later than a date specified in writing by the State Executive Director, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1962 harvested acreage is in excess of the 1962 farm acreage allotment, the producer-manufacturer shall furnish the ASCS State office a report, as soon as the tobacco has been weighed, and not later than a date specified in writing by the State Executive Director, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.1344(b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyer of such products or

residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall be considered failure of the producer-manufacturer to account for the disposition of tobacco produced on the farm and the allotment next established for the farm shall be reduced for such failure pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 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 (i) the failure to furnish such report of disposition was unintentional and the producer-manufacturer on such farm could not reasonably have been expected to furnish such report of disposition, provided such failure will be construed as intentional unless such report of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established, caused, aided or acquiesced in the failure to furnish such report. The producer-manufacturer shall be liable for the payment of penalty as provided in § 723.1349a(a).

(3) The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *False identification.* 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 which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 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 year for which the allotment is being established caused, aided or acquiesced in such marketing.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.1330 through 723.1361, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State Executive Director within fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production and disposition of all tobacco produced on the farm by sending the same to the ASCS State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing, and (5) complete details as to any tobacco disposed of other than by sale. Failure to file MQ–108 as requested, the filing of a false MQ–108, or the filing of a MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 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 (i) 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 (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(f) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1962 more than one crop of tobacco is grown from the same tobacco plants, or 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 has been so grown and harvested.

(g) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 723.1311 through 723.1329 (26 F.R. 6414, 6641, 7122, 10471) which was determined by the county committee on the basis of incorrect information knowingly furnished the committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

§ 723.1353 Buyer's records.

(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASCS State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer, including tobacco obtained under paragraph (a)(2) of this section, shall be recorded on the buyer's copy of the MQ–95—Tobacco and on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer, including tobacco obtained under § 723.1353(a)(2), shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

§ 723.1354 Buyer's reports.

(a) *Report of buyer's name, address and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASCS State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale and the amount of penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the applicable rate of penalty per pound shown in § 723.1347(b) in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.1355 Buyers not exempt from regular records and reports.

No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which received tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.1330 through 723.1361 for buyers.

§ 723.1356 Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.

(a) Each trucker shall keep such records as will enable him to furnish the ASCS State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the farm operator,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 723.1357 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.1358 Failure to keep records or make reports or making false reports or records.

(a) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the Act, any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers who fails to make any report or keep any record as required under §§ 723.1330 through 723.1361, or who makes any false report or record, is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco buyers who fails, upon being requested to do so, to remedy a violation(s) by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(b) *False representations.* The penalties designated in paragraph (a) of this section are in addition to other penalties prescribed by criminal statutes including U.S. Code, Title 18, Section 1001 which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, or falsely identifying tobacco.

§ 723.1359 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available at one place for examination by representatives of the State Executive Director, and by employees of the Investigation Division, Audit Division, and of the Tobacco Division of the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, and upon written request by the State Executive Director or Director, all such books, papers, records, accounts, correspondence, contracts, cancelled checks, check registers, check stubs, and documents and memoranda as the State Executive Director or Director has reason to believe are relevant and are within the control of such person.

§ 723.1360 Length of time records and reports to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 723.1330 through 723.1361 for the 1962–63 marketing year shall be kept by him until September 30, 1965. Records shall be kept for such longer period of time as may be requested in writing by the State Executive Director or the Director.

§ 723.1361 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.1330 through 723.1361 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASCS county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The recordkeeping 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: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on July 2, 1962.

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

[F.R. Doc. 62–6610; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 4]

PART 730—RICE

Subpart—Regulations Pertaining to Rice Marketing Quotas

1962 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to announce the rate of penalty applicable to excess rice produced in the 1962 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination, it is hereby found that compliance with the notice and public procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and this amendment shall become effective as provided herein.

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1962 crop of rice shall be 4.06 cents per pound, which is 65 per centum of the parity price per pound of rice as of June 15, 1962, which is determined to be 6.24 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 2, 1962.

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

[F.R. Doc. 62–6607; Filed, July 5, 1962; 9:01 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 54]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

CORRECTION

In F.R. Doc. 62–4976, on page 4831 of the issue for Wednesday, May 23, 1962,

the reference to "Section 750.163(d) (3) (iii) (c)" appearing in the first line of the second paragraph should be "Section 750.163(d) (3) (iii) (c)" and the reference to "subdivision (i) (a) or (b)" appearing in the thirteenth line of the second paragraphs should be "(*a*) (*1*) or (2)".

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: May 17, 1962.

Signed at Washington, D.C., on July 2, 1962.

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

[F.R. Doc. 62-6608; Filed, July 5, 1962; 9:02 a.m.]

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

[Lime Regulation 2]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation; Correction

In Federal Register Document 62-3700 appearing at page 3589 of the issue of Saturday, April 14, 1962 (27 F.R. 3589), the section number "§ 911.302" is corrected to read "§ 911.303."

The reference to "§ 911.302" appearing in Federal Register Document 62-5984 appearing at page 5733 of the issue of Saturday, June 16, 1962 (27 F.R. 5733), at line 3 in paragraph (b) is corrected to read "§ 911.303".

Dated: July 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6589; Filed, July 5, 1962; 8:57 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-68]

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

Alteration

On December 9, 1961, Federal Register Document 61-11659 was published in the FEDERAL REGISTER (26 F.R. 11822) and amended in part, § 601.1052 of the regulations of the Administrator by altering the description of the Atlanta control area extension.

In amending § 601.1052, VOR Federal airway No. 185 west alternate should have been deleted in lieu of the Greenwood, S.C., control area extension. Corrective action is taken herein.

Since this alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 61-11659 (26 F.R. 11822) is altered as follows:

Item 5 is amended to read:

5. In the text of § 601.1052 (14 CFR 601.1052) "and the E. boundary of VOR Federal airway No. 185 W. alternate" is deleted and "VOR Federal airway No. 185" is substituted therefor.

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

Issued in Washington, D.C., on June 29, 1962.

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

[F.R. Doc. 62-6545; Filed, July 5, 1962; 8:47 a.m.]

[Airspace Docket No. 62-SO-38]

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

Alteration of Control Area Extension

The purpose of this amendment to § 601.1126 of the regulations of the Administrator is to alter the description of the Knoxville, Tenn., control area extension.

The Knoxville control area extension is designated, in part, with reference to the Knoxville radio range. The Federal Aviation Agency has scheduled the conversion of this facility to a radio beacon on July 9, 1962. Therefore, action is taken herein to substitute the Knoxville radio beacon for the Knoxville radio range in the description of the Knoxville control area extension.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective July 9, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1126 (14 CFR 601.1126) is amended to read:

§ 601.1126 Control area extension (Knoxville, Tenn.).

Within a 40-mile radius of the Knoxville RBN beginning S. of Knoxville on the centerline of VOR Federal airway No. 97 extending counterclockwise to the centerline of VOR Federal airway No. 16 E. of Knoxville, thence E. to and including the airspace within a 50-mile radius of the Knoxville VOR beginning E. of Knoxville on the centerline of VOR Federal airway No. 16 and extending counterclockwise to latitude 36°06'30" N., longitude 84°45'00" W., thence bounded on the NW. by a line extending from latitude 36°06'30" N., longitude 84°45'00" W., to latitude 36°00'00" N., longitude 84°56'45" W., on the W. by VOR Federal airway No. 51, on the S. by VOR Federal airway No. 54, and on the E. by the centerline of VOR Federal airway No. 97, thence to point of beginning; and the airspace NE. of Knoxville extending from the 50-mile radius area bounded on the SE. by VOR Federal airway No. 16 N. alternate, on the NE. by VOR Federal airway No. 53, and on the NW. by VOR Federal airway No. 115.

This amendment shall become effective 0001 e.s.t., July 9, 1962.

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

Issued in Washington, D.C., on June 29, 1962.

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

[F.R. Doc. 62-6546; Filed, July 5, 1962; 8:48 a.m.]

[Airspace Docket No. 62-SW-29]

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

Alteration of Control Zone

The purpose of this amendment to § 601.2211 of the regulations of the Administrator is to alter the NAAS Chase Field, Beeville, Texas, control zone.

The NAAS Chase Field control zone is presently designated, in part, with reference to the Normanna nondirectional radio beacon. The Navy has programmed the decommissioning of this facility and the control zone extension based on this navigational aid will no longer be required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Normanna radio beacon.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary, and it may be made effective June 30, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2211 (14 CFR 601.2211) is amended to read:

§ 601.2211 Beeville, Texas, control zone.

Within a 5-mile radius of NAAS Chase Field, Beeville, Texas (latitude 28°22'00" N., longitude 97°40'00" W.), and within 2 miles either side of the 139° bearing from Chase Field extending from the 5-mile radius zone to 8 miles S of Chase Field.

This amendment shall become effective 0001 e.s.t., June 30, 1962.

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

Issued in Washington, D.C., on June 28, 1962.

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

[F.R. Doc. 62-6544; Filed, July 5, 1962; 8:47 a.m.]

[Airspace Docket No. 62-SW-28]

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

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2334 and 601.1322 of the regulations of the Administrator is to alter the descriptions of the Alice, Texas, control zone and control area extension.

The Alice control zone and control area extension are designated, in part, with reference to the Alice radio range. The Federal Aviation Agency is programming the decommissioning of this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Alice radio range and substitute the Alice VOR for the Alice radio range in the description of the Alice control area extension.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective June 30, 1962.

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

1. Section 601.2334 (14 CFR 601.2334) is amended to read:

§ 601.2334 Alice, Texas, control zone.

Within a 5-mile radius of the Alice, Texas, Jim Wells County Airport (latitude 27°44'28'' N., longitude 98°01'38'' W.).

2. Section 601.1322 (14 CFR 601.1322) is amended to read:

§ 601.1322 Control area extension (Alice, Texas).

Within 5 miles either side of a direct line extending from the Alice, Texas, VOR to the Cotulla, Texas, VOR, and within a 35-mile radius of the Alice VOR, excluding the portion which coincides with R-6301.

These amendments shall become effective 0001 e.s.t., June 30, 1962.

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

Issued in Washington, D.C., on June 28, 1962.

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

[F.R. Doc. 62-6543; Filed, July 5, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-51]

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

Designation of Transition Area

On April 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3931) stating that the Federal Aviation Agency proposed to designate a transition area at Mercury, Nev.

The Aircraft Owners and Pilots Association (AOPA) objected to the designation of airspace with floors at 700 feet above the surface in areas where it appears that communications are not adequate to provide for the control and guidance of aircraft at the lower altitudes. They recommended that the transition area be designated with segmented floors.

At the time the notice was published, no regulatory provision existed providing for variations in the floors of controlled airspace associated with uncontrolled airports. Subsequent to publication of the notice, Amendment 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules (27 F.R. 4012) has been adopted which provides a basis for segmenting floors of transition areas associated with airports with no control zones. Therefore, action is taken herein to designate the Mercury transition area as that airspace extending upward from 1,200 feet above the surface within the airspace dimensions proposed in the notice, and include an area within a 5-mile radius of the Mercury Airport extending upward from 700 feet above the surface. Adequate communications are provided at these altitudes through the use of nearby radar and radio peripheral sites.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following action is taken:

Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.10417 Mercury, Nev., transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16'' N., longitude 116°00'54'' W.); and that airspace extending upward from 1,200 feet above the surface bounded on the E. by the Las Vegas, Nev., control area extension (§ 601.1455), on the N. by latitude 36°41'00'' N., on the NW. by a line extending from latitude 36°41'00'' N., longitude 116°26'30'' W., to latitude 36°38'30'' N., longitude 116°24'00'' W., to latitude 36°37'00'' N., longitude 116°27'00'' W., on the W. by VOR Federal airway No. 105, and on the S. by latitude 36°16'00'' N., excluding the portion which coincides with R-4806 and R-4808.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

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

Issued in Washington, D.C., on June 29, 1962.

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

[F.R. Doc. 62-6550; Filed, July 5, 1962; 8:49 a.m.]

[Airspace Docket No. 62-WE-66]

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

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 601.7101 and 608.25 of the regulations of the Administrator is to reduce the designated altitudes of the Chocolate Mountains, Calif., Restricted Area R-2507, to designate the area for joint use, and to include R-2507 in the continental control area.

The Department of the Navy has concurred in the joint use of R-2507 and has advised that there is no longer a requirement for the portion of R-2507 which extends above flight level 400. Therefore, the Los Angeles, Calif., ARTC Center is being designated as the controlling agency of R-2507 and the designated altitudes changed from "Surface to flight level 500" to "Surface to flight level 400." In addition, the continental control area is being altered to include the airspace within R-2507. Such actions are taken herein.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

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

1. In § 608.25 *California,* R-2507 Chocolate Mountains, Calif., Restricted Area (14 CFR 608.25) is amended to read:

R-2507 Chocolate Mountains, Calif.:

Boundaries. Beginning at latitude 33°32'40'' N., longitude 115°33'50'' W.; to latitude 33°31'30'' N., longitude 115°32'00'' W.; to latitude 33°31'15'' N., longitude 115°26'45'' W.; to latitude 33°29'00'' N., longitude 115°20'00'' W.; to latitude 33°25'50'' N., longitude 115°14'30'' W.; to latitude 33°24'15'' N., longitude 115°17'00'' W.; to latitude 33°21'40'' N., longitude 115°12'00'' W.; to latitude 33°22'50'' N., longitude 115°09'58'' W.; to latitude 33°08'45'' N., longitude 114°56'40'' W.; to latitude 33°01'00'' N., longitude 115°06'00'' W.; to latitude 33°28'30'' N., longitude 115°42'10'' W.; to the point of beginning, excluding the portion that would coincide with VOR Federal airway No. 117.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

2. In the text of § 601.7101 (14 CFR 601.7101) the following is added:

R-2507 Chocolate Mountains, Calif.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on June 28, 1962.

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

[F.R. Doc. 62-6549; Filed, July 5, 1962; 8:48 a.m.]

[Airspace Docket No. 60-LA-79]

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

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 608.51 and 601.7101 of the regulations of the Administrator is to subdivide the White Sands, N. Mex., Restricted Area R-5109 and include a portion of this restricted area in the continental control area.

This is part of a series of airspace changes to be effected as the result of a recent special airspace review by the Federal Aviation Agency conducted for the purpose of promoting safety of flight and more efficient airspace utilization in the McGregor, Orogrande, White Sands Proving Grounds and White Sands, N. Mex., Restricted Area Complex of R-5103, R-5106, R-5107, R-5108, and R-5109.

Restricted Area R-5109 is being subdivided into two areas, namely R-5109A and R-5109B to obtain greater utilization of this airspace. The designated altitude of R-5109A and R-5109B is raised from 16,000 feet MSL to unlimited to 24,000 feet MSL to unlimited. R-5109B will be included in the continental control area for joint use with the Albuquerque ARTC Center as the controlling agency to provide air traffic control flexibility in routing aircraft direct between the Socorro, N. Mex., VOR and the Roswell, N. Mex., VOR.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

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

1. In § 608.51 (26 F.R. 7198) the following changes are made:

a. R-5109 White Sands, N. Mex., is revoked.

b. R-5109A White Sands, N. Mex., is added to read:

R-5109A White Sands, N. Mex.:
Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman Air Force Base, New Mexico.

c. R-5109B White Sands, N. Mex., is added to read:

R-5109B White Sands, N. Mex.:
Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitude. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman Air Force Base, New Mexico.

2. Section 601.7101 (26 F.R. 1399) is amended by adding the following:

a. R-5109B White Sands, N. Mex.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

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

Issued in Washington, D.C., on June 29, 1962.

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

[F.R. Doc. 62-6548; Filed, July 5, 1962; 8:48 a.m.]

[Airspace Docket No. 62-WE-84]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.67 of the regulations of the Administrator is to change the designated altitudes of the Yakima, Wash., Restricted Area R-6714.

In response to a proposal by the Federal Aviation Agency for a reduction in the designated altitudes of R-6714, the Department of the Army has agreed that the designated altitudes of the area may be reduced from "Surface to 65,000 feet MSL" to "Surface to 38,000 feet MSL." Such action is taken herein.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective upon publication.

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

In § 608.67 *Washington,* R-6714 Yakima, Wash. (14 CFR 608.67) is amended to read:

R-6714 Yakima, Wash.:
Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 38,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

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

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

Issued in Washington, D.C., on June 29, 1962.

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

[F.R. Doc. 62-6547; Filed, July 5, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8425 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. C. Weber & Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155-10 *Bait.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, A. C. Weber & Company, Inc., et al., Chicago, Ill., Docket 8425, Feb. 14, 1962]

In the Matter of A. C. Weber & Company, Inc., a Corporation, Albert C. Weber, Individually and as an Officer of Said Corporation, and Frank Dolven, Individually and as Sales Manager of Said Corporation

Consent order requiring Chicago distributors of "Pfaff" sewing machines to cease representing falsely, in advertisements and advertising mats distributed to dealers for their use, that excessive amounts were the usual retail prices of their products and that the sewing machines were guaranteed for life, or unconditionally; and to cease placing in the hands of their dealers circulars describing a sales plan involving bait advertising, representing falsely that they were making a bona fide offer to sell a low-priced machine which was not intended to be sold at the advertised price but was described as "an excellent tool to enable you to 'step-up' your customer to the [higher-priced] model".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent A. C. Weber & Company, Inc., a corporation, and its officers, and respondents Albert C. Weber, individually and as an officer of said corporation, and Frank Dolven, individually and as Sales Manager of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sewing machines and accessories, or any other product or products, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Any amount is the customary and usual retail price of merchandise in a trade area or areas when it is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Any savings are afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in a trade area or areas where such representations are made, unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by respondents' dealers in such trade area or areas.

3. Any amount is respondents' dealers' usual and customary price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold by said dealers in the recent regular course of their business.

4. Any savings are afforded in the purchase of merchandise from respondents' dealers' usual and customary price, unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold by said dealers in the recent regular course of their business.

5. Any product is guaranteed unless the terms and conditions of the guarantee and the manner in which the guarantor will perform are clearly set forth.

B. Using the word "value" to describe or refer to the price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold at retail in the trade area or areas where the representation is made.

C. Using the word "Reg" or "Regular" to describe or refer to the price of merchandise when such amount is not the price at which said merchandise has been usually and customarily sold by respondents or their dealers in the recent regular course of business.

D. Misrepresenting in any manner the amount of savings available to the purchasers of respondents' merchandise; or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondents or their dealers in the normal course of their business.

E. (1) Placing in the hands of retailers or others any sales program or means of offering merchandise for sale when such offer is not a bona fide offer to sell the merchandise so offered.

(2) Representing in any manner that merchandise is being offered for sale when such offer is not a bona fide offer to sell the merchandise.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 14, 1962.

By the Commission.

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

[F.R. Doc. 62-6560; Filed, July 5, 1962; 8:50 a.m.]

[Docket 6490]

PART 13—PROHIBITED TRADE PRACTICES

Asheville Tobacco Board of Trade, Inc., et al.

Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.470 *To restrain and monopolize trade.* Subpart—Cutting off access to customers or market: § 13.573 *Limiting new warehouse facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order, Asheville Tobacco Board of Trade, Inc. (Asheville, N.C.), et al., Docket 6490, Feb. 19, 1962]

Order modifying, in accordance with the decision of the Fourth Circuit Court of Appeals (Richmond) of Sept. 20, 1961, the Commission's modified order dated October 18, 1960 (25 F.R. 12733, Dec. 13, 1960).

Said modified order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Asheville Tobacco Board of Trade, Inc., a corporation, and Max M. Roberts, President and director, J. Carlie Adams, Vice President and director, Fred D. Cockfield, Secretary-Treasurer and director, Jeter P. Ramsey, ex officio Assistant to the Secretary, Supervisor of Sales and General Director of the Asheville market, L. G. Hill, director, James M. Stewart, director, and James E. Walker, Jr., director, all individually and as officers and directors of Asheville Tobacco Board of Trade, Inc., and James E. Walker, Jr., and John B. Walker, part owners, co-managers and operators of Bernard-Walker Warehouses; J. Carlie Adams and Luther Hill, co-partners trading under the name and style of Adams & Hill Warehouses; Farmers Federation Cooperative, Inc., a corporation, leasing and operating Carolina Warehouse; Fred D. Cockfield, and James W. Stewart, co-partners trading under the name and style of Planters Warehouses; Sherrod N. Landon, J. W. Moore, E. G. Anderson, J. E. Godwin, Beverly G. Connor, W. G. Maples, members of Asheville Tobacco Board of Trade, Inc., individually and as officers, directly or through any corporate or other device, in connection with procuring, purchasing, offering to purchase, selling or offering for sale leaf tobacco, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from devising, adopting, using, adhering to, maintaining or cooperating in the carrying out of any plan, system, method, policy or practice which:

1. Allots selling time to new entrant warehouses on the Asheville tobacco market on any basis or in any manner which refuses to give any credit to the size and capacity of a new entrant in excess of the average size and capacity of all the warehouses in the market;

2. Limits the possible gain or loss in selling time allotted to any warehouse for any one selling season to 3½% of the selling time allotted to such warehouse for the preceding selling season; or

3. Has the purpose or effect of foreclosing or preventing a new entrant warehouse on the Asheville tobacco market, or any other warehouse doing business on that market, from competing therein.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this modified order to cease and desist, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied therewith.

Issued: February 19, 1962.

By the Commission.

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

[F.R. Doc. 62-6561; Filed, July 5, 1962; 8:52 a.m.]

[Docket C-83]

PART 13—PROHIBITED TRADE PRACTICES

Jan Originals, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jan Originals, Inc., et al., New York, N.Y., Docket C-83, Feb. 21, 1962]

In the Matter of Jan Originals, Inc., a Corporation, and Sam Brown and Sam Soifer, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling fur products falsely to show that the fur contained therein was natural, and failing to disclose on labels and invoices that certain furs were artificially colored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jan Originals, Inc., a corporation, and its officers, and respondents Sam Brown and Sam Soifer, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in fur products is natural, when such is not the fact.

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

2. Falsely or deceptively invoicing fur products by:

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

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

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

[F.R. Doc. 62-6562; Filed, July 5, 1962; 8:52 a.m.]

[Docket C-81]

PART 13—PROHIBITED TRADE PRACTICES

Janice Juniors, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-30 *Flammable Fabrics Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Janice Juniors, Inc., et al., New York, N.Y., Docket C-81, Feb. 21, 1962]

In the Matter of Janice Juniors, Inc., a Corporation, and Nat Rolfe and Phil Rolfe, Individually and as Officers of Said Corpration

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by selling in commerce dresses which were so highly flamamble as to be dangerous when worn, and furnishing customers with a false guaranty that the required tests were made and showed the dresses not to be highly flammable.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Janice Juniors, Inc., a corporation, and its officers, and respondents Nat Rolfe and Phil Rolfe, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of the Section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which under Section 4 of the Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Furnishing to any person a guaranty with respect to any article of wearing apparel which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in Section 4 of the Flammable Fabrics Act, as amended, and the Rules and Regulations thereunder, show and will show that the article of wearing apparel covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the fabric contained in the said article of wearing apparel was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

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

[F.R. Doc. 62-6563; Filed, July 5, 1962; 8:52 a.m.]

[Docket C-80]

PART 13—PROHIBITED TRADE PRACTICES

Pierce Oil & Refining Co., et al.

Subpart—Misbranding or mislabeling: § 13.1220 *Guarantees;* § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pierce Oil & Refining Company et al., Springfield, Ill., Docket C-80, Feb. 21, 1962]

In the Matter of Pierce Oil & Refining Company, a Corporation, Springfield Refinoil Company, a Corporation, and Perry W. Pierce and Twylah M. Pierce, Individually and as Officers of Said Corporations, and Perry W. Pierce, Individually and Trading as Sorco Oil & Refining Company, as Springfield Refinoil Company, and as Perry W. Pierce

Consent order requiring Springfield, Ill., concerns engaged in the sale to the public of reclaimed lubricating oil obtained from motor crankcase drainings, to cease selling their said product in the same kind of containers as those used for new and unused oil, with no markings to indicate its reprocessed nature, which furthered the deception by the words "crude" and "a perfected blend" printed thereon; and to cease similar deceptive use of the word "guaranteed".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Pierce Oil & Refining Company, a corporation, Springfield Refinoil Company, a corporation, and their officers, and Perry W. Pierce and Twylah M. Pierce, individually and as officers of said corporations, and Perry W. Pierce, individually and trading as Sorco Oil & Refining Company, as Springfield Refinoil Company and as Perry W. Pierce, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil, do forthwith cease and desist from:

1. Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner

processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels on the container.

2. Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

3. Representing, directly or by implication, that their products are guaranteed, unless the name of the guarantor is disclosed and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

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

[F.R. Doc. 62-6564; Filed, July 5, 1962; 8:53 a.m.]

[Docket C-77]

PART 13—PROHIBITED TRADE PRACTICES

Swiss Laboratory Inc. and Leon W. Diamond

Subpart—Advertising falsely or misleadingly: § 13.110 *Indorsements, approval and testimonials;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service:* § 13.170–58 *Non-irritating;* § 13.195 *Safety:* § 13.195–60 *Product.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330–45 *Health authorities, hospitals, nursing profession, etc.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.* Subpart—Using misleading name—Goods: § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Swiss Laboratory Inc., et al., Cleveland, Ohio, Docket C-77, Feb. 14, 1962]

In the Matter of Swiss Laboratory Inc., a Corporation, and Leon W. Diamond, Individually and as an Officer of Said Corporation

Consent order requiring Cleveland, Ohio, distributors of—among other things—plastic metal menders designated "Black Magic" and "Black Jack" to jobbers for resale to autobody repair shops and automotive supply chains, to cease representing falsely in advertisements in magazines, in form letters and on labels, and otherwise, that the substances used in their metal menders were non-toxic and would not cause itching; that their said "Black Magic" metal mender was endorsed by a shop nurse; and that their said "Black Jack" product was a solder; and requiring them to label their products with warnings of dangers attendant on use thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Swiss Laboratory Inc., a corporation, and its officers, and respondent Leon W. Diamond, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising and offering for sale, sale and distribution of plastic metal menders designated "Black Magic", and "Black Jack", or any other product or products of similar composition or possessing substantially similar properties under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That such products are nontoxic or will not cause itching or skin irritation.

(b) That the product designated "Black Magic" has been endorsed by a nurse or representing, contrary to fact, that said product has been endorsed or approved by any other person or organization.

2. Using the word "solder" to describe any product which is not a metallic compound or otherwise misrepresenting the composition of the product.

3. Failing to include on the label on the container for the putty the following statements:

CAUTION: Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Failing to include on the label on the container for the cream hardener the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in whch they have complied with this order.

Issued: February 14, 1962.

By the Commission.

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

[F.R. Doc. 62-6565; Filed, July 5, 1962; 8:53 a.m.]

[File No. 21-437]

PART 60—METALLIC WATCH BAND INDUSTRY

Deception as to Origin or Place of Manufacture

The language of the Note following § 60.4 (Rule 4) appearing in the FEDERAL REGISTER for Saturday, June 30, 1962 (F.R. Doc. No. 62-6377) (27 F.R. 6205) is hereby amended as follows:

The phrase following the semicolon in the Note to § 60.4 (Rule 4) which now reads "and if such marking or stamping is concealed or obscured by packaging of the product, or by the manner in which it is mounted in a container or on a display card," is hereby stricken and replaced with the following phrase "and if such industry product is packaged, or mounted in a container, or on a display card,".

As amended, the Note reads as follows:

NOTE: The disclosure required by paragraph (b) of this section shall be in the form of a legible marking or stamping on the industry product, or on a label or tag affixed thereto, which is of such degree of permanency as to remain on or attached to the product, in legible form, until consummation of the consumer sale thereof, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product; and if such industry product is packaged, or mounted in a container, or on a display card, and is offered for consumer sale in such form, then the marking or stamping shall also appear on the front or face of such packaging, container, or display card, and be so positioned as to clearly have application to the product so packaged or mounted, and shall also be of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted. The disclosure shall name the foreign country of origin or manufacture, and when not applicable to the entire product shall specify the part or parts to which it has applicability.

By the Commission.

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

[F.R. Doc. 62-6580; Filed, July 5, 1962; 8:56 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-219]

PART 1—RULES OF PRACTICE AND PROCEDURE

Answers to Petitions for Rehearing; Correction

JUNE 28, 1962.

Order No. 251, Miscellaneous Amendments (18 CFR 1.8, 1.34, 157.28), issued June 18, 1962 and published in the FEDERAL REGISTER June 19, 1962 (F.R. Doc. 62-5931; 27 F.R. 5766).

In paragraph (d), added to § 1.34 by item 2, change the last sentence to read "All such responses shall * * *" instead of "All such petitions shall * * *".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-6557; Filed, July 5, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of this title is amended as follows:

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 805—SAFEGUARDING MILITARY INFORMATION

§§ 805.7, 805.8 [Rescinded]

In Part 805, §§ 805.7 and 805.8 are rescinded.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 205–1C, December 18, 1961]

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

1. Former §§ 878.86 to 878.90 are deleted and the following inserted therefor:

CERTIFICATE OF HONORABLE SERVICE AND GOLD STAR LAPEL BUTTON

Sec.
878.100 Purpose.
878.101 Certificate of honorable service.
878.102 Gold star lapel button.

AUTHORITY: §§ 878.100 to 878.102 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2, 3 and 4, 61 Stat. 710, as amended; 36 U.S.C. 182a–182d.

SOURCE: AFR 30–9, May 28, 1962.

CERTIFICATE OF HONORABLE SERVICE AND GOLD STAR LAPEL BUTTON

§ 878.100 Purpose.

Sections 878.100 to 878.102 state the procedures for awarding certificates of honorable service and the gold star lapel button to next of kin of military personnel.

§ 878.101 Certificate of honorable service.

This certificate is a testimonial of honest and faithful service which is signed by the Secretary of the Air Force and awarded to the next of kin of those who die in line of duty in time of peace while honorably serving on active duty with the Air Force.

§ 878.102 Gold star lapel button.

This lapel button is made up of a gold star one-fourth inch in diameter mounted on a purple disc three-fourths inch in diameter. The star is surrounded by gold laurel leaves in a wreath five-eighths inch in diameter. The opposite side bears the inscription, "United States of America, Act of Congress, August 1947," and has space for engraving the recipient's initials. It has either a pin or clutch type fastening device.

(a) *Origin of lapel button.* The Gold Star Lapel Button is awarded to widows, widowers, parents, and certain other relatives of members of the United States Armed Forces who lost their lives in the armed services of the United States during World War I (April 6, 1917 to March 3, 1921); World War II (September 8, 1939 to July 25, 1947 at 12 o'clock noon); Korean Operation (June 27, 1950 to July 27, 1954). It also may be awarded to the next of kin of members who lose their lives during any future war or period of armed hostilities in which the United States may be engaged.

(1) Initial issue (without cost): One Gold Star Lapel Button is furnished without cost to the widow or widower (remarried or not), and to each parent (mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis).

(2) Initial issue (at cost): One button is furnished, at cost, to each child, brother, sister, half-brother, half-sister, step-child, and adopted child.

(3) Replacements: Relatives may obtain, at cost, replacements for Gold Star Lapel Buttons that have been lost, destroyed or made unfit for use through no fault or neglect of the persons to whom they were furnished.

(4) Source of supply: Gold Star Lapel Buttons, either the initial issue or replacement, may be obtained by writing to: General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Missouri.

(b) *Penalty for fraudulent use.* The law specifies that: "Whoever shall (1) wear, display on his person, or otherwise use as an insignia, any Gold Star Lapel Button issued to another person under the provisions of the law; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging, or counterfeiting any lapel button authorized by law; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited lapel buttons, shall be fined not more than $1,000 or imprisoned not more than two years, or both."

PART 881—PERSONNEL REVIEW BOARDS

2. Former §§ 881.100 to 881.109 are deleted and the following inserted therefor:

AIR FORCE DISCHARGE REVIEW BOARD

Sec.
881.100 Organization and purpose.
881.101 Jurisdiction and authority.
881.102 Application for review.
881.103 Convening the Board.
881.104 Procedures for hearings.
881.105 Findings and conclusions.
881.106 Disposition of proceedings.

AUTHORITY: §§ 881.100 to 881.106 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 72 Stat. 1267, 10 U.S.C. 1553.

SOURCE: AFR 20–10, May 25, 1962.

AIR FORCE DISCHARGE REVIEW BOARD

§ 881.100 Organization and purpose.

The Air Force Discharge Review Board (hereinafter called the "Board") is a part of the Secretary of the Air Force Personnel Council, and is administered and supervised by the Director of that Council. It is an administrative agency which, on its own motion or at the request of former military members (or their appropriate agents), reviews the type and nature of discharges or dismissals from service unless the separations resulted from sentences of general courts-martial.

§ 881.101 Jurisdiction and authority.

The Board has jurisdiction and authority in cases of former military personnel who, at the time of their separation from the service, were members of the U.S. Army aviation components (Aviation Section, Signal Corps; Air Service; Air Corps; or Air Forces) or the U.S. Air Force. The Board does not have jurisdiction and authority concerning personnel of other arms and services who, at the time of their separation, were assigned to duty with the Army Air Forces or the U.S. Air Force.

(a) The Board determines whether the type of discharge or dismissal the former service man or woman received was equitably and properly given and, if not, instructs the Director of Administrative Services (AFCAS), for enlisted personnel, or the Director of Military Personnel (AFPMP), for officers and warrant officers, to adjust the discharge or dismissal in accordance with the facts presented to the Board. The Board's findings are subject to review only by the Secretary of the Air Force.

(b) The Board is not authorized to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his separation, or to recall any person to active duty.

(c) The Board may on its own motion consider a case, which appears likely to result in a decision favorable to the former military member, without his knowledge or presence. If the decision is favorable, the Board directs AFCAS or AFPMP to notify the former member at his last known address. If the decision is unfavorable, the Board returns the case to the files without record of formal action. It will reconsider the case without prejudice if the former member subsequently files an application for review.

(d) The Board does not reconsider a case after it has rendered a formal decision unless new, pertinent, and material evidence is found which might change the original decision. If new evidence is discovered, the former member (or his appropriate agent) may request a rehearing. The request for rehearing must be written (a letter is permissible) and be submitted within a reasonable time. It must include the new evidence and show that (1) The applicant diligently tried to obtain and present all available evidence at the original hearing and (2) the delay in discovering the new evidence was not the applicant's fault.

§ 881.102 Application for review.

The Air Force must receive applications for review within 15 years after the effective date of the former member's discharge or dismissal.

(a) The former member (or his appropriate agent) will submit (see paragraph (c) of this section) a single copy

of DD Form 293, "Application for Review of Discharge or Separation from the Armed Forces of the United States," and supporting affidavits and other evidence. The application must show:

(1) Member's full name, grade, and service number.

(2) Organization or assignment at date of separation.

(3) Date and place of separation.

(4) Type and nature of the discharge or dismissal.

(5) Basis of the claim for review.

(6) Conclusive action desired of the Board.

(7) Whether the applicant desires:

(i) To appear personally before the Board.

(ii) To be represented by counsel before the Board; if so, the name and address of the designated counsel.

(8) Mail address for receipt of correspondence concerning the review.

(b) The spouse, next of kin, or legal representative of a former member may request the review as agent for the member, but proof of the member's death or mental incompetency must accompany the request.

(c) Applicants will forward their requests for review as follows:

(1) Enlisted personnel: Mail to Air Force Branch, General Services Administration, 9700 Page Boulevard, St. Louis 32, Mo.

(2) Officers and Warrant Officers: Mail to Hq USAF (AFPMP-4B), Washington 25, D.C.

(d) The agency receiving an application for review assembles the originals or official copies of all available military records pertaining to the former service man or woman and transmits the records, application, and supporting documents to the Board.

§ 881.103 Convening the Board.

(a) The president convenes, recesses, and adjourns the Board. If the president is absent, the next senior member acts as president.

(b) The president indicates the time and place the Board will convene, usually in Washington, D.C.

(c) The Board assembles in either open or closed session to consider cases presented to it. It considers cases in closed session when the applicant has not asked to appear in person or to have properly designated counsel appear in his behalf, or when applicant fails to appear when scheduled. Such cases are decided on the basis of documentary evidence, including briefs submitted by or for the applicant.

§ 881.104 Procedures for hearings.

(a) *Applicant's rights.* The law entitles the applicant for a review to appear, at his request, before the Board in open session either in person or by counsel of his own selection, and to present such witnesses as he may desire. In §§ 881.100 to 881.106, "counsel" includes members in good standing of the Federal or a State bar, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (38 U.S.C. 3402), and any other person the Board considers to be competent to present the applicant's claim equitably and comprehensively. The Government does not pay expenses or compensation of the applicant's witnesses or counsel. The applicant may submit any documents he wishes as evidence for the Board's consideration. Such documents may include, but are not limited to, police clearances, character references, and statements by employers.

(1) When an applicant has requested a personal appearance, the Board will send him (and his designated counsel, if any) written notice of the hearing time and place. The notice will be mailed at least 30 days before the hearing date. If the applicant wishes he may waive the time limit and in such case the Board may set an earlier hearing date. Evidence will be placed in the record to show how and when the notice was given.

(2) If an applicant has requested a personal appearance and, after being notified of the hearing time and place, fails to appear at the appointed time, either in person or by counsel, he waives his right to be present.

(b) *Board actions.* The Board conducts hearings in a way to insure full and fair inquiries. Applicants or their counsel will not be allowed access to any classified reports of investigation or any document received from the Federal Bureau of Investigation. When necessary to inform an applicant about the substance of such a document, the Board requests an appropriate official to prepare a summary of or extract from the document without including references to sources of information and other matter that would be detrimental to public interest if disclosed. The summary may be made available, with or without classification, to the applicant or his counsel.

(c) The Board, in conducting its inquiries, is not limited by the rules of evidence applicable in judicial proceedings.

(d) Witnesses may testify either in person under oath or by affidavit. If a witness testifies under oath, he is subject to examination by Board members. At the request of applicant or his counsel, and at the discretion of the Board, witnesses may be allowed to make unsworn statements in respondent's behalf, in which case they will not be examined by Board members.

(e) The Board may continue a hearing on its own motion or, at its discretion, grant an applicant's (or his counsel's) request for continuance if this appears necessary to insure a full and fair hearing.

(f) The Board, at its discretion and for good cause, may permit an applicant to withdraw his request without prejudice at any time before the Board begins its deliberations.

§ 881.105 Findings and conclusions.

(a) The Board, in closed session, prepares written findings and conclusions in each case. The conclusions state whether the Air Force should correct the discharge or dismissal. Corrective action cannot exceed the Board's jurisdiction (see § 881.101).

(b) The Board's findings and conclusions constitute those of a majority of its members.

§ 881.106 Disposition of proceedings.

(a) When the Board has concluded its proceedings in any case, the recorder prepares a complete record. The record includes the application for review; a transcript of the hearing, if any; documentary evidence considered; the findings, conclusions, and directions (see § 881.101); minority reports of dissenting Board members; and all other documents necessary to a true and complete history of the proceedings. The Board president signs the record and the recorder authenticates it as true and complete. If the recorder is absent or incapacitated, a voting member of the Board may authenticate the record.

(b) The Board transmits a record of its proceedings, including a transcript of testimony, and directions in each case to either AFCAS (for enlisted personnel) or AFPMP (for officers and warrant officers). The pertinent office administratively carries out the Board's directions and reports the results to the applicant (and/or his counsel, if any). The applicant, his guardian, or legal representative, may request in writing the appropriate office to furnish a copy of the Board proceedings, findings, and conclusions. Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to his guardian or legal representative.

(c) Unclassified records of Board proceedings are open to perusal by the Administrator of Veterans Affairs or his authorized representative.

PART 887—APPOINTMENT OF OFFICER PERSONNEL

3. In § 887.2, paragraphs (a) and (c) are revised to read as follows:

§ 887.2 Grade determination.

(a) *Service credit*—(1) *Professional service date.* Doctors of medicine and dentistry will be given a professional service date based upon their date of graduation from medical or dental school.

(2) *Promotion list service date.* The promotion list service date will be determined by subtracting 4 years from the professional service date determined in subparagraph (1) of this paragraph. For example, if the professional service date (date of graduation from medical or dental school) is June 1, 1962, the promotion list service date would be June 1, 1958.

(3) *Promotion list service credit.* The promotion list service credit will be determined by subtracting the promotion list service date from date of appointment. For example, if the promotion list service date is July 1, 1948, and the person was appointed on July 1, 1958, his promotion list service credit would be 10 years.

(i) Notwithstanding any other provision of law, a person who was a cadet at the United States Air Force Academy or the United States Military Academy,

or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at the academy are graduated and appointed as officers.

(ii) A person who was enrolled at an academy but did not graduate may not be credited upon appointment as a commissioned officer of the Regular Air Force with longer service than that credited to any member of his class at that academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

* * * * *

(c) *Temporary grade.* (1) Medical and dental officers initially appointed in the permanent grade of first lieutenant will also be appointed in the temporary grade of captain with date of rank on date of graduation. The temporary grade of captain will be effective on the active duty date.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 8284, 8294) [AFR 36–21A, July 1, 1962]

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–6536; Filed, July 5, 1962; 8:45 a.m.]

REDESIGNATION OF SUBCHAPTERS AND PARTS

1. Subchapter I, Parts 895 and 896, is redesignated Subchapter T, Parts 970 and 971, respectively.

2. Subchapter J is redesignated Subchapter W, part numbers to remain unchanged.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–6535; Filed, July 5, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

MISCELLANEOUS AMENDMENTS

1. In § 3.350(f)(4), subdivision (ii) is added to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(f) *Intermediate rates; 38 U.S.C. 314(p).* * * *

(4) *Additional independent 100 percent ratings.* * * *

(ii) The graduated ratings for arrested tuberculosis (38 U.S.C. 356) will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

2. In § 3.371, paragraph (b) is amended to read as follows:

§ 3.371 Criteria for presumptive wartime service connection for tuberculous disease.

* * * * *

(b) *Pleurisy with effusion without obvious cause.* Pleurisy with effusion with evidence of diagnostic studies ruling out obvious nontuberculous causes will qualify as active tuberculosis. The requirements for presumptive service connection will be the same as those for tuberculous pleurisy.

3. In § 3.374, paragraph (d) is added to read as follows:

§ 3.374 Effect of diagnosis of active tuberculosis.

* * * * *

(d) *Preexistence of tuberculosis.* Active pulmonary tuberculosis diagnosed by approved methods will be held to have preexisted the diagnosis 6 months in minimal (incipient) cases, 9 months in moderately advanced cases and 12 months in far advanced cases.

4. In § 3.375, paragraph (b) is amended and paragraph (c) is added to read as follows:

§ 3.375 Determination of "complete arrest" (inactivity) in tuberculosis.

* * * * *

(b) *Nonpulmonary disease.* Determination of complete arrest of nonpulmonary tuberculosis requires absence of evidence of activity for 6 months. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety.

(c) *Arrest following surgery.* (1) Where there has been surgical excision of the lesion or organ, the date of complete arrest will be the date of discharge from the hospital, or 6 months from the date of excision, whichever is later.

(2) Following thoracoplasty performed in connection with the collapse therapy for a treatment of an active lesion as opposed to the situation where there has been surgical excision, the statutory ratings for inactive tuberculosis will not be applied until expiration of 1 year, notwithstanding a diagnosis of other than active tuberculosis within the year.

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

These regulations are effective July 6, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62–6601; Filed, July 5, 1962; 9:00 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 61—FELLOWSHIPS

Dependency Allowances; Payment of Entire Award to the Institution; Establishment of Uniform Allowance

The following amendments to the fellowship regulations provide expressly for allowances for dependents, payment of the entire fellowship award directly to the institution, and establishment of a uniform allowance to be paid to the training institution. Notice of proposed rule making, public rule making procedures and delay in effective date are omitted since the amendments relate exclusively to fellowships.

§ 61.9 [Amendment]

1. Amend § 61.9(a) by inserting "and a dependency allowance" after "stipend".

2. Amend § 61.10 to read as follows:

§ 61.10 Tuition and other expenses.

Allowances may be granted for tuition and related fees as authorized by the Surgeon General. Payment of such allowances and benefits under § 61.9 may be made directly to the institution concerned. The Surgeon General may establish a uniform allowance to be paid to the training institution in lieu of tuition, fees and expenses of the institution.

3. These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply secs. 301(c), 402(d), 58 Stat. 686, as amended, 692, 707, secs. 412, 422, 62 Stat. 465, 598, Sec. 433, 64 Stat. 444, sec. 4, 70 Stat. 499; 42 U.S.C. 209(g), 241(c), 282(d), 287a, 288a, 289c, 33 U.S.C. 466c)

Dated: June 22, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: June 29, 1962.

ABRAHAM A. RIBICOFF,
Secretary.

[F.R. Doc. 62–6595; Filed, July 5, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2715]

[Nevada 048015]

NEVADA

Withdrawing Lands for Reclamation Purposes (Washoe Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32

Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Washoe Project authorized by the Act of August 1, 1956 (70 Stat. 775; Public Law 858, 84th Cong., 2d Session):

MOUNT DIABLO MERIDIAN

T. 11 N., R. 20 E.,
Sec. 1;
Sec. 2, E½ of lots 1 and 2 of NW¼, NE¼, S½SW¼, N½SE¼, and SE¼SE¼;
Sec. 4, lot 1 of NW¼ and SW¼;
Sec. 5, E½ of lot 2 of NE¼;
Sec. 9, lots 1, 2, 4, NW¼, and SE¼;
Sec. 10, SW¼NW¼, W½SW¼, and E½SE¼;
Sec. 11, NE¼NE¼, W½E½, and W½;
Sec. 12, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13, E½, E½W½, SW¼NW¼, and SW¼SW¼;
Sec. 14, NE¼, N½SE¼, and SW¼SE¼;
Sec. 24, N½;
Sec. 26, that portion of tract 51 in the State of Nevada containing 45.70 acres.
T. 12 N., R. 20 E.,
Sec. 12, S½S½;
Sec. 13, N½, N½S½, and S½SW¼;
Sec. 23, SW¼SW¼;
Sec. 25, S½NE¼ and SE¼;
Sec. 26, SE¼NE¼, NW¼, NE¼SE¼, and S½SE¼;
Sec. 27, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28, SE¼;
Sec. 33, NE¼, N½SE¼, and SE¼SE¼;
Sec. 35, E½NE¼, W½E½, and E½W½;
Sec. 36, E½, NE¼NW¼, S½NW¼, and SW¼.
T. 13 N., R. 20 E.,
Sec. 24, NE¼;
Sec. 25, S½NW¼ and SW¼;
Sec. 36, N½N½.
T. 14 N., R. 20 E.,
Sec. 21, NE¼, N½SE¼, and SE¼SE¼.
T. 11 N., R. 21 E.,
Sec. 6, lots 4 and 5.
T. 12 N., R. 21 E.,
Sec. 31.

The areas described, including the public and national forest lands, aggregate 9,066.42 acres, of which 45.70 acres are national forest lands in the Toiyabe National Forest.

The public lands shall be administered by the Bureau of Land Management, and the national forest lands by the Forest Service, until such time as they or any portion thereof are needed for project works or irrigation purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6573; Filed, July 5, 1962; 8:55 a.m.]

[Public Land Order 2716]

WYOMING

Partly Revoking Reclamation Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of April 29, 1937, and February 16, 1909, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

(a) [Wyoming 069572]

Order of April 29, 1937:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 118 W.,
Sec. 3, lots 4, 5, and 6;
Sec. 4, lots 1, 2, E½SW¼NE¼, SE¼NE¼, E½SE¼SW¼, E½NW¼SE¼, NE¼SE¼, and S½SE¼;
Sec. 9, NE¼.

Containing 536.67 acres.

(b) [Wyoming 0157270]

Order of February 16, 1909:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 104 W.,
Sec. 24, NE¼.

Containing approximately 160 acres.

2. The lands described in subparagraph (a) above are national forest lands in the Targhee National Forest. They are in part withdrawn by Public Land Order No. 1923 of July 23, 1959, for the Squirrel Meadows Administrative Site. The lands in subparagraph (b) are located in Park County, some 16 miles west-southwest of Cody, Wyoming.

3. At 10:00 a.m. on August 4, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. Subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations, the public lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on December 28, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on December 28, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on December 28, 1962.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

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

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6574; Filed, July 5, 1962; 8:55 a.m.]

[Public Land Order 2717]

[Nevada 047972]

NEVADA

Partly Revoking Stock Driveway Withdrawal (Stock Driveway Withdrawal No. 54, Nevada No. 10)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of January 16, 1919, which created Stock Driveway Withdrawal No. 54, Nevada No. 10, so far as it affects the following described lands is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 36 E.,
Sec. 5, lots 3, 4, and S½NW¼.
T. 12 N., R. 36 E.,
Sec. 29;
Sec. 32, W½.

The areas described aggregate approximately 1,120.56 acres.

2. The lands released from a withdrawal by this order are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on August 4, 1962, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35, 185.36.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6575; Filed, July 5, 1962; 8:55 a.m.]

[Public Land Order 2718]

[Fairbanks 020938]

ALASKA

Revoking Public Land Order No. 2092 of May 23, 1960

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a); it is ordered as follows:

Public Land Order No. 2092 of May 23, 1960, which withdrew the following-described public lands in Alaska under the jurisdiction of the Bureau of Indian Affairs for school purposes is hereby revoked:

BARROW

Beginning at W.C.M.C. Corner No. 1 of Tract A, U.S. Survey 2244; thence South 13°02' E., 1,450.08 feet to a point; thence South 60° West 1,177.42 feet to the true point of beginning; thence N. 30° W., 320 feet; S. 60° W., 335 feet; S. 30° E., 200 feet; S. 60° W., 200 feet; S. 25° E., 692.64 feet; N. 60° E., 595.37 feet; N. 30° W., 570 feet to the true point of beginning.

The tract described contains 10.49 acres.

The lands are included in the withdrawal made by Executive Order No. 3797-A of February 27, 1923, for a Naval Petroleum Reserve.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6576; Filed, July 5, 1962; 8:55 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Klamath Forest National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Sport fishing on the Klamath Forest National Wildlife Refuge, Oregon, is permitted only on the areas designated by signs as open to fishing. This open area is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bullheads and other minor species as permitted under State regulations.

(b) Open season: Bullheads—open entire year; minor species as prescribed by State regulations. Fishing hours: 1 hour before sunrise to 1 hour after sunset.

(c) Daily creel limits: Bullheads—100 fish in the aggregate but not more than 50 lbs. per day. Minor species as per State regulations.

(d) Methods of fishing:

1. Tackle: Line or rod and line in hand or closely attended.

2. Bait: Fish, living or dead, or parts thereof, except salmon eggs, may not be used for bait.

3. Boats: The use of boats is prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to April 21, 1963.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1962.

[F.R. Doc. 62-6566; Filed, July 5, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Miscellaneous Amendments

The Commission, having under consideration amendment of Part 10 of the rules governing the Public Safety Radio Services, to effect the editorial changes described below;

It appearing, that references to the now non-existent Civil Aeronautics Administration should be deleted and its successor agency, the Federal Aviation Agency, substituted; and

It further appearing, that, because of previous rule changes, the frequency allocation for mobile relay stations now appearing in the Special Emergency Radio Service Rules is incorrect; and

It further appearing, that the changes ordered herein make no substantive change, and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 29th day of June 1962, that effective June 29, 1962, Part 10 is amended as set forth below.

(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 2, 1962.

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

1. Section 10.159(c) is amended to read as follows:

§ 10.159 Inspection and maintenance of tower marking and associated control equipment.

* * * * *

(c) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Agency any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

2. In § 10.161(e)(3), subdivisions (iv) and (v) are amended to read as follows:

§ 10.161 Content of station records.

* * * * *

(e) * * *

(3) * * *

(iv) Identification of the Flight Service Station (FAA) notified of the failure of any code or rotating beacon light or top light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (FAA) that the required illumination was resumed.

3. The introductory text of § 10.462(h) is amended to read as follows:

§ 10.462 Frequencies available to the Special Emergency Radio Service.

* * * * *

(h) Mobile relay stations in the Special Emergency Radio Service will be authorized only on frequencies above 952 Mc/s and only where:

[F.R. Doc. 62-6606; Filed, July 5, 1962; 9:01 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 487) has been filed by Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the issuance of a regulation to provide for the safe use of 35 parts per million of calcium disodium ethylenediamine tetraacetate as a flavor preservative in canned, carbonated soft drinks.

Dated: June 29, 1962.

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

[F.R. Doc. 62-6593; Filed, July 5, 1962; 8:58 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 851) has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of ethylene ethyl acrylate copolymer in packaging materials, containers, and equipment which contact food.

Dated: June 29, 1962.

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

[F.R. Doc. 62-6594; Filed, July 5, 1962; 8:58 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-EA-22]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6093 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 93 is designated in part from the Concord, N.H., VOR via the intersection of the Concord VOR 041° and the Augusta, Maine, VOR 239° True radials to the Augusta VOR. The Federal Aviation Agency has under consideration the alteration of this segment of Victor 93 from the Concord VOR as a 10-mile wide airway to 45 nautical miles from the Concord VOR; thence as a 12-mile wide airway to 45 nautical miles from the Augusta VOR; thence as a 10-mile wide airway to the Augusta VOR. This would provide protection for aircraft while operating along this segment of Victor 93 when more than 45 nautical miles from either the Concord or Augusta VOR's. The alignment of Victor 93 would remain unchanged.

The control areas associated with this segment of Victor 93 are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic 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 A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6538; Filed, July 5, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-NY-5]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6153 and 600.6273 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airways Nos. 153 and 273 extend in part from the Georgetown, N.Y., VOR to the Syracuse, N.Y., VORTAC. The Federal Aviation Agency is proposing to reduce these segments of V-153 and V-273 from 10-mile wide airways to 8-mile wide airways to eliminate the Lakeport, N.Y., holding pattern (Intersection of the Syracuse VORTAC 100° and the Rockdale, N.Y., 325° radials) from overlying these airway segments. This would permit the simultaneous operation of aircraft in the Lakeport holding pattern and aircraft on V-153 and V-273.

The control areas associated with these segments of V-153 and V-273 would remain as designated. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic 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 A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6539; Filed, July 5, 1962; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-SO-14]

FEDERAL AIRWAYS

Alteration of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 62-SO-14 on April 21, 1962 (27 F.R. 3859), it was stated that the Federal Aviation Agency proposed to redesignate the Wilmington, N.C.-Cape Charles, Va., segment of VOR Federal airway No. 1503 as a 16-mile wide airway from the Wilmington VOR to the intersection of the Norfolk, Va., VOR 209° and the Cofield, N.C., VOR 101° True radials; thence as a 13-mile wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence as a 10-mile wide airway to the Cape Charles VOR. In addition it was proposed to redesignate the Wilmington-Rocky Mount, N.C., segment of VOR Federal airway No. 1677 as a 16-mile wide airway from the Wilmington VOR direct to the Rocky Mount VOR.

Notice is hereby given that the original proposal is amended in that the segment of Victor 1503 would be redesignated from the Wilmington VOR as a 16-mile wide airway to the intersection of the Wilmington VOR 028° and the Rocky Mount VOR 135° True radials; thence 18-mile wide airway to the intersection of the Norfolk VOR 209° and the Rocky Mount VOR 110° True radials; thence 16-mile wide airway to the intersection of the Norfolk VOR 209° and the Cofield VOR 101° True radials; thence 13-mile wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence 10-mile wide airway to the Cape Charles VOR.

This expansion of the width of Victor 1503 from the intersection of the Wilmington VOR 028° and the Rocky Mount VOR 135° True radials to the intersection of the Norfolk VOR 209° and the Rocky Mount VOR 110° True radials would assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids where minute errors, either in ground or airborne equipment, could result in more than 8 statute miles deviation from the airway centerline.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 20, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 62-SO-14 is extended to July 20, 1962.

Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie St., Atlanta 3, Georgia.

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 June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6540; Filed, July 5, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-KC-9]

CONTROLLED AIRSPACE

Proposed Alteration of Transition Area

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 601 of the regulations of the Administrator, the substance of which is stated below.

The Vandalia, Ill., transition area (§ 601.10842) is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Vandalia VOR 074° and 254° True radials extending from 20 miles northeast to 9 miles southwest of the VOR.

The Federal Aviation Agency has under consideration the alteration of the Vandalia transition area to include the airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.), and within 2 miles either side of the Vandalia VOR 183° True radial extending from the 5-mile radius area to the VOR. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Vandalia Airport.

The Vandalia transition area would be further altered to include the airspace south and southwest of Vandalia extending upward from 1,200 feet above the surface within a 15-mile radius of the Vandalia VOR extending clockwise from a line 7 miles southeast of and parallel to the Vandalia VOR 074° True radial to the Vandalia VOR 239° True radial, excluding the portion that would coincide with VOR Federal airway No. 12. This would provide protection for aircraft departing from the Vandalia Airport upon leaving the 700 foot portion of the transition area en route to the airway structure south and southwest of Vandalia.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6542; Filed, July 5, 1962; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-67]

CONTROLLED AIRSPACE

Proposed Designation of Control Zone

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 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a control zone at Marysville, Calif. The proposed control zone would be designated within a 5-mile radius of the Yuba County Airport, Marysville, Calif. (latitute 39°05'51" N., longitude 121°34'10" W.), within 2 miles either side of the 158° True bearing from the Marysville radio beacon extending from the 5-mile radius zone to 8 miles south of the radio beacon; and within 2 miles either side of the 342° True bearing from the Marysville radio beacon extending from the 5-mile radius zone to 8 miles north of the radio beacon, excluding the portion which would coincide with the Beale AFB, Calif., control zone (§ 601.2445).

The proposed control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Yuba County Airport. Communication and weather reporting service will be furnished by the FAA's Marysville Flight Service Station.

Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6537; Filed, July 5, 1962; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 62-CE-29]

RESTRICTED AREAS AND ALTERATION OF CONTINENTAL CONTROL AREA

Proposed Designation and Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 608.42, 608.43, and 601.7101 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal submitted by the Department of the Air Force to designate a restricted area overlying a portion of Lake Superior as follows:

Boundaries. Beginning at latitude 47°45'-00'' N., longitude 90°05'00'' W.; to latitude 47°45'00'' N., longitude 89°28'00'' W.; to latitude 46°55'00'' N., longitude 89°28'00'' W.; to latitude 46°55'00'' N., longitude 90°05'-00'' W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday.

Controlling agency. Federal Aviation Agency, Minneapolis ARTC Center.

Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

Further, if the above action is taken, the Upper Lake Huron, Michigan, Restricted Area R–4207 would be reduced in size, altitudes and time by redesignating it as follows:

Boundaries. Beginning at latitude 45°17'-00'' N., longitude 83°00'00'' W.; to latitude 45°20'24'' N., longitude 82°31'18'' W.; along the United States-Canadian Border to latitude 44°31'00'' N., longitude 82°19'54'' W.; to latitude 44°27'42'' N., longitude 82°47'08'' W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0600 to 2200 e.s.t., April 1 through October 31; 0800 to 1600 e.s.t. Thursday through Sunday, November 1 through March 31.

Controlling agency. Federal Aviation Agency, Detroit ARTC Center.

Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Michigan.

In order to effect more efficient utilization of these restricted areas, both would be designated as joint use areas and included in the description of the continental control area.

The Air Force has stated that existing overwater gunnery ranges in the midwestern and north central states do not satisfy SAC training and readiness requirements. These areas are shared by other users and their activities often conflict with SAC gunnery activities which are a programmed part of SAC route missions. The designation of a restricted area overlying a portion of Lake Superior would meet an urgent SAC training requirement for a more centrally located overwater gunnery range located adjacent to an established refueling area and "Oil Burner" route. Further, as indicated above, this action would permit a reduction of approximately 45 per cent in the size of R–4207 since all SAC activities now being conducted in R–4207 would be scheduled for the new area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–6541; Filed, July 5, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962, Rev. Supp. No. 3]

DUBUQUE FIRE & MARINE INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

JUNE 29, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13 as an acceptable surety on Federal bonds.

An underwriting limitation of $343,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

Iowa, Dubuque Fire & Marine Insurance Company, Chicago, Illinois.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-6602; Filed, July 5, 1962; 9:00 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m., on August 3, 1962:

T. 10 S., R. 12 E., Fairbanks Meridian,
Sec. 3: Lots 1 and 2;
Sec. 4: Lots 1 through 4;
Sec. 5: Lots 1 through 4, W½SW¼, SE¼SE¼;
Sec. 6: Lots 1 through 7, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: Lots 1 through 5, S½NE¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 11: Lots 1 through 4, S½N½, S½;
Sec. 12: Lots 1 through 5, SW¼NE¼, S½NW¼, S½;
Secs. 13 through 36: All.

The area described aggregates 19,598.17 acres. The lands are situated approximately twelve miles east of the town of Big Delta, Alaska, and are traversed by two main streams. The Tanana River flows west along the north boundary of the township, and Clearwater Creek, a tributary of the Tanana River, flows north and west through the length and width of the township, entering in section 36 and crossing the west boundary in section 7. The soil is for the most part good, sandy loam, but is thin in some areas; the majority of the township is swampy. Timber cover consists of first and second growth spruce, birch, aspen, balsam poplar, and larch. A portion of the lands described is suitable for agricultural use.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

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

(2) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraph (1) above presented prior to 10:00 a.m. on November 2, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

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

4. Applications for these lands which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

JUNE 28, 1962.

[F.R. Doc. 62-6568; Filed, July 5, 1962; 8:54 a.m.]

[Arizona 030565]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands, Amendment

By reason of amendment to Application for Withdrawal, Arizona 030565, Notice of Proposed Withdrawal and Reservation of Lands published as Federal Register Doc. 61-4582, appearing on page 4345 of the issue for Thursday, May 18, 1961, is hereby amended to eliminate therefrom the following described lands:

COCONINO NATIONAL FOREST

T. 21 N., R. 7 E., Gila and Salt River Meridian,
Sec. 28: SW¼SW¼, W½SE¼SW¼, W½E½SE¼SW¼.

and to change the last two paragraphs to read as follows:

The area described totals approximately 60 acres.

The entire area comprises 1,546.00 acres.

As of 10 o'clock a.m., May 25, 1962, the above land became open to such forms of disposition as may by law be made of national forest lands.

FRED J. WEILER,
State Director.

JUNE 25, 1962.

[F.R. Doc. 62-6569; Filed, July 5, 1962; 8:54 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 27, 1962.

The United States Coast Guard, Department of the Treasury, has filed an application, Serial Number Sacramento 061495 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws and the mineral leasing laws, subject to existing valid claims. The applicant desires the land for aids to navigation sites.

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

ment, Department of the Interior, Land Office, 4201 U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

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: Point Stuart, Tract 40; Point Knox, Tract 41; Point Blunt, Tract 42; T. 1 S., R. 5 W., M.D.M., on Angel Island in San Francisco Bay, Marin County, California, according to official supplemental Plat of Survey filed in the Sacramento Land Office on September 13, 1961, embracing a total of 10.31 acres.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-6570; Filed, July 5, 1962; 8:54 a.m.]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 28, 1962.

The United States Forest Service, Department of Agriculture, has filed an application, Serial Number Montana 051694(SD) for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, subject to valid existing rights. The applicant desires the land for public campgrounds and development of recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

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

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

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Canyon Campground Recreation Site

T. 6 N., R. 2 E.,
Sec. 27, Lots 3 and 4.
Total Acres 77.87.

Rod and Gun Campground Recreation Site

T. 4 N., R. 1 E.,
Sec. 2, Lot 1.
Total Acres 54.62.

Pilot Knob Campground Area Extension

T. 2 N., R. 4 E.,
Sec. 1: SE¼SW¼, those portions lying outside the 660' road side withdrawal;
Sec. 12: NE¼NW¼, NW¼NE¼, those portions lying outside the 660' road side withdrawal.
Total Acres 80 (approximately).

Rockerville Campground Area Extension

T. 1 S., R. 6 E.,
Sec. 14, SE¼SW¼.
Total Acres 40.

Sanator Campground

T. 4 S., R. 4 E.,
Sec. 11, SE¼SE¼ (that portion east of the 330' Highway No. 385 roadside withdrawal—M-047492(SD));
Sec. 14, NE¼NE¼ (that portion east of the 330' Highway No. 385 roadside withdrawal—M-047492(SD)).
Total Acres 60 (approximately).

Geological Area Wonderland Cave

T. 4 N., R. 5 E.,
Sec. 27, E½SW¼, W½SE¼.
Total Acres 160.

R. P. RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62-6571; Filed, July 5, 1962; 8:54 a.m.]

[W-031017]

WYOMING

Order Providing for Opening of Public Lands

JUNE 29, 1962.

1. The State of Wyoming has certified that the hereinafter described lands patented to the State under the provisions of section 4 of the Act of August 18, 1894 (28 Stat. 422, 43 U.S.C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for irrigation of these tracts. The State of Wyoming, therefore, has reconveyed the lands to the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 111 W.,
Sec. 18, SE¼SW¼.
T 30 N., R. 112 W.,
Sec. 13, SE¼NE¼.

containing 80 acres of public.

2. The lands are semi-arid, but have value for grazing. Vegetation consists of sagebrush and native grasses and weeds. Topography is rolling, and soils are silts and sandy loams.

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

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the classes enumerated as follows:

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

(2) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) above presented prior to 10:00 a.m. on August 1, 1962, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on August 1, 1952.

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

6. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Chief, Division of
Lands and Minerals.

[F.R. Doc. 62-6572; Filed, July 5, 1962; 8:54 a.m.]

[Group No. 461]

CALIFORNIA

Notice of Filing of Plat of Survey

JUNE 29, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10 a.m., on July 25, 1962:

SAN BERNARDINO MERIDIAN

T. 22½ N., R. 6 E.,
Sec. 19: Lots 1 to 5 incl., S½SE¼, SE¼SW¼;
Sec. 20: Lots 1 to 4 incl., S½S½;
Sec. 21: Lots 1 to 4 incl., S½S½;
Sec. 22: Lots 1 to 4 incl., S½S½;
Sec. 23: Lots 1 to 4 incl., S½S½;
Sec. 24: Lots 1 to 5 incl., SW¼SE¼, S½SW¼;
Sec. 25: Lots 1 to 4 incl., W½E½, W½;
Sec. 26 to 29 incl., All;
Sec. 30: Lots 1 to 4 incl., E½W½, E½;
Sec. 31: Lots 1 to 4 incl., E½W½, E½;
Sec. 32 to 35 incl., All;
Sec. 36: Lots 1 to 4 incl., W½E½, W½.

The area described aggregates 9,170.25 acres.

2. The survey was made to represent retracement and re-establishment of the north boundary of T. 22 N., R. 6 E., the south boundary of T. 23 N., R. 6 E., and a portion of the west boundary of T. 23 N., R. 6 E., SBM. It was designed to restore the corners to their true original location and to survey the east and west boundaries and subdivisional lines of fractional T. 22½, N., R. 6 E., SBM.

3. Except for and subject to valid existing rights, it is presumed that title to sec. 36 of this township and range passed to the State of California upon acceptance of the above-mentioned plat of survey. The area described aggregates 636.66 acres.

4. Land use characteristics: The subject lands are located in southeastern Inyo County, California, about 5 miles north of the town of Shoshone.

The topography is extremely rough and mountainous in the western part, becoming more level in the eastern half. The lands are dissected by numerous washes which are a part of the drainage from the Greenwater Range to the west. Vegetation is sparse, consisting of Creosote bush, Desert Holly, Greasewood, sagebrush, and annual grasses. The land has no known use.

5. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of applicable laws, rules, and regulations.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

7. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414—8th Street, P.O. Box 723, Riverside, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-6600; Filed, July 5, 1962; 9:00 a.m.]

Geological Survey

REGIONAL OIL AND GAS SUPERVISORS

Delegation of Authority With Respect to Approval of Communitization or Drilling Agreements

SECTION 1. Approval of communitization or drilling agreements. The authority to give final approval to communitization or drilling agreements submitted for approval in accordance with 43 CFR 192.22, which was delegated to the Director, Geological Survey by Departmental Order No. 2365 of October 8, 1947, is hereby redelegated to the Regional Oil and Gas Supervisors of the Geological Survey.

SEC. 2. Any person aggrieved by the action of a Regional Oil and Gas Supervisor may appeal to the Director of the Geological Survey and from his decision to the Secretary of the Interior pursuant to the provisions of 30 CFR 221.66.

THOMAS B. NOLAN,
Director, Geological Survey.

Approved: June 14, 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6567; Filed, July 5, 1962; 8:53 a.m.]

Office of the Secretary

[Order 2867]

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Delegation of Authority To Negotiate a Contract for Radio Equipment

JUNE 28, 1962.

SECTION 1. *Delegation.* The Administrator, Southwestern Power Administration, is authorized to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate without advertising, under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), a contract for 24 VHF Mobile Radio Transmitter-Receivers, because no responsive bids were received pursuant to formal bid procedures, and further efforts to secure responsive bids through advertising would be impracticable.

SEC. 2. *Exercise of authority.* The authority granted in section 1 of this order may not be redelegated and shall be subject to all provisions of Title III of the Act with respect to negotiated contracts and to all other provisions of law.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6579; Filed, July 5, 1962; 8:56 a.m.]

DIRECTOR, NATIONAL PARK SERVICE

Delegation of Authority

JUNE 26, 1962.

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual signed by the Acting Secretary, James K. Carr, June 26, 1962.

Secretary's Order Number 2640 is revoked.

Redelegation of authority by the Director pursuant to the Secretary's order superseded by this release, shall continue in force for 90 days unless sooner revoked or superseded.

PART 245—NATIONAL PARK SERVICE

CHAPTER 1—GENERAL PROGRAM DELEGATION DIRECTOR, NATIONAL PARK SERVICE

245.1.1 *Delegation.* A. The Director, National Park Service is authorized except as provided in 200 DM 2.1 to exercise the program authority of the Secretary of the Interior with respect to the supervision, management, and operation of the National Park System; historic sites and buildings; archeological salvage; and the preservation of American antiquities.

B. The Director is authorized to issue such rules and regulations as would amend by addition, revision or revocation, special regulations contained in Part 7, Chapter I, Title 36 Code of Federal Regulations.

245.1.2 *Limitation.* A. The following authority is not delegated in the general authority listed in 245 DM 1.1:

(1) Any actions, not within the general policies, procedures and regulations established by the Secretary.

(2) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(3) Authority related to functions and responsibilities under the Act of June 23, 1936 (49 Stat. 1894) which have been or may be reserved by the Secretary.

B. The following authorities may be redelegated only to headquarters officials and regional directors:

(1) Authorization and issuance of revokable permits:

(a) For the construction of roads, trails, paths, or other ways, over, across or upon any Federally owned land within a park or monument;

(b) For granting permission to any person to reside on Federally-owned land within a park or monument;

(c) For the erection or maintenance of buildings or other structures on Federally-owned land within a park or monument;

(d) For the construction of private or public utility lines over, through, or under any Federally-owned land within any park or monument.

C. The following authority may be redelegated only to regional directors and superintendents of parks:

(1) Authority to amend by addition, revision, or revocation, special regulations contained in Part 7, Chapter I, Title 36 Code of Federal Regulations.

JAMES K. CARR,
Acting Secretary of the Interior.

[F.R. Doc. 62-6577; Filed, July 5, 1962; 8:55 a.m.]

[Order 2866]

COMMISSIONER, BUREAU OF INDIAN AFFAIRS

Delegation of Authority to Negotiate Contracts for Purchase of Equipment for Adapting of Road Building Equipment

JUNE 28, 1962.

SECTION 1. *Delegation.* The Commissioner of Indian Affairs is authorized, subject to section 3 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017), to negotiate without advertising a contract under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), for the purchase and

installation of four (4) Euclid scrapers and four (4) Euclid hydraulic units for the conversion of four (4) Euclid Bottom Dump Tractor Trailers to tractor-scraper units.

SEC. 2. *Exercise of authority.* The authority delegated by section 2 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by the order does not include authority to make advance payments under section 305 of the Act.

SEC. 3. *Redelegation.* The authority delegated by section 1 may not be redelegated.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6578; Filed, July 5, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 304]

"AUSTIS" WARENHANDELSGESELLSCHAFT AND OTTO GOLDEBAND

Default Order Denying Export Privileges

In the matter of "Austis" Warenhandelsgesellschaft and Mr. Otto Goldeband, Koestlergasse 11/13, Vienna VI, Austria, Respondents, Case No. 304.

The Director, Investigations Staff, Bureau of International Programs, of the United States Department of Commerce, by letter dated January 10, 1962, charged the respondents, "Austis" Warenhandelsgesellschaft and Otto Goldeband, with violations of the Export Control Act of 1949 as amended, and the regulations issued thereunder. References herein to Goldeband or respondents refer to Goldeband and "Austis" Warenhandelsgesellschaft collectively.

The charging letter alleged, in substance, that three electronics instruments which originally had been exported from the United States and which were subject to the United States Export Control Laws were delivered to a consignee in Munich, Federal Republic of Germany; that Goldeband purchased these instruments from said consignee knowing that they originally had been exported from the United States and were thereby subject to the Export Control Laws; that Goldeband represented to said consignee that these instruments would be transported to Austria and would remain there and would not be re-exported to a Communist bloc country; that said consignee, in writing, notified Goldeband that these instruments were not to be re-sold to Soviet bloc countries; that Goldeband knew when he represented to the consignee that the instruments were to remain in Austria that the instruments were to be delivered to Hungary, a Soviet bloc destination; and that Goldeband, contrary to his representations, and with the specific knowledge that the instruments were not to be delivered to a Soviet bloc destination, did knowingly cause the instruments to be delivered to a firm in Budapest, Hungary. It was further charged that, during the course of the investigation by the United States Government into the facts and whereabouts of the instruments, Goldeband falsely represented that he knew nothing about having received them from the consignee and that during the investigation Goldeband stated that he was not interested and did not recognize any foreign export trade laws in the conduct of his business. It was charged that the respondent had violated §§ 381.2, 381.4, 381.5 and 381.6 of the United States Export Regulations.

Service of the charging letter was duly effected upon respondents in accordance with procedures authorized in § 382.3(b) of the Export Regulations. No response was received and the respondents were considered to be in default. In accordance with the practice, the case was assigned to the Compliance Commissioner for default proceedings under § 382.4 of the Export Regulations.

The Compliance Commissioner received the evidence in the case and reported the findings to the effect that the evidence fully substantiated the charges, and he recommended that the respondents, as well as "Austis" Chemometall Warenhandelsgesellschaft (also known as "Austis" Chemometall) a related party, be denied all United States export privileges so long as the United States export controls remain in effect.

After considering the entire record consisting of the charges, the evidence submitted in support thereof, and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

(1) At all times hereinafter mentioned, the respondent, Otto Goldeband, was the owner or partner, and manager of "Austis" Warenhandelsgesellschaft, with a place of business in Vienna, Austria. The said respondent, Goldeband, has at times in the past and in connection with the transactions in question done business under the name and style of "Austis" Chemometall or "Austis" Chemometall Warenhandelsgesellschaft.

(2) In July 1960, a United States manufacturer of electronics instruments shipped to its bonded warehouse in Geneva, Switzerland, under validated licenses three electronics instruments. On or about August 18, 1960, said supplier shipped said instruments to its subsidiary in Frankfurt, West Germany, after which said subsidiary sold and shipped said instruments to a consignee in Munich, West Germany .

(3) On or about September 2, 1960, said consignee sold and delivered said instruments to Goldeband in Vienna, Austria, under an order previously given by Goldeband to consignee.

(4) It was a violation of the United States Export Control Law and the Regulations thereunder to re-export said instruments to a Soviet bloc country. At the time Goldeband received delivery of said instruments, he knew that it would be a violation of said law and regulations to permit said instruments to be re-exported to a Soviet bloc country. Further, the said consignee orally and also in writing informed Goldeband that it would be a violation of said laws and regulations to ship said instruments to a Soviet bloc country and the consignee received assurances from Goldeband that said instruments would not be shipped outside of Austria.

(5) After Goldeband received said instruments in Vienna, he re-exported them, or caused them to be re-exported, to a firm called Electroimpex, located in Budapest, Hungary, a Soviet bloc destination. At the time that Goldeband assured the consignee that the instruments would remain in Austria and would not be transported outside of that country he knew that such representations were false and he intended, at that time, to re-export them to Hungary.

(6) During the course of the official investigation by representatives of the United States Government concerning the disposition and whereabouts of said instruments, Goldeband, in June 1961, falsely represented that he had no knowledge of having received said instruments. He also stated that he did not recognize any export trade laws other than those of Austria in the conduct of his business. In September 1961, when Goldeband was aware of the fact that the United States Government had evidence as to the delivery of said instruments to him by the consignee above referred to, he admitted having received them and also admitted having shipped them to Hungary.

From these findings I have reached the following conclusions:

That by the foregoing actions the respondents:

(a) Knowingly caused, induced, procured and permitted the doing of acts which were prohibited by the United States Export Control Laws and Regulations thereunder, in violation of § 381.2 of the Export Regulations.

(b) Bought, received, sold and disposed of exportations from the United States with knowledge that violations of the Export Control Law had occurred with respect to such exportations, in violation of § 381.4 of the Export Regulations.

(c) Made false and misleading representations and statements to and concealed material facts from officials of a United States Agency in the course of an investigation instituted under authority of the Export Control Act, in violation of § 381.5 of the Export Regulations.

(d) Knowingly re-exported, diverted, and transshipped commodities to persons and destinations contrary to prior representations and notifications of prohibition against such actions and the United States Export Control Law, in violation of § 381.6 of the Export Regulations.

It is concluded that the recommended action is fair, just and necessary to achieve the effective enforcement of the law. In view of Goldeband's affiliation, ownership, control, and position of responsibility with "Austis" Chemometall Warenhandelsgesellschaft (also

known as "Austis" Chemometall) this order is also to be effective against said firm and for the purposes of this order said firm is considered as a respondent:

It is hereby ordered:

I. All outstanding licenses in which any of the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. So long as export controls shall be in effect all of the named respondents and each of them hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related partly directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: June 25, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62-6598; Filed, July 5, 1962; 8:59 a.m.]

[Case No. 291]

WILLI GROH, G.m.b.H.

Order Conditionally Restoring Export Privileges

In the matter of Willi Groh, G.m.b.H., Schwanthalerstrasse 73, Munich 15, Germany; respondent.

Pursuant to an order of the Bureau of Foreign Commerce (now the Bureau of International Programs) dated June 16, 1961 (26 F.R. 5719, June 27, 1961) the respondent Willi Groh, G.m.b.H., was denied all export privileges so long as export controls remain in effect. The respondent has now applied to the Compliance Commissioner in the Office of Export Control in accordance with the requirements of § 382.4(b) of the Export Regulations contesting the order against it and has sought to have its default set aside and the order vacated. The application was supported by various relevant documents submitted at the same time.

The Compliance Commissioner has reported that though he adheres to his original conclusions of fact, because of the additional factual information submitted by respondent with the application, he recommends the entry of an order conditionally restoring all export privileges to the respondent. The undersigned, after carefully considering the entire record herein, and being of opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations:

It is hereby ordered, That effective forthwith all export privileges heretofore denied to the respondent are restored to it, upon the condition that so long as export controls are in effect, the respondent and all its officers and employees shall fully comply with the requirements of the Export Control Act of 1949, as amended, and the Export Regulations issued thereunder. If, however, at any time hereafter, it be found by the Director of the Office of Export Control or such other officer as may at that time be exercising the functions now exercised by him, upon evidence submitted to him ex parte and without notice to the respondent, that respondent, its officers or employees have knowingly failed to comply with any requirements of the Export Control Act of 1949, as amended and all regulations, licenses or orders issued thereunder, such officer may, without notice to the respondent, enter an order vacating this order and reinvoking the order of June 16, 1961. If such an order be entered, the respondent may apply for a hearing for the purpose of having such action reconsidered and, in the event of an adverse ruling the respondent shall have any right of appeal or review of such order as may at that time be available to similarly situated persons aggrieved by export denial orders.

Dated: June 29, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-6603; Filed, July 5, 1962; 9:00 a.m.]

Office of the Secretary

[Dept. Order 85 (Revised)]

BUREAU OF THE CENSUS

Organization and Functions

The following order was issued by the Secretary of Commerce on June 21, 1962. The material appearing in 25 F.R. 9693-9695 of October 8, 1960; 26 F.R. 6745 of July 27, 1961, is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Bureau of the Census.

SEC. 2. *Organization.* .01 The Bureau of the Census is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Director of the Census appointed by the President, by and with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The Bureau of the Census shall be constituted as follows:

Director.
Deputy Director:
  International Statistical Programs Office.
  Public Information Office.
Assistant Director for Economic Fields:
  Business Division.
  Construction Statistics Division.
  Foreign Trade Division.
  Governments Division.
  Industry Division.
  Transportation Division.
Assistant Director for Demographic Fields:
  Agriculture Division.
  Demographic Surveys Division.
  Foreign Demographic Analysis Division.
  Housing Division.
  Population Division.
  Statistical Methods Division.
Assistant Director for Research and Development:
  Economic Research and Analysis Division.
  Statistical Reports Division.
  Statistical Research Division.
Assistant Director for Operations:
  Demographic Operations Division.
  Data Processing Systems Division.
  Economic Operations Division.
  Geography Division.
  Jeffersonville Census Operations Office.
Assistant Director for Administration:
  Administrative Service Division.
  Budget and Management Division.
  Field Division.
  Personnel Division.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the

Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby authorized to perform the functions and duties of the Secretary under Title 13, United States Code, and that part of Chapter 5, Title 15, United States Code relating to the collection, compilation and publication of statistics and any subsequent legislation with respect to the collection, tabulation, analysis, publication and dissemination of statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States and its possessions.

.02 The Director, Bureau of the Census, may redelegated and authorize the successive redelegation of the authority granted herein to any employee of the Bureau of the Census and may prescribe such limitations, restrictions, and conditions in the exercise of such authority, as he deems appropriate.

SEC. 4. *General functions and responsibilities.* .01 The Bureau of the Census shall, in cooperation with business, industry and other Government and private organizations, be responsible as prescribe by legislation and delegation by the Secretary, for the collection, processing, and analysis of statistical data, and the publication and dissemination of the resulting statistics for use by business, Government agencies, and the public in establishing policies and otherwise guiding their social, economic, commercial, and industrial activities.

.02 The Bureau of the Census shall conduct basic and applied research and development activities directed toward improving quality, lowering costs, and more effective interpretation of censuses and surveys.

.03 The Bureau of the Census conducts research projects and prepares reports, special tabulations, monographs, and special studies on selected phases of domestic and foreign trade, business services, industry, transportation, construction, agriculture, population, housing, and Federal, State, and local governments.

.04 The Bureau of the Census is responsible for providing the necessary skills and services to function as the Department's principal statistics collecting, tabulating and data processing agency.

SEC. 5. *Functions of the Office of the Director.* .01 The Director determines policies and directs the programs of the Bureau of the Census, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bureau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies, with due recognition of the programs developed and regulations issued by the Bureau of the Budget.

.02 The Deputy Director is the principal assistant to the Director, Bureau of the Census, and shares with him generally in the direction of the Bureau. In addition, the Deputy Director directs the activities of the International Statistical Programs Office, and the Public Information Office whose functions are:

1 International Statistical Programs Office plans and conducts the Bureau's foreign consultation and training programs and represents the Bureau in international statistical activities; conducts research on international statistical problems of methodology and content and coordinates other research of similar nature in the Bureau; and assembles, through foreign publications, exchange data for use by the Government and the public and provides statistical information to foreign governments and international organizations.

2 Public Information Office, subject to the policy and direction of the Director, Office of Public Affairs, plans and directs the Bureau of the Census public information programs designed to publicize through various appropriate public information media general information concerning forthcoming censuses and surveys for purposes of facilitating data collections and providing statistical information of general interest to the public and special statistical information of value to public and private organizations including business firms and chambers of commerce.

.03 The Assistant Director for Economic Fields is responsible for advising the Director as to necessary and feasible statistical programs in the economic fields, executing the policies established by the Director in these fields; and directing the activities of the Business, Construction Statistics, Foreign Trade, Governments, Industry and Transportation Divisions whose functions are:

1 Business Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to the characteristics and operations of business enterprises engaged primarily in the distribution of goods and services; conducts research on the nature and extent of needs for, and other pertinent aspects of, business statistics; and prepares analytical and interpretive reports, monographs, and special studies.

2 Construction Statistics Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from current surveys relating to building permits and various aspects of the constructon industry; conducts research into the nature and sources of available construction data in the field; and prepares special analytical and interpretive reports, monographs, and special studies.

3 Foreign Trade Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; conducts research on problems of international comparability of statistics; and prepares special reports, monographs and studies on selected phases of foreign trade.

4 Governments Division formulates and develops over-all plans and programs for, and collects, processes and prepares for dissemination statistical data from special and current surveys and censuses relating to pertinent aspects of State and local governments; conducts research on particular aspects of governmental operations and finances; and prepares special analytical and interpretive reports, monographs, and special studies.

5 Industry Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to the characteristics and operations of manufacturing, mineral industries, and related industries; conducts research on the nature and extent of needs for, and other pertinent aspects of, industrial statistics; and prepares special analytical and interpretive reports, monographs, and special studies.

6 Transportation Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from surveys or censuses relating to the transportation industry and various segments thereof, and collaborates, as appropriate, with public and private agencies in the field of transportation on the development and presentation of these data.

.04 The Assistant Director for Demographic Fields is responsible for advising the Director as to necessary and feasible statistical programs in the demographic fields, executing the policies established by the Director in these fields, and directing the activities of the Agriculture, Demographic Surveys, Foreign Demographic Analysis, Housing, Population, and Statistical Methods Divisions whose functions are:

1 Agriculture Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to the general characteristics of agriculture, agricultural activities and agricultural products as well as irrigation and drainage enterprises and cotton ginning; conducts analytical research for the regular census reports and special interpretive analysis; and prepares special analytical reports, monographs and special studies.

2 Demographic Surveys Division plans and develops specifications, survey design and methodology for, and provides technical direction over the development of, statistical data collected in current surveys and special censuses in the Demographic Fields; and conducts surveys and methodology studies for other agencies.

3 Foreign Demographic Analysis Division conducts highly specialized studies of foreign population and manpower, involving the collection, compilation and evaluation of relevant data; prepares estimates and projections; and prepares special analytical and interpretive reports and monographs.

4 Housing Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to general housing character-

istics; conducts analytical research for the regular census reports and special interpretive analysis; and prepares special analytical and interpretive reports, monographs and special studies.

5 Population Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to people and their characteristics; conducts analytical research for the regular census reports and special interpretive analysis; and prepares special analytical and interpretive reports, monographs, and special studies.

6 Statistical Methods Division develops and coordinates the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.05 The Assistant Director for Research and Development is responsible for advising the Director with regard to proposed plans and programs of the Bureau to assure the statistical adequacy of proposed data collections and the application of appropriate statistical methods and appropriate economic principles; executing the policies established by the Director in these areas; formulating and coordinating research in the fulfillment of these responsibilities; developing uniform statistical classification systems between divisions; recommending statistical standards for the programs of the Bureau; providing staff assistance in the review and drafting of legislation affecting Bureau activities; and directing the activities of the Economic Research and Analysis, Statistical Reports, and Statistical Research Divisions whose functions are:

1 Economic Research and Analysis Division conducts economic research and analysis directed at meeting the changing requirements of the economy for statistical intelligence, and performs staff functions on program planning in the Bureau. Stimulates Bureau programs to provide timely and accurate statistical information for making and implementing policy decisions on such major economic issues as recovery and recession, long-term economic growth, chronically distressed areas, structure of economic enterprises, and the like.

2 Statistical Reports Division develops, coordinates and advises on all aspects of statistical publication standards and statistical presentation practices of the Bureau; provides staff services for Advisory Committees; advises on new or proposed legislation affecting Bureau programs or statistical practices; prepares the Statistical Abstract of the United States and its supplements and the documentation of statistical technology and results of major Census programs.

3 Statistical Research Division develops and promotes effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conducts research in these areas; provides guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other agencies on all aspects of mathematical, statistical, and research problems.

.06 The Assistant Director for Operations is responsible for advising the Director as to mass tabulating and processing techniques, and geographic concepts for statistical programs of the Bureau; executing the policies established by the Director in these fields; and directing the activities of the Demographic Operations, Data Processing Systems, Economic Operations, and Geography Divisions, and the Jeffersonville Census Operations Office whose functions are:

1 Demographic Operations Division plans and develops technical operational specifications and provides technical direction over the development of, and processes statistical data collected in the decennial censuses of population and housing, and the censuses of agriculture, irrigation and drainage and current surveys and special censuses in the demographic fields.

2 Data Processing Systems Division plans, coordinates and implements the Bureau's over-all electronic digital computer and mechanical tabulating systems activities in the processing of mass data and in the solution of mathematical and statistical problems; implements the application of new developments and techniques to systems of automation for the purpose of achieving maximum effectiveness and utilization of such systems in the Bureau's operations.

3 Economic Operations Division plans and develops technical operational specifications and provides technical direction over the development of, and collects and processes statistical data for, the censuses of Business, Governments, Manufactures, Transportation, and Mineral Industries and, as required, for current programs in these economic fields and foreign trade. This division also maintains a New York office to carry out phases of the processing of documents received from collectors of customs.

4 Geography Division plans, coordinates and administers a geography program providing all geographic services needed by the Bureau, especially those needed to facilitate the Bureau's field data collection programs, including the designation of administrative and statistical areas and prepares graphic materials to aid in the presentation of statistical data.

5 Jeffersonville Census Operations Office coordinates and directs statistical processing operations involving activities for which there is a functional counter-part of those organizations which report to the Assistant Director for operations; provides administrative type services for such other activities outside the operations area, if circumstances warrant the utilization of the facility; and exercises such authority in management areas as is specifically delegated.

.07 The Assistant Director for Administration is responsible for advising the Director as to necessary and feasible field programs, management policies, programs and actions in the management of the Bureau of the Census; for executing the policies established by the Director in these areas; for providing administrative direction over the Bureau's emergency planning program; and for directing and integrating into substantive statistical and operational programs of the Bureau the activities of the Administrative Service, Budget and Management, Field, and Personnel Divisions whose functions are:

1 Administrative Service Division plans, coordinates, and administers a broad intra-Bureau program of services including procurement and property management, records management, printing, and publications, library, communications, and such other administrative services as are necessary to facilitate the implementation of the Bureau's over-all programs; and administers through the Pittsburg, Kansas, field office a personal census service to provide individuals or their authorized representatives information about themselves as reflected by census records.

2 Budget and Management Division develops budget and fiscal standards and practices for the Bureau; coordinates and administers the allocation and control of all funds and prepares official Bureau budget estimates and justifications; plans and administers the Bureau's finance and accounting activities; develops and implements production standards and production planning, scheduling and control techniques for the Bureau's programs; and promotes sound administration in the conduct and coordination of general management improvement activities and the development and implementation of an internal administrative audit program.

3 Field Division plans, organizes, coordinates and directs the field data collection program; maintains and administers a flexible field organization through regional, district and other branch offices and provides for the effective deployment of personnel to assure the efficient conduct of data collection at the local level.

4 Personnel Division plans, develops and administers the Bureau's personnel management program including organization planning, position classification and pay administration, staffing, performance evaluation, employee training, employee relations and services, personnel records, processing and reporting and program evaluation.

SEC. 6. *Saving provision.* All rules, regulations, orders, certificates, directives and other actions issued by or relating to the Bureau of the Census or any official thereof shall remain in effect until amended or revoked by proper authority. Any reference in any rules, regulations, orders, certificates, directives, and the like to the Bureau of the Census shall not be affected by the issuance of this revised order.

Effective date: June 21, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

APPENDIX A—(REVISED)

BUREAU OF THE CENSUS—FIELD ORGANIZATION OFFICES

The location of the Field Organization Offices of the Bureau of the Census and the areas over which they have jurisdiction are as follows:

Name and location of field organization offices	*Regional limits*
Boston, Mass	The States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and the States of New York and Connecticut, excluding those counties assigned to the New York City Region.
New York, N.Y	New York City and adjacent counties in the States of New York, Connecticut, and New Jersey.
Philadelphia, Pa	The States of Pennsylvania, Maryland, Delaware and the State of New Jersey, excluding those counties assigned to the New York City Region.
Charlotte, N.C	The States of Virginia, West Virginia, North Carolina, South Carolina, Kentucky, and northeastern part of the State of Tennessee.
Atlanta, Ga	The States of Mississippi, Alabama, Georgia, Florida, and the State of Tennessee, excluding the northeastern part of the State assigned to the Charlotte Region.
Detroit, Mich	The States of Michigan and Ohio.
Chicago, Ill	The States of Illinois and Indiana.
St. Paul, Minn	The States of North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa, Nebraska, Kansas, and Missouri.
Dallas, Tex	The States of Oklahoma, Arkansas, Texas, and Louisiana.
Denver, Colo	The States of Wyoming, Utah, Colorado, Arizona, New Mexico, and southern half of the State of Idaho.
Los Angeles, Calif	The States of California, Nevada, and Hawaii.
Seattle, Wash	The States of Washington, Oregon, Montana, Alaska, and northern half of the State of Idaho.

[F.R. Doc. 62-6604; Filed, July 5, 1962; 9:01 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14678-14682; FCC 62-661 corrected]

DENISON BROADCASTING CO. (KDSN) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Denison Broadcasting Company (KDSN), Denison, Iowa, has 1580 kc, 500 w, DA, Day, requests 1530 kc, 500 w, Day, Docket No. 14678, File No. BP-14189; Norton Broadcasting, Inc., Norton, Kansas, requests 1530 kc, 1 kw, Day, Docket No. 14679, File No. BP-14239; David N. Osborne, Lincoln, Nebraska, requests 1530 kc, 500 w, Day, Docket No. 14680, File No. BP-14764; H & M Broadcasting Co., Lincoln, Nebraska, requests 1530 kc, 1 kw, 500 w (CH), Day, Docket No. 14681, File No. BP-14983; Modern Air Communicative Electronics, Inc., Lincoln, Nebraska, requests 1530 kc, 1 kw, 500 w (CH), Day, Docket No. 14682, File No. BP-15075; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Lancaster County Broadcasting Company, Lincoln, Nebraska, requests 1530 kc, 5 kw, DA, Day, Docket No. 14683, File No. BP-15083; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

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

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

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

1. The above-captioned and described proposals involve mutual interference.

2. Based on information submitted by the applicants herein, each proposal appears to violate the provisions of § 3.28 (d) (3) of the Commission rules.

3. It cannot be determined that the proposed antenna system of David N. Osborne (BP-14764) would be reasonably free of deleterious effects from nearby structures which may result in serious distortion of the proposed nondirectional radiation pattern.

It further appearing, that in the event of a grant of the proposal of David N. Osborne (BP-14764), H & M Broadcasting Co. (BP-14983), Modern Air Communicative Electronics, Inc. (BP-15075), or Lancaster County Broadcasting Company (BP-15083), the construction permit shall be conditioned on acceptance of interference that may result from a grant of the application of City and Farm Broadcasting, Incorporation (BP-14419), Columbus, Nebraska, and should the said City and Farm application be granted it will be conversely conditioned; and

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

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Norton Broadcasting, Inc., David N. Osborne, H & M Broadcasting Co., Modern Air Communicative Electronics, Inc. and Lancaster County Broadcasting Company, and the availability of other primary service to such areas and populations.

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

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received by each of the proposals herein from the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (d) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the transmitter site proposed by David N. Osborne is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Lincoln, Nebraska should be favored, which of the proposals would best serve the public interest, convenience and necessity in light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

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

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

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

8. To determine, in the light of the evidence adduced pursuant to the fore-

going issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the applications of David N. Osborne, H & M Broadcasting Co., Modern Air Communicative Electronics, Inc., or Lancaster County Broadcasting Company, the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the City and Farm Broadcasting Incorporation application (BP-14419), Columbus, Nebraska.

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

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

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 2, 1962.

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

[F.R. Doc. 62-6605; Filed, July 5, 1962; 9:01 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13329 etc.]

AIR BUS TARIFFS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 24, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order E-17917, dated January 9, 1962, and Board Order E-18205, dated April 11, 1962; the Prehearing Conference Report served May 25, 1962; and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 29, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-6616; Filed, July 5, 1962; 9:02 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1062]

U.S. FLAG CARRIERS IN GULF-MEDITERRANEAN TRADE

Notice of Investigation, Prehearing Conference, and Hearing

On June 27, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, an agreement has been filed for approval between Isthmian Lines, Inc.; Kulukundis Maritime Industries Inc.; Waterman Steamship Corporation; Lykes Bros. Steamship Co., Inc.; T. J. Stevenson & Co., Inc.; Central Gulf Steamship Corporation, General Shipping & Trading Corporation and Compania Maritima Unidas, S.A., (three (3) carriers operating as the Central Gulf Lines joint service operating under approved Agreement 8342, as amended); Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation, (three carriers operating as the Levant Line joint service under approved Agreement 7812, as amended); and States Marine Lines, Inc. and Global Bulk Transport Corporation (two carriers operating as the States Marine Line joint service under approved Agreement 7628, as amended); which has been assigned Federal Maritime Commission Agreement Number 8765; and

Whereas, under said agreement, T. J. Stevenson & Company, Inc., Kulukundis Maritime Industries, Inc., and the carriers comprising the Levant Line joint service, not being members of the Gulf/Mediterranean Ports Conference, have agreed with Isthmian Lines, Inc., Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation, and the carriers comprising the Central Gulf Lines and the States Marine Lines joint services, all being members of said Conference, to observe the rates, rules and regulations of the Gulf/Mediterranean Ports Conference Tariffs No. 6 and 7, as said tariffs apply to the following commodities:

Cornmeal, in bags,
Cornmeal, in barrels, boxes or cases,
Wheat, in bags,
Flour, Wheat, in bags,
Flour, Wheat, in barrels, boxes or cases,
Milk, Powered skimmed, "For charitable purposes only—not for resale",
Shortening,
Rice, clean in bags, and
Rice, clean in bales or cartons;

and

Whereas, the foregoing commodities move primarily under the cargo preference laws of the United States, which require that such cargoes must be shipped at least 50 percent on American Flag vessels; and

Whereas, under said agreement T. J. Stevenson & Company, Kulukundis Maritime Industries, Inc., and the carriers comprising the Levant Line joint service, will be free to establish rates on all other commercial cargoes, independently of any rates set forth in the Gulf/Mediterranean Ports Conference Tariff; and

Whereas, such agreement may be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or contrary to the public interest, or in violation of the Shipping Act, 1916; now therefore,

It is ordered, That, pursuant to section 15 of the Shipping Act, 1916, as amended, the Commission, upon its own motion enter upon an investigation and hearing for the taking of evidence to determine whether Agreement 8765, if approved, (1) would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, within the meaning of section 15 of the Shipping Act, 1916; (2) would subject any particular person, locality, or description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (3) would be in violation of any other provision of said Act; and (4) whether said agreement should be approved, disapproved, or modified in any respect, pursuant to said section 15; and

It is further ordered, That Isthmian Lines, Inc.; Kulukundis Maritime Industries, Inc.; Waterman Steamship Corporation; Lykes Bros. Steamship Co., Inc.; T. J. Stevenson & Co., Inc.; Central Gulf Steamship Corporation, General Shipping & Trading Corporation and Compania Maritima Unidas, S.A. (Central Gulf Lines joint service); Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation (Levant Line joint service); and States Marine Lines, Inc. and Global Bulk Transport Corporation (States Marine Lines joint service) be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place

to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That action with respect to Agreement 8765 be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents, and on any other parties to this proceeding.

Pursuant to the above order, notice is hereby given that a prehearing conference herein will be held before an examiner of the Commission's Office of Hearing Examiners, on July 11, 1962, beginning at 10 a.m., e.d.s.t., in Room 4458, New G.A.O. Building, 441 G Street NW., Washington, D.C. The hearing herein ordered will be held at a date and place to be hereafter determined and announced, and will be conducted in accordance with the Commission's rules of practice and procedure. An initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of the Commission's rules of practice and procedure.

Dated: July 2, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6617; Filed, July 5, 1962; 9:02 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15285 etc.]

CHRISTIE, MITCHELL AND MITCHELL CO., ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 28, 1962.

Christie, Mitchell and Mitchell Co., Docket No. G-15285; Christie, Mitchell and Mitchell Co., Docket No. G-15286; Webster & Ware Oil & Gas Company, Docket No. CI62-317; Trigood Oil Company, Docket No. CI62-1072; Jack London, Jr., Docket No. CI62-1147; Akron Gasoline Company (Operator), et al., Docket No. CI62-1149; Akron Gasoline Company (Operator), et al., Docket No. CI62-1150; Ralph E. Davis, Docket No. CI62-1175; Gulf Oil Corporation, Docket No. CI62-1176; J. Glenn Turner and William G. Webb, Docket No. CI62-1177; R. S. Shannon, Docket No. CI62-1192; Kimbark Exploration Company (Operator), et al., Docket No. CI62-1217.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No., Location, Purchaser, Docket No. in Which Sale Was Authorized, and Reason for Abandonment

G-15285; H. Pickering Lease, Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company; G-3750; depletion.

G-15286; R. M. Ward Lease, Orange Hill Field, Austin County, Tex.; Tennessee Gas Transmission Company; G-7337; depletion.

CI62-317; unidentified acreage in W. Va.; South Penn Oil Company; application for certificate authorization never filed; depletion.

CI62-1072; Duncan and Tetsell Leases, Divide Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company; G-10560; depletion.

CI62-1147; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Company, CI61-1718; Applicant's interests in property sold to gas purchaser.

CI62-1149; Akron Gasoline Company Plant, Washington County, Colo.; Kansas-Nebraska Natural Gas Company; G-15914; depletion.

CI62-1150; Akron Gasoline Company Plant, Washington County, Colo.; Kansas-Nebraska Natural Gas Company; G-12172; depletion.

CI62-1175; South Blanco, Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Company; G-4876; Applicant's interests in property sold to gas purchaser.

CI62-1176; Gillam Draw Unit-Federal, Rio Blanco County, Colo.; El Paso Natural Gas Company; G-13571; depletion.

CI62-1177; Kutz Canyon, Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Company; Application for certificate authorization pending in Docket No. G-9999; [1] Applicant's interests in property sold to gas purchaser.

CI62-1177; Blanco Mesaverde Field, Rio Arriba County, N. Mex.; (same as preceding).

CI62-1192; Hiawatha Field, Sweetwater County, Wyo.; Mountain Fuel Supply Company; G-11014; Applicant's interests in property sold to gas purchaser.

CI62-1217; Elm Grove Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company; CI61-1651; depletion.

In each case, except in Docket CI62-317, the Applicant filed a notice of cancellation of its related FPC gas rate schedule. Applicant in Docket No. CI62-317 never filed a rate schedule nor had authorization to make the sale proposed to be abandoned.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6553; Filed, July 5, 1962; 8:49 a.m.]

[1] No temporary authorization has been granted in this docket.

[Docket Nos. CP62-167, CP62-175]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND UNITED GAS PIPELINE CO.

Notice of Application and Date of Hearing

JUNE 28, 1962.

Take notice that on January 16, 1962, as supplemented on April 18, 1962, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase the daily design sales capacity of its pipeline system, all as more fully set forth in the application, as supplemented, which is on file with the Comission and open to public inspection.

Natural seeks authorization to construct and operate the following facilities:

1. Approximately 31.29 miles of 30-inch pipeline partially looping Natural's existing pipeline system in San Jacinto, Panola, Rusk, Harrison, and Marion Counties, Texas; Lawrence County, Arkansas; and Marion, Fayette, and Livingston Counties, Illinois;

2. An addition of 370 BHP for a total of 1320 BHP compressor horsepower at Applicant's Polk County Booster Station; and

3. Miscellaneous facilities appurtenant to those above described.

The application in Docket No. CP62-167 states that the proposed facilities will be used in meeting additional contract demands of The Peoples Gas Light and Coke Company and Illinois Power Company beginning in the winter season of 1962-1963.

The estimated cost of the facilities proposed in Docket No. CP62-167 is $3,305,000, which will be financed from installment term loans.

Take further notice that on January 29, 1962, United Gas Pipe Line Company (United), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-175 an application pursuant to section 7(c) of the Natural Gas Act for a cer-

tificate of public convenience and necessity authorizing the sale and delivery of natural gas to Natural Gas Pipeline Company of America pursuant to an agreement between United and Natural dated December 12, 1951, all as more fully set forth in the application in Docket No. CP62–175 which is on file with the Commission and open to public inspection.

United proposes to sell to Natural an additional 25,000 Mcf of gas per day at United's Goodrich Compressor Station in Polk County, Texas, for resale as described in Natural's application in Docket No. CP62–167. United states that the subject sale and delivery will not require the construction of additional facilities and that during each of the first three years of operation United will sell and deliver to Natural approximately 6,570,000 Mcf of gas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6556; Filed, July 5, 1962; 8:49 a.m.]

[Project No. 2313]

CITY OF WRANGELL, ALASKA

Notice of Application for Preliminary Permit

JUNE 28, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by City of Wrangell, Alaska (correspondence to City of Wrangell, P.O. Box 531, Wrangell, Alaska, attention of James S. Evans, City Manager) for a preliminary permit for proposed waterpower Project No. 2313, designated by applicant as "Virginia Lake Hydro-electric Project", to be located on Mill Creek and Virginia Lake in the First Judicial Division, State of Alaska, seven air miles east of Wrangell, affecting lands of the United States within the Tongass National Forest, and to consist of a dam 600 feet long, across Mill Creek about 900 feet downstream from the outlet of Virginia Lake, having a crest elevation at 145 feet and raising the lake elevation to approximately 140 feet, to provide 40,000 acre-feet of usable power storage; fixed spillway; intake structure; 1,700-foot conduit to surge tank; 500-foot penstock to power containing a 4,000-horsepower turbine connected to a 3,000-kilovolt-ampere generator; 1.25 miles of access road; 2 miles of submarine cable across Eastern Passage; 5 miles of conventional transmission to City of Wrangell and all other necessary appurtenances.

While no construction authorized under a preliminary permit, such a permit does give the permittee the right of priority of application for license while the permittee undertakes the necessary studies and examinations required by section 9 (b) of the Act, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be applied for under the permit.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within 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 13, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6554; Filed, July 5, 1962; 8:49 a.m.]

[Docket Nos. RI62–467, etc.]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidated Proceedings, and Setting Date for Hearing; Correction

JUNE 28, 1962.

In the order providing for hearing on and suspension of proposed changes in rates, consolidating proceedings, and setting date for hearing, issued June 14, 1962 and published in the FEDERAL REGISTER June 21, 1962 (F.R. Doc. 62–5980; 27 F.R. 5890).

In the chart, under column headed "Rate in Effect Subject to Refund in Docket Nos." insert the following Docket Nos.:

Docket No. RI62–469, Hassle Hunt Trust (Operator), et al	*Insert* G–14109
Docket No. RI62–477, Placid Oil Company (Operator), et al	G–13183
Docket No. RI62–482, The Pure Oil Company	G–14351
Docket No. RI62–483, Sun Oil Company:	
Rate Schedule No. 114	G–15122
Rate Schedule No. 101	G–14254
Rate Schedule No. 92	G–13710

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6555; Filed, July 5, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

ASBURY PARK AND OCEAN GROVE BANK

Order Denying Application for Approval of Merger of Banks

In the matter of the application of Asbury Park and Ocean Grove Bank for approval of merger with The Central Jersey Bank and Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Asbury Park and Ocean Grove Bank, Asbury Park, New Jersey, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Central Jersey Bank and Trust Company, Freehold, New Jersey, with and into Asbury Park and Ocean Grove Bank, under the charter of the latter and title of The Central Jersey Bank and Trust Company. Notice of the proposed merger, in form approved by the Board, was published pursuant to said Act.

Upon consideraion of all relevant materials in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger and the information received at and in connection with the public proceeding which was ordered in this matter (27 F.R. 4575) pursuant to the Board's rules of procedure (12 CFR 262.2(f)(3)),

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 29th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–6559; Filed, July 5, 1962; 8:50 a.m.]

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II are hereby designated to act in the place and stead of the Regional Administrator for Region II, with the title of "Acting Regional Administrator" and with all the powers, rights, and duties delegated or assigned to the Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer shall have authority to act as "Acting Regional Administrator" unless all those whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause.

1. Deputy Regional Administrator.
2. Regional Director of Urban Renewal.
3. Regional Director of Community Facilities.
4. Regional Counsel.

This designation supersedes the designation effective October 18, 1961 (26 F.R. 9793, October 18, 1961), which is hereby revoked.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 6th day of July 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 62-6618; Filed, July 5, 1962; 9:02 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2835]

FRED HARVEY ASSOCIATES, INC.

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

JUNE 29, 1962.

I. Fred Harvey Associates, Inc. (issuer), Queens Canyon, Mineral County, Nevada, incorporated in Nevada on September 3, 1959 to succeed to a previously conducted mining partnership, filed with the Commission on January 9, 1961, a notification and offering circular relating to an offering of 50,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer, its officers, directors and promoters have failed to cooperate by withholding basic information requested in deficiency letters.

B. The offering circular omits to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading with respect to:

1. Receipts and disbursements of issuer for the two years preceding the date of the financial statements, and the content of and valuation of assets in the financial statements;

2. The interests of participants in the predecessor, which were the bases for the allocation of shares of the issuer for the property of the predecessor, and the cash costs attributable to such interests; and

3. The bases for allocation of shares of the issuer for prior cash contributions, and the identity of certain of the contributors.

4. The offering of 25,671 shares in violation of the registration requirements of section 5 of the Securities Act of 1933 giving rise to undisclosed contingent liabilities against issuer.

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

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

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

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6583; Filed, July 5, 1962; 8:56 a.m.]

[File No. 811-1161]

E. L. HUTTON ASSOCIATES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased to be an Investment Company

JUNE 28, 1962.

Notice is hereby given that E. L. Hutton Associates, Inc. ("Applicant"), 375 Park Avenue, New York, New York, a New York corporation and a closed-end non-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 declaring that Applicant has ceased to be an investment company as defined in the Act.

Applicant makes the following representations in its application.

The Applicant has not more than thirty beneficial holders of its common stock, which is its only class of securities authorized and outstanding (other than short-term paper), is not making and does not presently propose to make a public offering of its securities, and has applied for withdrawal of its registration statement pursuant to Rule 477 of the Securities Act of 1933.

Section 8(f) of the Act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and 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 23, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6584; Filed, July 5, 1962; 8:56 a.m.]

[File No. 812-1512]

MIDWEST TECHNICAL DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Transaction Between Affiliates

JUNE 28, 1962.

Notice is hereby given that Midwest Technical Development Corporation ("Midwest"), 2615 First National Bank Building, Minneapolis, Minnesota, a Minnesota corporation, and registered under the Investment Company Act of

1940 ("Act") as a closed-end non-diversified management investment company, has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Midwest to Minco Products, Inc. ("Minco") of 960 shares of Minco's common stock.

The application contains the following representations:

On or about March 10, 1959, Midwest purchased 960 shares of the common stock of Minco from Minco for a consideration of $9,600 or $10 per share. As a result of this acquisition which represents aproximately 28 percent of the 3,447 shares of Minco presently outstanding, Midwest is an affiliated person of Minco as that term is defined in section 2(a)(3) of the Act. At the time of Midwest's acquisition of Minco's common stock, the book value of such stock was approximately $13.45 per share. Minco proposes to purchase and Midwest proposes to sell the aforesaid 960 shares of Minco common stock for $19,200 or $20 per share. The book value of Minco's common stock as of December 31, 1961 was $19.60 per share. For the twelve months ended September 30, 1961, Minco had net income after taxes of $1,651 or $.48 per share of outstanding common stock.

Midwest's investment in Minco constitutes less than ½ of 1 percent of Midwest's total assets.

The application states that Minco has a by-law which in effect gives the company a right of first refusal when a stockholder of Minco proposes to sell his stock in the company. The by-law provides that Minco shall have the right to purchase such shares at either the book value or the market value of such shares whichever is higher. Minco is closely held and there is no public market for its shares.

The application states that Minco first approached Midwest with respect to the possible purchase by Minco of Midwest's investment in Minco, and without negotiation, indicated that it was willing to purchase Midwest's holdings of Minco common stock for the above-mentioned consideration.

Midwest represents that it favors investing in companies having a strong possibility of developing broad public ownership and it appears that Minco will be unable to sell its shares publicly in the forseeable future.

Generally speaking, section 17(a) of the Act prohibits an affiliated person, of a registered investment comany, or an affiliated person of such a person from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 16, 1962, at 5:30 p.m., e.d.s.t. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Midwest. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–6585; Filed, July 5, 1962; 8:56 a.m.]

[File No. 24W–2553]

NATIONAL CAPITAL ACCEPTANCE CORP.

Notice and Order for Hearing

JUNE 29, 1962.

I. National Capital Acceptance Corporation, a District of Columbia Corporation, with its principal office located at 1925 K Street NW, Washington, D.C., filed with the Commission on December 20, 1961, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of 10¢ par Class A Common Stock at $2.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A.

II. The Commission, on May 17, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on July 30, 1962, at the Main Office of the Commission, 425 Second Street NW., Washington, D.C., before a hearing officer to be designated later, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the exemption under Regulation A is unavailable to the issuer in that Guardian Investment Corporation, an undisclosed affiliate of the issuer, and Earl J. Lombard, a promoter of the issuer, are subject to an injunction issued on January 29, 1962, by the United States District Court for the District of Columbia enjoining them from certain conduct and practices in connection with the purchase and sale of securities.

B. Whether the terms and conditions of Regulation A have not been complied with, in that the issuer has not filed the required consent and certification of individuals who may be deemed underwriters under section 2(11) of the Securities Act of 1933, as amended.

C. The notification and offering circular, filed by the issuer, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the affiliation of Issuer and Guardian Investment Corporation.

2. The failure to disclose the injunctive action against Guardian Investment Corporation and Earl J. Lombard.

3. The failure to identify individuals who may be deemed underwriters under section 2(11) of the Securities Act of 1933, as amended.

4. The failure to disclose the ownership interests of Issuer's officers and directors in Guardian Investment Corporation.

III. *It is further ordered,* That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(c), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on National Capital Acceptance Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before July 28, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That National Capital Acceptance Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in Section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that National Capital Acceptance Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in Section II hereinabove.

Notice is hereby given that if National Capital Acceptance Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against National Capital Acceptance Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

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

[F.R. Doc. 62-6586; Filed, July 5, 1962; 8:57 a.m.]

[File No. 24SF-3007]

TRAIL-AIRE, INC.

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

JUNE 29, 1962.

I. Trail-Aire, Inc. (issuer), 18033 South Santa Fe Avenue, Long Beach, California, incorporated in California on September 22, 1958, filed with the Commission on December 27, 1961 a notification and offering circular relating to an offering of 55,000 shares of its $1.00 par value common stock at $5.00 per share, for an aggregate offering of $275,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The beneficial owners of 41.7 percent of issuer's outstanding shares, prior to the public offering, who were affiliates of and control issuer, and

2. The relationship between issuer and the major purchaser of its products and services which, through the beneficial owners of 41.7 percent of issuer's outstanding shares prior to the public offering and the volume of its purchases, effectively controlled issuer.

B. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

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

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

By the Commission.

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

[F.R. Doc. 62-6588; Filed, July 5, 1962; 8:57 a.m.]

[File No. 24SF-2899]

TERRA EQUIPMENT ENGINEERING, INC.

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

JUNE 29, 1962.

I. Terra Equipment Engineering Corporation (issuer), 496 West San Carlos Street, San Jose, California, incorporated in Nevada on April 27, 1961, to acquire the business of Thompson Scoop-Grader, Inc. (predecessor, a California corporation), filed with the Commission on June 12, 1961 a notification and offering circular relating to an offering of 273,423 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $273,423, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

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

1. The issuer failed to disclose in response to Item 3(c) the names of all persons who may be considered as promoters of the issuer within the meaning of Rule 251.

2. The issuer failed to disclose in response to Item 9 the facts regarding the allocation and transfer of 397,142 shares for which an exemption is claimed under section 4(1) of the Securities Act of 1933, as amended.

B. The offering circular omits to state material facts which should necessarily have been included in order to make the representations made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The interests in the predecessor company which were the basis for the allocation of shares of the issuer in exchange for the business of the predecessor, and material transactions in such interests by officers, directors and promoters of predecessor and issuer;

2. Material transactions in shares of the issuer by officers, directors and promoters thereof;

3. The liabilities of the predecessor company assumed by issuer and the liabilities of the issuer, the items included therein, and provisions and agreements pertaining to the satisfaction or discharge thereof;

4. Transactions in shares of the issuer in violation of state law and resulting contingent liabilities, and

5. Commitments of the issuer to pay salaries and commissions.

C. The exemption provided by Regulation A is not available in that the issuer has failed to comply with Rules 253 and 254 in computing the aggregate amount of the offering and consequently the offering, if made, would exceed the $300,000 limitation of section 3(b) of the 1933 Act.

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

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

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

By the Commission.

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

[F.R. Doc. 62-6587; Filed, July 5, 1962; 8:57 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under Section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (section 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benjamin and Johnes, Inc., 410 Ashe Avenue, Dunn, N.C.; effective 6-18-62 to 6-17-63 (women's foundation garments).

Federal Corset Co., Airport Hanger No. 1, Douglas, Ga.; effective 6-26-62 to 6-25-63 (ladies' girdles and bras).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 6-27-62 to 6-26-63 (boys' sport shirts).

Miss Fashions, Inc., Sixth and Hickory Streets, Mount Carmel, Pa.; effective 6-22-62 to 6-21-63 (women's nightwear).

Paducah Shirt Co., Inc., 1117 North Eighth Street, Paducah, Ky.; effective 6-21-62 to 6-20-63 (boys' shirts).

Siceloff Manufacturing Co., Inc., East Second Avenue and Pugh Street, Lexington, N.C.; effective 6-26-62 to 6-25-63 (men's and boys' single pants; women's and children's outerwear).

Vandalia Garment Co., Vandalia, Mo.; effective 6-29-62 to 6-28-63. Learners may not be employed at special minimum wage rates in production of separate skirts (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Corp., Center Street, Mebane, N.C.; effective 6-26-62 to 6-25-63; 10 learners (children's dresses).

Granville Manufacturing Co., Hillsboro Street Extension, Oxford, N.C.; effective 6-29-62 to 6-28-63; 10 learners (ladies' dresses).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-20-62 to 6-19-63; 10 learners for normal labor turnover purposes in the production of men's sport shirts and ladies' blouses (sport shirts and ladies' blouses).

Iva Manufacturing Co., Inc., Iva, S.C.; effective 7-1-62 to 6-30-63; 10 learners (ladies' blouses and coordinates).

Sportswear Unlimited Co., Antreville, S.C.; effective 6-29-62 to 6-28-63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and coordinates).

S & R Dress Company, 221 Schuylkill Avenue, Tamaqua, Pa.; effective 6-20-62 to 6-19-63; 10 learners (children's dresses).

Venus Industries, Inc., 4916 Main Avenue, Ashtabula, Ohio; effective 6-20-62 to 6-19-63; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Federal Corset Co., Inc., Airport Hanger No. 1, Douglas, Ga.; effective 6-20-62 to 12-19-62; 10 learners (ladies' girdles and bras).

Joseph Cohen Co., 115 Mulberry Street, Cumming, Ga.; effective 6-21-62 to 12-20-62; 72 learners (men's and boys' slacks and walking shorts).

McCreary Manufacturing Co., Inc., Stearns, Ky.; effective 6-20-62 to 12-19-62; 122 learners (men's shirts).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 6-25-62 to 12-24-62; 15 learners (women's dresses, smocks, and dusters).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Inc., Plant No. 3, 1006 Washington Street, Chillicothe, Mo.; effective 6-28-62 to 6-27-63; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 6-20-62 to 12-19-62; 20 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Danville Knitting Mills, Inc., Danville, Va.; effective 6-25-62 to 12-24-62; 15 learners for plant expansion purposes (seamless).

Vance Hosiery Co., Kernersville, N.C.; effective 7-6-62 to 7-5-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.70 to 522.74, as amended).

Fort Kent Telephone Co., Fort Kent, Maine; effective 6-21-62 to 6-20-63.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-20-62 to 6-19-63; five learners for normal labor turnover purposes, in the production of woven under shorts (men's woven cotton shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Americana Mfg. Co., Inc., Guayama, P.R.; effective 6-4-62 to 6-3-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and girdles).

Americana Manufacturing Co., Inc., Guayama, P.R.; effective 6-4-62 to 12-3-62; 65 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and girdles).

Bonita Inc., Industrial Ave., Cayey, P.R.; effective 5-7-62 to 5-6-63; five learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours, and 84 cents an hour for the remaining 160 hours; (2) presser for a learning period of 160 hours at the rate of 72 cents an hour (skirts).

Caribe Staple Co., Inc., Fajardo, P.R.; effective 5-7-62 to 5-6-63; 10 learners for normal labor turnover purposes; (1) In the single occupation of machine operator; inspector for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours, and $1.01 an hour for the remaining 240 hours; (2) inspector-packer for a learning period of 240 hours at the rate of 87 cents an hour (industrial staples).

Commonwealth Sports Products, Inc., Foreign Trade Zone, Mayaguez, P.R.; effective 5-7-62 to 11-6-62; 12 learners for plant expansion purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours for the period May 7, 1962, to June 9, 1962, and at the rates of 57 cents an hour for the first 160 hours and 66 cents an hour for the remaining 160 hours, effective June 10, 1962; (2) die and clicker machine operator; layer off for a learning period of 160 hours at the rate of 51 cents an hour for the period May 7, 1962, to June 9, 1962, and at the rate of 57 cents an hour, effective June 10, 1962 (leather gloves for sports).

Electronic Manufacturing Engineers, Inc., Fajardo, P.R.; effective 5-7-62 to 5-6-63; five learners for normal labor turnover purposes, in the single occupation of basic and/or machine production operation in the manufacture of rotating servo components: Winder; inserter; connector; and former, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (rotating servo components).

Electronic Manufacturing Engineers, Inc., Fajardo, P.R.; effective 5-7-62 to 11-6-62; 20 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operation in the manufacture of rotating servo components: Winder; inserter; connecter; and former, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (rotating servo components).

Electrospace Corp. of P.R., Naguabo, P.R.; effective 6-11-62 to 6-10-63; five learners for normal labor turnover purposes, in the occupation of assembler of electronic equipment; cable assembler; electronic wirer and solderer; operator of wire cutter machine; and inspector, each for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (electronic signal equipment).

Electrospace Corp. of P.R., Naguabo, P.R.; effective 6-11-62 to 2-10-63; 127 learners for plant expansion purposes, in the occu-

pation of assembler of electronic equipment; cable assembler; electronic wirer and solderer; operator of wire cutter machine; and inspector; each for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (electronic signal equipment).

Euphonics Corp., Rio Piedras, P.R.; effective 5–14–62 to 5–13–63; 12 learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: Rubber molder; stamper; assembly; inspector and tester, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (phonograph pick-up cartridges).

Euphonics Corp., Rio Piedras, P.R.; effective 5–14–62 to 11–13–62; 28 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Rubber molder; stamper; assembly; inspector and tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (phonograph pick-up cartridges).

General Electric Instrument Corp., Caguas, P.R.; effective 6–18–62 to 6–17–63; 25 learners for normal labor turnover purposes, in the occupations of instrument assembler; fine solderer; repair operator; and inspector (electrical and mechanical) each for a learning period of 480 hours at the rates of 95 cents an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (electric instruments).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 6–13–62 to 6–12–63; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., Dorado, P.R.; effective 6–19–62 to 6–18–63; 27 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Sunscreen Corp., Calle Igualdad, Fajardo, P.R.; effective 6–4–62 to 6–3–63; five learners for normal labor turnover purposes, in the occupation of koolshade weaving machine operator for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (koolshade screening).

Transducer Corp., Luquillo, P.R.; effective 5–7–62 to 5–6–63; five learners for normal labor turnover purposes, in the occupation of coil winder; assembler; and wiring girl each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (magnetic tape recorder multichannel heads).

Tropical Corp., Mayaguez, P.R.; effective 5–16–62 to 2–11–63; five learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of: (a) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's dresses; (2) final inspection of fully assembled garments or bags for a learning period of 160 hours at the rate of 72 cents an hour in the manufacture of sachet bags and 66 cents an hour in the manufacture of children's dresses (sachet bags and children's dresses) (replacement certificate).

Tropical Corp., Mayaguez, P.R.; effective 5–16–62 to 8–11–62; 60 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of: (a) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's dresses; (2) final inspection of fully assembled garments or bags for a learning period of 160 hours at the rate of 72 cents an hour in the manufacture of sachet bags and 66 cents an hour in the manufacture of children's dresses (sachet bags and children's dresses) (replacement certificate).

Yauco Super Knits, Ltd., Yauco, P.R.; effective 5–28–62 to 5–27–63; 11 learners for normal labor turnover purposes, in the occupations of: (1) Knitter and looper each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher; and presser each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (knitted sweaters).

Yauco Super Knits, Ltd., Yauco, P.R.; effective 5–28–62 to 11–27–62; 23 learners for plant expansion purposes, in the occupations of: (1) Knitter and looper each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher; and presser each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (knitted sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 27th day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–6581; Filed, July 5, 1962; 8:56 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 658]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64784. By order of June 26, 1962, the Transfer Board approved the transfer to White Transfer, Inc., Wilmington, Del., of Certificate No. MC 44906, issued March 24, 1949, to Elliott Hitchen and Hazel P. Hitchen, doing business as White Transfer, Wilmington, Del., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between Wilmington, Del., on the one hand, and, on the other, points in New Jersey, Maryland, Virginia, and portions of Pennsylvania and New York as specified. Stanley T. Czajkowski, 1807 Market Street, Wilmington 2, Del., Attorney for applicants.

No. MC–FC 64870. By order of June 26, 1962, the Transfer Board approved the transfer to Arthur L. Gorman, Incorporated, Newark, N.J., of Certificate No. MC 32252 issued March 20, 1942, to Arthur L. Gorman, doing business as Arthur L. Gorman Trucking, Newark, N.J., authorizing the transportation over irregular routes, of general commodities, excluding household goods and commodities in bulk, between points in Essex County, N.J., on the one hand, and on the other, New York, N.Y., and floor title, and materials, equipment and supplies, used by floor tile contractors, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Middlesex, and Union Counties, N.J. Victor J. Gorman, 10 Hennessey Street, Newark 5, N.J., representative for applicants.

No. MC–FC 64893. By order of June 26, 1962, the Transfer Board approved the transfer to Archie J. Brady, Edwin R. Partington, and Archie E. Welch, a partnership, doing business as Big Pine Trucking Company, P.O. Box 674, Big Pine, Calif., of Certificate No. MC 104583, issued January 2, 1958, to Peter Bolt and George W. Hitchborn, a partnership, doing business as Big Pine Trucking Co., Big Pine, Calif., authorizing the transportation of: Talc, from Mines in Nevada within 10 miles of Palmetto, Nev., to Lone Pine, Calif., serving Zurich and Big Pine, for delivery only, over regular routes, and Mining machinery and supplies, maximum 10,000 pounds, on return, and Talc and Clay, between points in Inyo County, Calif.

No. MC–FC 65007. By order of June 26, 1962, the Transfer Board approved the transfer to Hulme Transportation Co., a corporation, Cranston, R.I., of Permit Nos. MC 6879 and MC 6879 Sub-1, issued March 5, 1942, and December 13, 1946, to Raymond J. Moriarty, Providence, R.I., authorizing the transportation of: Petroleum products, in bulk, and such miscellaneous commodities as are used in conducting or operating retail gasoline service stations, over irregular routes, in a service involving Providence

and East Providence, R.I., points in Windham and New London Counties, Conn., and a specified portion of Massachusetts. Arthur A. Wentzell, P.O. Box 720, Worcester 1, Mass., representative for applicants.

No. MC–FC 65014. By order of June 26, 1962, the Transfer Board approved the transfer to James Thompson, doing business as Jones Transfer, Spencer, Iowa, of Certificate No. MC 114862, issued April 5, 1955, to James Thompson and Wayne Thompson, a partnership, doing business as Jones Transfer, Spencer, Iowa, authorizing the transportation of: Malt beverages, from Peoria, Ill., Minneapolis, Minn., and Omaha, Nebr., to Spencer, Iowa; from Minneapolis and St. Paul, Minn., and Omaha, Nebr., to Algona, Iowa; empty malt beverage containers, from Spencer, Iowa, to Peoria, Ill., Minneapolis, Minn., and Omaha, Nebr., from Algona, Iowa, to Minneapolis, and St. Paul, Minn., and Omaha, Nebr., and household goods as defined by the Commission, between points in Iowa within 50 miles of Spencer, on the one hand, and, on the other, points in Illinois, Minnesota, South Dakota and Nebraska. William A. Landau, 1307 East Walnut, Street, Des Moines 16, Iowa, representative for applicants.

No. MC–FC 65015. By order of June 26, 1962, the Transfer Board approved the transfer to John C. Mees, doing business as Mees Transfer and Storage, Forsyth, Mont., of Certificate No. MC 65374, issued February 13, 1950, to Birger Aasland and Bruce G. Aasland, a partnership, doing business as Birger Aasland and Son, Forsyth, Mont., authorizing the transportation of: Agricultural implements, feed, bags, fruit, seed, vegetables, wool, household goods as defined by the Commission and new furniture, between Forsyth, Mont., on the one hand, and, on the other, points in Montana within 125 miles of Forsyth, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Forsyth, on the one hand, and, on the other, Civilian Conservation Corps Camp Site in Montana within 125 miles of Forsyth, and Agricultural implements, from Billings, Mont., to points in Montana east of U.S. Highway 87 within 90 miles of Forsyth.

No. MC–FC 65022. By order of June 26, 1962, the Transfer Board approved the transfer to Wynne Transport Service, Inc., Omaha, Nebr., of Certificates Nos. MC 108522, MC 108522 Sub-1 and MC 108522 Sub-2, issued July 6, 1949, July 6, 1949, and July 29, 1952, respectively, to Preisendorf Transport, Inc., Grand Island, Nebr., authorizing the transportation of: Petroleum products, and petroleum, in bulk, and also, in tank trucks, from and to specified points in Kansas, Nebraska and Iowa. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC 65040. By order of June 26, 1962, the Transfer Board approved the transfer to W. Harold Kies, doing business as Harry M. Kies, Easton, Pa., of Certificate No. MC 62324, issued June 2, 1949, to Abbie J. Kies, doing business as Harry M. Kies, Easton, Pa., authorizing the transportation of: Household goods, as defined by the Commission, between Easton, Pa., and Phillipsburg, N.J., and points within 25 miles of each, on the one hand, and, on the other, points in New Jersey, Pennsylvania, and New York, and furnaces and parts, from Bethlehem, Pa., to points in New Jersey within 25 miles of Easton, Pa., and gas and electric appliances, between Easton, Pa., on the one hand, and, on the other, Newton and Lambertville, N.J., and points in New Jersey within 25 miles of Philipsburg, N.J., and between Philipsburg, N.J., on the one hand, and, on the other, points in Pennsylvania within 25 miles of Philipsburg. George C. Laub, 340 Spring Garden Street, Easton, Pa., attorney for applicants.

No. MC–FC 65058. By order of June 26, 1962, the Transfer Board approved the transfer to Alphonse Hinderman and Vincent Hinderman, doing business as Hinderman Brothers, Dickeyville, Wis., of Certificate No. MC 113151 Sub-1, MC 113151 Sub-4 and MC 113151 Sub-5 issued March 2, 1956, August 6, 1957, and June 30, 1961, respectively, to Alphonse Hinderman, Edwin Hinderman, and Vincent Hinderman, doing business as Hinderman Brothers, Dickeyville, Wis., authorizing the transportation of: Livestock, from points in the towns of Paris, Jamestown, Hazel Green, Harrison,, Potosi, and Smelzer, Grant County, Wis., to Dubuque, Iowa, and East Dubuque, Ill., coal, building materials, and livestock, from Dubuque, Iowa, and East Dubuque, Ill., to points in the above-specified Wisconsin towns; feed and fertilizer, from Dubuque, Iowa, to points in Paris and Potosi Townships, Grant County, Wis., and livestock and poultry feed, from Davenport, Iowa, to points in the towns of Fennimore and Potosi, Grant County, Wis. John T. Porter, 707 First National Bank Building, Madison 3, Wis., attorney for applicants.

No. MC–FC 65060. By order of June 26, 1962, the Transfer Board approved the transfer to George J. Wamhoff, doing business as C. J. Smith Express, St. Louis, Mo., of Certificate No. MC 31412, issued June 16, 1941, to Charles John Smith, doing business as C. J. Smith Express, St. Louis, Mo., authorizing the transportation of: Ice cream, from St. Louis, Mo., to Belleville and Collinsville, Ill., and empty ice cream containers on return, and beverage dispensary supplies and equipment, electrical, optical, and theatrical equipment, parts and supplies, dry cleaning, laundry, heating, and plumbing machinery, equipment, parts and supplies, dry ice, elevators, mechanics tools, and carbonic gas in containers, between points within 25 miles of St. Louis, Mo., including St. Louis, and general commodities, excluding household goods, commodities in bulk, and certain other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6496; Filed, July 5, 1962; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37818: *Lime from points in southwestern and WTL territories.* Filed by Western Trunk Line Committee, Agent (No. A–2258), for interested rail carriers. Rates on lime, common, viz; lump, crushed, pulverized or hydrated, in carloads, from points in southwestern and western trunk-line territories, to points in Minnesota, North Dakota and South Dakota.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 18 to Western Trunk Line Committee tariff I.C.C. A–4360.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6590; Filed, July 5, 1962; 8:57 a.m.]

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c) Part III, 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 Office 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 (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1692, 6284 and 27 F.R. 684) during the period from January 1, 1962 through June 30, 1962:

No change.

Dated: June 15, 1962.

KEITH H. LYRLA.

[F.R. Doc. 62–6591; Filed, July 5, 1962; 8:57 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 Office 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, 6584; 23 F.R. 1062, 6730; 24 F.R. 552, 6251, 9689, 109; 26 F.R. 1693, 6463 and 27 F.R. 684), for the period January 26, 1962 through July 25, 1962:

There has been no change in my financial interests.

Dated: June 19, 1962.

FLOYD A. MECHLING.

[F.R. Doc. 62-6592; Filed, July 5, 1962; 8:58 a.m.]

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