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VOLUME 27 NUMBER 134

Washington, Thursday, July 12, 1962

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1962-Crop Price Support Programs for Grains and Related Commodities

The regulations issued by the Commodity Credit Corporation published in 27 F.R. 4411 containing the general provisions for the 1962-crop price support programs for grains and related commodities are hereby amended as follows:

§ 421.1123 [Amendment]

1. Section 421.1123(e) is amended to change the compliance requirements applicable to producers of durum wheat when it is determined that producers were prevented from meeting these requirements by reason of adverse weather conditions, by the addition of the following at the end of such paragraph:

Notwithstanding the foregoing, in any county designated by the State committee, the producer on a farm which received a conditional increased allotment shall be deemed to satisfy the requirements of this paragraph if (1) the producer establishes to the satisfaction of the county committee that he was prevented from having an acreage of durum wheat (class II) on the farm in 1962 in excess of the 1960–61 average acreage of durum wheat (class II) because of adverse weather conditions, and (2) the total wheat acreage on the farm in 1962 does not exceed the original 1962 farm wheat acreage allotment.

2. Section 421.1124(b) is amended to provide that a producer of barley on a farm where summer fallow is the normal practice is not required to be eligible for a payment under the barley program in order to be eligible for price support. The amended section shall read as follows:

§ 421.1124 Compliance requirements for feed grains.

(b) Barley: A producer shall not be eligible for price support on barley unless the producer is eligible for a payment under the barley program, as provided in the 1962 Feed Grain Program Regulations, on the farm on which the barley tendered for price support is produced. The requirements of this paragraph shall not apply to (1) a producer of Malting barley as described in 7 CFR 775.111 of the 1962 Feed Grain Program Regulations and any amendments thereto, provided the corn and grain sorghums feed grain base established for the farm has not been knowingly exceeded as provided in 7 CFR 775.110 of said regulations, and (2) a producer of barley on a farm where summer fallow is a normal practice if the producers on the farm (i) do not knowingly devote an acreage on the farm to barley in excess of the barley feed grain base plus the acreage devoted to summer fallow in 1961 which is diverted from the production of wheat under the 1962 Wheat Stabilization Program Regulations, and (ii) do not knowingly devote an acreage on the farm to corn, grain sorghums, and barley in excess of 80 per centum of the total of the corn, grain sorghums and barley feed grain bases established for the farm.

3. Section 421.1125 is amended to provide that a producer shall not be considered ineligible for price support on wheat, corn, grain sorghums, and barley because he has not received a payment under the 1962 Wheat Stabilization Program or the 1962 Feed Grain Program, as applicable, due to the fact he elected, in lieu of payment, to devote the diverted acreage to the production of a crop that is permitted by the Secretary to be grown on such diverted acreage. The amended section shall read as follows:

§ 421.1125 Miscellaneous compliance provisions for wheat, corn, grain sorghums, and barley.

(a) A producer shall not be considered ineligible for price support on wheat, corn, grain sorghums, and barley because he has not received a payment under the 1962 Wheat Stabilization Program or the 1962 Feed Grain Program, as applicable, if he would be eligible for a payment under the applicable program except for the fact that (1) he has elected not to apply for a payment, or (2) he and the other producers on the farm have agreed that he shall not share in the payment earned on the farm, or (3) the commodity has been produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of the commodity, or (4) he, in lieu of payment, elected to devote the diverted acreage to the production of a crop that is permitted by the Secretary under the 1962 Wheat Stabilization Program Regulations or the 1962 Feed Grain Program Regulations, as applicable, to be grown on such diverted acreage.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; Sec. 123, 75 Stat. 297; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on July 9, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6809; Filed, July 11, 1962; 8:51 a.m.]

PART 446—PEANUTS

Subpart—1962 Crop Peanut Price Support Program

This bulletin contains regulations applicable to the 1962 Crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as CCC and ASCS respectively).

LOANS AND PURCHASE AGREEMENTS

GENERAL

PRODUCER LOANS (FARM STORAGE LOANS)

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

PURCHASE AGREEMENT

SUPPORT PRICES

No. 2 SHELLED PEANUTS

AUTHORITY: §§ 446.1401 to 446.1452 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

LOANS AND PURCHASE AGREEMENTS

GENERAL

§ 446.1401 Administration.

(a) The program will be administered by the Oils and Peaunt Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out by Agricultural Stabilization and Conservation State Committees, Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees), the Dallas ASCS Commodity Office (hereinafter called the commodity office), the Associations operating under Association Loan and Handling Agreements, CCC Peanut Form 27 (1962) with CCC (hereinafter called "Agreement with CCC"). Such Associations may receive, arrange storage for and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

(b) State and county committees, the commodity office, and Associations do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements thereto.

(c) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the program or from reversing or modifying any determination made by a State or county committee, or the commodity office.

§ 446.1402 Availability.

(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1963 and will mature on May 31, 1963, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1963. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1963. Warehouse receipts for peanuts delivered to an Association operating under an Agreement with CCC shall show that the peanuts were received in the warehouse not later than January 31, 1963, and shall have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through January 31, 1963. An eligible producer who desires to sell peanuts to CCC is required to file a Purchase Agreement, Form CP–1, with the county office on or before such date.

§ 446.1403 Methods of price support.

CCC will support the price of eligible 1962 crop peanuts through farm storage loans to eligible producers, warehouse storage loans to associations operating under Agreements with CCC, and through purchase agreements with eligible producers.

§ 446.1404 Definitions.

As used herein and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the Association is delivered to the Association by producer members;

(2) The members and non-members who deliver peanuts to the Association and who authorize the Association to handle and market their peanuts and to obtain price support on such peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The Association has the legal right to pledge or mortgage the peanuts tendered as security for a loan; and

(4) Unless otherwise approved by CCC, no officer or director of the Association shall be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as an officer or director of the Association or as a producer.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the Farm Constitution and Allotment Record Regulations as amended, (23 F.R. 6731, 7693, 9505, 10476, 24 F.R. 2642 and 25 F.R. 1065, 1816, 2880, 4129, 5445; 26 F.R. 1262, 1396, 1753, 2686, 5034, 7259, 7324, and 12060) which in general defines a farm as all adjoining or nearby farmland which is operated as one farming unit.

(d) *Effective farm allotment.* The effective farm allotment for 1962 crop peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1962, which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1962 farm peanut acreage determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1959 and Subsequent Crops issued by the Acting Secretary of Agriculture, as amended (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, and 4631, 8560, 10209, and 11816).

(i) *Net weight* (farmers stock peanuts). That weight of farmers stock peanuts obtained by multiplying the gross scale weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas or 8 percent in the Virginia-Carolina area.

(j) *Producer.* A person who, as landowner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm.

(k) *Quota Peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(l) *Type.* The generally known types of peanuts (i.e. Runner, Spanish, Valencia, and Virginia) as defined in the "Determination with Respect to Supply of Valencia Type Peanuts for the 1962–63 Marketing Year" issued March 29, 1962 by the Secretary of Agriculture (27 F.R. 3157).

(m) *Sound mature kernels.* Kernels which are free from damage and minor defects as defined in the U.S. Standards for shelled (1) Spanish type peanuts effective August 31, 1959, in the case of Spanish and Valencia peanuts, (2) Runner type peanuts, effective July 31, 1956, or (3) Virginia type peanuts, effective August 31, 1959; and which will not pass through a screen having:

(i) $^{15}/_{64}$ x $^{3}/_{4}$ inch perforation in the case of Spanish and Valencia peanuts,

(ii) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts,

(iii) $^{16}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Runner peanuts.

(n) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S.

Standards for Shelled Virginia Type Peanuts effective August 31, 1959.

(o) *Valencia type peanuts suitable for cleaning and roasting.* Valencia peanuts containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(p) *Within quota card.* Form MQ–76 (Peanuts) 1962, 1962 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.1405 Eligible peanuts.

(a) *Eligibility requirements.* (1) Peanuts eligible for price support are 1962 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on federally owned land, which:

(i) Contain, except as provided in subparagraph (3) of this paragraph, and in §§ 446.1418, 446.1430 and 446.1439(c) not more than 10 percent foreign material and not more than 25 percent damaged kernels.

(ii) Contain, except as provided in subparagraph (3) of this paragraph, not more than 10 percent moisture, but any such peanuts which have been mechanically dried shall contain at least 6 percent moisture.

(iii) Are produced by an eligible producer on a farm on which the 1962 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations; on which the farm peanut acreage exceeds the effective farm allotment if the producer establishes to the satisfaction of CCC, as provided in paragraph (c) of this section, that he did not knowingly exceed such farm allotment; or for which a within quota marketing card is issued upon the execution of a Form MQ–92—Peanuts (2–27–59), Agreement by Operator of Overplanted Peanut Farm: *Provided, however,* That the county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty; and

(iv) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained.

(2) In the Southwest area, if peanuts are bagged, the bags shall be new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

(3) In the case of bulk stored peanuts in the Virginia-Carolina area, CCC may determine that, for purposes of a loan to an Association, the eligibility requirements with respect to foreign material, damaged kernels, and moisture have been met, if on the basis of a preliminary grade determined by a Federal-State inspector from a preliminary sample drawn under his supervision, the percentage of foreign material does not exceed 10 percent, the percentage of damaged kernels does not exceed 25 percent, and the percentage of moisture does not exceed 10 percent. However, the official grade determined by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the price support value and the net weight.

(b) *Agreement by operator of overplanted peanut farm.* By execution of Form MQ–92—Peanuts (2–27–59), Agreement by Operator of Over-planted Peanut Farm, the operator agrees that the farm peanut acreage will not exceed the effective farm allotment and that if such undertaking is breached, he will pay liquidated damages to CCC in accordance with the terms of such agreement, and pay any marketing penalties due the Secretary of Agriculture. In a case where the farm peanut acreage exceeds the effective farm allotment by not more than the larger of one-tenth acre or two percent of such allotment, payment of the liquidated damages will not be required if the State Executive Director, or in his absence the acting executive director, determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. In a case where the farm peanut acreage exceeds the effective farm allotment by more than the larger of one-tenth acre or two percent of such allotment, payment of the liquidated damages will not be required if the State Committee makes the determination specified above and also determines that the amount by which the farm peanut acreage exceeded the effective farm allotment was so small in relation to such allotment that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be deemed not to have knowingly exceeded such allotment if (1) the excess acreage is determined, in accordance with the marketing quota regulations, to be zero, (2) payment of the liquidated damages provided for as the result of a breach of the terms of Form MQ–92—Peanuts is not required under the provisions of paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the provisions of the peanut marketing quota program, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), and (3) of this paragraph and CCC determines that the producer unknowingly exceeded such allotment.

§ 446.1406 Eligible producer.

(a) A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interests is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Any producer who is in doubt as to whether his interest in the peanuts complies with the requirements of this section should make all pertinent information available to the county office. The county committee shall determine whether the requirements have been met. Executors, administrators, guardians, trustees, or receivers who represent eligible producers or their estates may qualify for price support if the loan or purchase agreement documents executed by them are legally valid.

(b) A minor shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings, (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(c) Two or more eligible producers may obtain a joint farm storage loan on eligible peanuts produced by them if stored, separately from any other peanuts, in the same farm storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the obligations imposed by the loan.

(d) Where the county office has experienced difficulty in settling a farm storage loan with a producer, the county committee may determine that he is not eligible for a 1962 crop farm storage loan. If such determination is made, the producer shall be able to obtain a 1962 crop loan through the Association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such Association or he shall be permitted to sign a purchase agreement.

§ 446.1407 Determination of type and grade of farmers stock peanuts.

(a) A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture, shall determine the type and grade of each lot of farmers stock peanuts:

(1) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(2) When delivered in settlement of a farm storage loan;

(3) When delivered to CCC under a purchase agreement;

(4) When received in a warehouse under contract CCC Peanut Form 28 (1962) or CCC Peanut Form 28A (1962);

(5) Upon request by CCC or the Association, when delivered from a warehouse under contract CCC Peanut Form 28 (1962) or CCC Peanut Form 28A (1962).

(b) The grade shall be expressed in terms of the percentages of sound mature kernels, sound splits, damaged kernels, loose shelled kernels, other kernels, foreign material, and moisture in all types of peanuts and the percentages of fancy size and extra large kernels in Virginia type peanuts.

§ 446.1408 Services charges and fees.

(a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made except where the amount collected exceeds the correct amount. State committees may, at their option, require a deposit on the service charge for a farm storage loan, such deposit to be applied against such charges when the loan is granted.

(b) CCC will pay the fee for inspecting (1) peanuts placed under a farm storage loan (2) peanuts delivered to CCC pursuant to a purchase agreement and (3) loan collateral peanuts acquired by CCC. Funds needed to pay inspection fees for peanuts pledged to CCC by an Association will be advanced as part of the loan to the Association.

(c) The Association will pay the warehouse charges for peanuts redeemed. CCC will pay warehouse charges for loan collateral peanuts acquired by CCC. Warehouse charges payable prior to maturity on peanuts pledged to CCC by an Association will be advanced as part of the loan to the Association.

(d) The service charges and fees specified in this section will be computed on net weights.

§ 446.1409 Interest rate.

Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement, except that where there has been a fraudulent representation in obtaining the loan, such loan shall bear interest at the rate of 6 percent per annum from the date of disbursement.

§ 446.1410 Applicable forms and requirements.

(a) *Farm storage loans.* Applicable forms are the Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, delivery instructions issued by the county office, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the Purchase Agreement, Purchase Agreement Settlement, the delivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* Producer's Note and Supplemental Loan Agreements, and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, guardian or trustee will be acceptable only where legally valid.

§ 446.1411 Personal liability of the borrower.

(a) The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts under loan by the producer or the Association may render such producer or Association subject to criminal prosecution under Federal law.

(b) The farm storage loan with respect to which the fradulent representation, conversion, or unlawful disposition was made, shall become payable upon demand, and the producer shall be personally liable for the amount of such loan and any resulting expense incurred by CCC or the holder of the note, plus interest. For the purpose of establishing any deficiency remaining due with respect to such farm storage loan the value of the peanuts delivered to or removed by the holder of the note shall be the market value on the date of delivery or removal as determined by such holder: *Provided, however,* That, if the conversion of loan collateral is determined by CCC not to have been willful, the value of the peanuts delivered to or removed by the holder of the note shall be the settlement value determined pursuant to § 446.1426(e).

(c) In the event the Association makes any fraudulent representation with respect to, or converts or unlawfully disposes of any peanuts received for storage in a warehouse, the loan on all such peanuts shall become payable upon demand, and the Association shall be liable for the amount of such loan and any resulting expenses incurred by CCC or the holder of the note, plus interest. In the event of fraudulent representation by a producer who delivers peanuts to an Association to be pledged to CCC as collateral for a loan, the producer and the Association shall be liable for the amount of the loan on all such peanuts and any resulting expenses incurred by CCC or the holder of the note, plus interest. For the purpose of establishing any deficiency remaining due with respect to a loan to an Association in the event the producer has made any fraudulent representation, the value of any peanuts acquired by CCC whether by delivery or otherwise, in satisfaction of the warehouse receipts for the peanuts for which such fraudulent representation was made shall be the market value, as determined by CCC, of such peanuts as of the date of such acquisition. For purposes of establishing any deficiency remaining due with respect to a loan to an Association in the event of fraudulent representation, conversion or unlawful disposition by the Association of any portion of the peanuts stored in a warehouse, the value of all peanuts acquired by CCC in satisfaction of warehouse receipts issued for peanuts received for storage in such warehouse, shall be the market value, as determined by CCC, as of the date of acquisition by CCC, whether by delivery or otherwise: *Provided, however,* That notwithstanding anything contained in this section, if the conversion is determined by CCC not to have been wilful, the value of the peanuts acquired by CCC shall be the amount of the loan made with respect to such peanuts.

(d) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this bulletin, the producer or Association, as the case may be, shall be liable for repayment of the amount of such excess.

§ 446.1412 Payments and collections; amounts not exceeding $3.

To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 446.1413 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this bulletin, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this bulletin, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by ASCS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 446.1414 Foreclosure.

(a) *Farm storage loans.* (1) If a loan (including charges and interest)

is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer, and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the peanuts. Any such disposition may similarly be effected without removing the peanuts from storage.

(2) If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's selection, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus charges and interest. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party:

(i) Any amount by which the settlement value of the mortgaged peanuts may exceed the principal amount of the loan; or

(ii) The amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

(b) *Association loans.* Upon maturity and nonpayment of an Association loan as provided in § 446.1427, title to the unredeemed collateral peanuts shall, without sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including charges and interest.

§ 446.1415 Financial institutions.

As used in this bulletin a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities or a production credit association.

§ 446.1416 Approved lending agency.

An approved landing agency shall be a commercial bank with which CCC has entered into a lending agency agreement, CCC Peanut Form 50 (1962), authorizing the lending agency to make a loan to an Association for the price support value of the farmers stock peanuts pledged to CCC. Approved lending agencies will have the election of obtaining immediate reimbursement from CCC for all or part of the funds advanced under the Association loan, or of investing in the CCC pool of price support loans by requesting issuance of a certificate of interest for all or part of the funds advanced under the Association loan.

§ 446.1417 Compensation for hauling.

If the producer is directed by the county office to deliver, to a location other than his customary delivery point, peanuts under a farm storage loan or a purchase agreement, the producer shall be allowed compensation (as determined by CCC, but not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the peanuts any distance greater than the distance from the point where the peanuts are stored by the producer to the customary delivery point.

PRODUCER LOANS (FARM STORAGE LOANS)

§ 446.1418 Farm storage loans available at county office.

Loans will be available to eligible producers on eligible peanuts containing not more than 7 percent damaged kernels and stored in approved farm storage. Producers who want to obtain such loans shall apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet requirements, the county office will determine the amount of the loan. The county office will also prepare and approve the loan documents. Copies of all such documents will be kept in the county office.

§ 446.1419 Approved farm storage.

Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage for peanuts. Such structures shall be dry and well ventilated. Peanuts under a farm storage loan shall be stored separately from peanuts covered by a purchase agreement.

§ 446.1420 Quantity determinations.

(a) *Quantity on which a loan may be made.* Farm storage loans shall be made on the entire quantity of peanuts stored in a bin or crib, except where the county committee has determined that a loan on part of the peanuts stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. However, approval of a loan on part of the peanuts stored in a bin or crib shall not be granted in the event the State committee has determined on a Statewide basis that such partial loans shall not be made.

(b) *Weight of peanuts placed under loan.* The net weight of peanuts placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this paragraph.

(1) Peanuts stored in bulk: The estimated gross weight of bulk peanuts may be determined either by actual weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot indicated below for the type of peanuts being placed under loan:

Type:	*Weight per cubic foot (pounds)*
Runner	16.9
Spanish	19.7
Valencia	17.5
Virginia	13.5

(2) Peanuts stored in bags: The estimated gross weight of bagged peanuts shall be determined by weighing a sufficient number to estimate the gross weight of all the peanuts; or the gross weight may be determined by weighing all of the bagged peanuts.

(3) The estimated gross weight, determined as provided in subparagraph (1) or (2) of this paragraph shall be reduced by not less than 5 percent thereof in an effort to avoid deficiencies at maturity in the event the loans are not repaid.

(c) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of a loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

§ 446.1421 Disbursement.

Disbursement of farm storage loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support loans on Certain Commodities, (23 F.R. 3913 as amended), or by sight drafts drawn on CCC by the county office. Disbursement shall not be made after February 15, 1963, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such drafts, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence and not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 446.1422 Insurance.

CCC will not require the borrower to insure the peanuts placed under a farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds shall be paid to CCC to the extent of its interest after first satisfying the borrower's equity in the peanuts involved in the loss.

§ 446.1423 Safeguarding the peanuts.

The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

§ 446.1424 Loss or damage to the peanuts under farm storage loan.

(a) The producer is responsible for any loss in grade and for any loss in weight, except as provided in § 446.1426. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement

value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the peanuts, if the producer establishes to the satisfaction of CCC each of the following conditions:

(1) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure;

(2) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other external cause;

(3) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(4) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(b) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

§ 446.1425 Redemption of the peanuts under farm storage loan.

(a) A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC, redeem the peanuts under farm storage loan by paying to CCC the principal amount of the note, plus charges and accrued interest. The producer shall pay any charges incurred in collecting the amount due.

(b) After the appropriate amount has been paid, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. Partial redemption of farm storage loans and release of the peanuts will not be approved by the county committee in the event the State committee has determined on a Statewide basis that partial redemption of loans and release of peanuts will not be permitted. A producer who wishes to contract for the sale of mortgaged peanuts and use the proceeds of the sale the repay all or any part of the loan shall obtain written prior approval of the county committee, on Commodity Loan Form 12, to remove the peanuts from storage. Any such approval shall be subject to the terms and conditions in the Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 446.1426 Settlement of farm storage loans.

(a) If the producer does not redeem the peanuts as provided in § 446.1425, he shall deliver the loan collateral peanuts in accordance with instructions issued by the county office. If the producer fails to repay the loan or deliver the mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(b)(1) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. (2) If the county committee determines that the peanuts are in danger of going out-of-condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(c) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(d) Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the peanuts in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of peanuts stored in bags, only the identical bags of peanuts under loan shall be delivered.

(e) The settlement value of the peanuts delivered to and accepted by CCC shall be the amount, computed on the basis of the quantity and the support price for the type and grade (except as provided above for peanuts going out of condition) of such peanuts, plus an allowance for shrinkage during the storage period of four-tenths of a cent ($0.004) per net weight pound delivered and an allowance at the rate specified in § 446.1434(d)(1)(iii) for the actual loss during the storage period in the percentage of extra large kernels in Virginia type peanuts: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 446.1405 shall be computed at a rate equal to the support price for the type and grade placed under loan, less any difference, at the time of delivery, between the market price for the type and grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (1) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for the deficiency, or (2) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(f) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(g) If the settlement value of the peanuts delivered to and accepted by CCC is less than the amount due on the loan (excluding interest) the producer shall pay CCC for the deficiency, plus interest thereon, unless the deficiency resulted from loss or damage assumed by CCC pursuant to § 446.1424.

(h) Notwithstanding the provisions of paragraph (g) of this section, if CCC removes peanuts from farm storage pursuant to § 446.1414 and sells such peanuts for an amount less than the amount due on the loan (excluding interest) and the grade or quantity of the peanuts removed is lower than the grade or quantity on which the loan was made, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the peanuts removed by CCC, plus interest. Such payment shall be in addition to that specified in paragraph (a) of this section. The settlement value of peanuts removed by CCC shall be determined in the manner specified in paragraph (e) of this section.

(i) Any amount due CCC from the producer may be se off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of producer may be set off against any payare due or may become due the producer from CCC or any other agency of the United States.

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

§ 446.1427 Loans to Association.

(a) Loans on eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC will be available to Associations which receive, arrange storage for and handle peanuts for and on behalf of eligible producers. Such loans will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1962), between the Associations and CCC. The Association may receive eligible peanuts from eligible producers who are not members of the Association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an Association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the Association or with CCC. The names and locations of such warehouses may be obtained from the Association or the county office. The Association may obtain the loan from an aproved lending agency or from CCC. Unless otherwise authorized by CCC, each producer from whom the Association receives peanuts must present his within quota card at the time he delivers the peanuts from storage. For each lot of peanuts received, the Association shall make an advance payment to the producer in the amount of the price support value of such peanuts. The producer shall relinquish any right to redeem or obtain possession of eligible peanuts delivered to the Association. At any time prior to acquisition of peanuts by CCC, the Association may redeem peanuts for sale in accordance with policies approved by CCC.

(b) Unless otherwise authorized by CCC, the Association shall distribute to the producers from whom it receives peanuts, profits obtained from the sale of redeemed peanuts less administrative expenses approved by CCC.

PURCHASE AGREEMENT

§ 446.1428 Purchase agreement provisions.

Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

§ 446.1429 Delivery of peanuts under a purchase agreement.

If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1963 during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1963 without any cost to CCC.

§ 446.1430 Quality and quantity of peanuts delivered to CCC.

Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified in the purchase agreement, and shall meet the grade requirements of § 446.1405, except that such peanuts shall not contain more than 7 percent damaged kernels. The grade shell be determined by a Federal or Federal State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

§ 446.1431 Purchase Agreement settlement.

Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and net weight quantity (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on the Purchase Agreement Settlement, Form CP–4, to whom payment of proceeds shall be made.

SUPPORT PRICES

§ 446.1434 Support prices.

(a) *Applicability.* The support prices specified in this section apply to 1962 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or purchase agreement under the peanut price support program.

(b) *National average price.* The minimum national average support price is $221.00 per ton. This price will be adjusted upward if a combination of the parity price and the supply percentage as of the beginning of the marketing year, (August 1, 1962) indicates a higher price. The final national average support price and other final prices for the types and grade factors specified in this section will be issued as an amendment to this bulletin.

(c) *Average interim support prices by type.* The interim support price by type per average grade ton of 1962 crop peanuts is:

Type:	Dollars per ton
Virgina	$234.01
Runner	208.49
Southeast Spanish	226.17
Southwest Spanish	216.93
Valencia, suitable for cleaning and roasting	234.01

(d) *Calculation of interim support prices.* The support price per ton for peanuts of a particular type and grade shall be calculated on the basis of the following rates, premiums and discounts. No value shall be assigned to damaged kernels.

(1) *Kernel values per net ton excluding loose shelled kernels.*

(i) Price for each percent of sound mature and sound split kernels shall be:	
Virginia Type	$3.109
Runner Type	3.062
Southeastern Spanish Type	3.180
Southwestern Spanish Type	3.154
Valencia Type:	
Southwestern area suitable for cleaning and roasting	3.402
Southwestern area not suitable cleaning and roasting	3.154
Areas other than S.W.	3.180
(ii) Price for each percent of other kernels:	
Virginia Type	1.40
Runner Type	1.40
Southeast Spanish Type	1.40
Southwest Spanish Type	1.20
Valencia Type	1.40
(iii) Premium for each one percent extra large kernels in Virginia type	.60

(2) *Value of loose shelled kernels per pound.*

Virginia Type	$0.07
Runner Type	0.07
Southwest Spanish Type	0.07
Southwest Spanish Type	0.06
Valencia Type	0.07

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of (percent):	Discount
1	None
2	$3.40
3	7.00
4	11.00
5	17.00
6	23.00
7	32.00
8–9	60.00
10–11	80.00
12–14	100.00
15–18	120.00
19–25	140.00

(4) *Sound split kernel discount.* For all types of peanuts the discount shall be 40 cents for each one percent above 5.

(5) *Foreign material discount.* The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(e) *Virginia type peanuts.* Virginia type peanuts to receive peanut price support as Virginia type must contain 30 percent or more "fancy" size, i.e. peanuts riding a $^{31}/_{64}$ x 3 inch slotted screen. Virginia type peanuts containing less than 30 percent fancy size will be supported as though they were Runner type.

(f) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(g) *Variety X Peanuts.* The support price of an unnamed and undesirable variety of peanuts grown in Virginia

from seed stock commercially developed in Windsor, Isle of Wight County, Virginia, and known as Variety X will be discounted 50 percent of the rate for Virginia type peanuts of the same grade, with no premium for extra large kernels.

No. 2 Shelled Peanuts

§ 446.1437 Purchase of No. 2 shelled peanuts.

(a) Subject to the terms and conditions of §§ 446.1437 to 446.1452, CCC will purchase from eligible commercial peanut shellers, No. 2 peanuts, as defined in § 446.1438, which meet the eligibility requirements stated in § 446.1439. No. 2 shelled peanuts which meet such requirements are hereinafter referred to as "no. 2 peanuts". Each of the following Associations is designated to accept No. 2 peanuts on behalf of CCC in the area specified; and shellers located in any such area shall offer No. 2 peanuts to the appropriate Association:

Southeastern area—GFA Peanut Association, Camilla, Georgia
Southwestern area—Southwestern Peanut Growers' Association, Gorman, Texas
Virginia-Carolina area—Peanut Growers Cooperative Marketing Association, Franklin, Virginia

(b) No. 2 peanuts will be purchased from only those eligible shellers who, on or before November 30, 1962, have notified the appropriate Association of their intentions to sell No. 2 peanuts to CCC.

§ 446.1438 No. 2 shelled peanuts.

No. 2 shelled peanuts are shelled Runner, Spanish, or Virginia type peanuts (excluding straight shelled peanuts) having similar varietal characteristics by type, and consisting of splits, large whole kernels, small whole kernels, or fall-through, defined as follows:

(a) "Splits"—separated halves of peanut kernels which will not pass through a screen having:

(1) 17/64 inch round openings in the case of Runner and Virginia peanuts, or

(2) 16/64 inch round openings in the case of Spanish peanuts.

(b) "Large whole kernels"—whole kernels which will not pass through screens having:

(1) 17/64 inch round openings and 15/64 x 3/4 inch openings in the case of Runner peanuts;

(2) 17/64 inch round openings and 15/64 x 1 inch openings in the case of Virginia peanuts; or

(3) 16/64 inch round openings and 14/64 x 3/4 inch openings in the case of Spanish peanuts.

(c) "Small whole kernels"—Whole kernels which, in the case of:

(1) Runner peanuts, will not pass through screens having 17/64 inch round openings, and 13/64 x 3/4 inch openings, but will pass through a screen having 15/64 x 3/4 inch openings;

(2) Virginia peanuts, will not pass through screens having 17/64 inch round openings and 13/64 x 1 inch openings, but will pass through a screen having 15/64 x 1 inch openings; or

(3) Spanish peanuts, will not pass through screens having 16/64 inch round openings and 12/64 x 3/4 inch openings, but will pass through a screen having 14/64 x 3/4 inch openings.

(d) Fall-through—in the case of:

(1) Runner peanuts: (i) Whole kernels and portions of kernels which will pass through a screen having 17/64 inch round openings, and (ii) Whole kernels which will not pass through a screen having 17/64 inch round openings; but will pass through a screen having 13/64 x 3/4 inch openings;

(2) Virginia peanuts: (i) Whole kernels and portions of kernels which will pass through a screen having 17/64 inch round openings, and (ii) Whole kernels which will not pass through a screen having 17/64 inch round openings, but will pass through a screen having 13/64 x 1 inch openings; or

(3) Spanish peanuts: (i) Whole kernels and portions of kernels which will pass through a screen having 16/64 inch round openings, and (ii) Whole kernels which will not pass through a screen having 16/64 inch round openings, but will pass through a screen having 12/64 x 3/4 inch openings.

§ 446.1439 Eligibility requirements for No. 2 shelled peanuts.

No. 2 peanuts of any type delivered to CCC by shellers shall:

(a) (1) Contain not more than (i) 2 percent peanuts of other types, (ii) 6 percent damaged or unshelled peanuts, (iii) 2 percent minor defects, except that any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects, (iv) 2 percent foreign material, (v) 7 percent fall-through, and (vi) 10 percent moisture.

(2) Peanuts containing any fractional percentage in excess of the whole number specified for any grade factor are not eligible for sale to CCC. For example, peanuts containing 6.01 percent damaged or unshelled peanuts are ineligible. For the purpose of determining whether the total percentage of damaged or unshelled peanuts and minor defects is within the 8 percent maximum, the percentages recorded for both factors on the inspection certificate shall be added without rounding.

(3) The terms used in this paragraph (a), which are not otherwise defined in this bulletin, shall, for each type of peanuts, have the meanings assigned in the current U.S. Standards for shelled peanuts of such type, issued by the U.S. Department of Agriculture, Agricultural Marketing Service. The percentages specified in this paragraph (a) shall be determined on a weight basis.

(4) The requirements of this paragraph (a) shall apply to each lot of peanuts included in any one offer, and a composite sample, which is representative of the quantity of peanuts in a lot, shall be used to determine whether the peanuts in that lot meet such requirements: *Provided, however,* That such requirements may be applied to any bag of peanuts included in a lot, in which event a sample drawn from such bag shall be used to determine whether the peanuts therein meet the requirements of this paragraph (a): *Provided further,* That no straight shelled peanuts shall be eligible for sale to CCC. Nothing contained herein shall be construed as a waiver of any right of CCC under paragraph (c) of § 446.1446, or under any other provisions in this bulletin.

(b) Be 1962 crop peanuts which, prior to the date of the offer, an eligible sheller has milled in his own plant unless milling at another location is authorized by CCC.

(c) Not exceed 200 pounds per ton, net weight, of eligible 1962 crop farmers stock peanuts of the same type containing not in excess of 7 percent damaged kernels, which the sheller prior to offering (1) purchased from producers, on the basis of grades determined by Federal or Federal-State inspectors, at a price not less than the price support value thereof, calculated on the basis of the grade shown on the inspection certificate, or (2) purchased from an Association which redeemed such farmers stock peanuts from the price support loan.

(d) Be free and clear of all liens and encumbrances.

(e) Not have been obtained from a custom seed shelling operation.

§ 446.1440 Eligible sheller.

A sheller shall be eligible to sell No. 2 peanuts to CCC if, by fulfilling all the requirements of this section, he cooperates in making price support available to all peanut producers who desire to pledge their peanuts to CCC. The sheller shall—

(a) Inform each producer, upon request, of the price support value of his peanuts under a 1962 price support loan;

(b) Pay a price not less than the price support value for each lot of 1962 farmers stock peanuts purchased from a producer during the period beginning August 1, 1962, and ending January 31, 1963 if such peanuts are eligible for a price support loan;

(c) Make warehouse space available for the storage of loan collateral peanuts under a warehouse contract, in the area and to the extent requested and not later than the date specified by the Association, unless he establishes to the satisfaction of the Association and CCC that all storage space over which he has control is needed in his normal milling operation and that no other storage space is available to him at reasonable cost in the area which he serves; and

(d) Purchase from producers, during the period beginning August 1, 1962, and ending January 31, 1963 only those peanuts for which inspection certificates have been issued by inspectors of the Federal or Federal-State Inspection Service: *Provided, however,* That the sheller may, without affecting his eligibility to sell No. 2 peanuts to CCC, purchase a quantity not to exceed two hundred tons of farmers stock peanuts for which such inspection certificates have not been issued if the Federal or Federal-State Inspection Service determines that inspection service cannot practically be made available with respect to such peanuts: *Provided further,* That peanuts for which such inspection certificates have not been issued shall not be used in calculating the quantity of No. 2 peanuts that may be delivered to CCC.

§ 446.1441 Period for offering.

(a) Written offers of No. 2 peanuts may be filed with the Association from a date to be announced by CCC through June 28, 1963, unless a later date is approved in writing by CCC: *Provided, however,* That upon notification to the shellers CCC may (1) at any time suspend its offer to purchase for a specified period of time, or (2) prior to June 28, 1963, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts. Notification shall be given by posting a letter or filing a telegram with the telegraph company.

(b) The date the offer is received by the Association shall be deemed to be the date of the offer. If No. 2 peanuts are inspected before they are offered to CCC, the offer shall be received by the Association within 9 days after the date of the inspection certificate: *Provided,* That when the 9th day following the date of the inspection certificate is a Saturday, Sunday or holiday, receipt of the offer by the Association on the next following regular working day will be considered timely.

(c) The sheller, within seven days after the date of the Association's written request therefor, shall mail to the Association a statement showing the quantity of No. 2 peanuts in his inventory which are eligible for sale to CCC. If the sheller fails to mail such information within the seven-day period, CCC shall not be obligated thereafter to purchase any No. 2 peanuts from him.

§ 446.1442 Contract.

The offer, all the provisions of §§ 446.1437 through 446.1452, and the written acceptance by the Association shall constitute the contract between the sheller and CCC. Any such contract which exceeds $100,000 shall also include the nondiscrimination provisions of section 301 of Executive Order 10925.

§ 446.1443 Quantity.

(a) The commodity office shall establish the quantity of No. 2 peanuts to be included in any one lot; i.e. the quantity for which one inspection certificate is issued. An offer may include one or more lots. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer. The quantities established by the commodity office shall be effective upon written notice thereof to the sheller by the Association or the commodity office. The sheller shall be deemed to have received such notice as of the third day after the notice is deposited in the mail or filed with the telegraph office for transmittal to such sheller.

(b) Each offer shall be made in the form prescribed by CCC.

§ 446.1444 Inspecting, grading and sealing No. 2 peanuts.

(a) The type and grade of the No. 2 peanuts delivered to CCC pursuant to each contract shall be determined and recorded on inspection certificates by Federal or Federal-State inspectors authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture. The sheller shall pay the cost of inspection and grading. No. 2 peanuts which are not inspected before they are offered to CCC shall be inspected at the time the peanuts are delivered to CCC. If No. 2 peanuts are inspected before they are offered to CCC, the sheller may, at his expense obtain a certificate by a Federal or Federal-State inspector showing the percentage of moisture in the No. 2 peanuts at the time of delivery, and such percentage of moisture shall be used in determining the net weight of the No. 2 peanuts delivered to CCC.

(b) The inspection data shall be used to determine (1) whether the peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.1439, (2) the net weight, and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the Inspection Service procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(d) The peanuts purchased by CCC may be reinspected at the request of CCC, and at its expense, within 5 days after receipt at destination.

§ 446.1445 Net weight of No. 2 peanuts.

No. 2 peanuts shall be purchased on a net weight basis. The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the sum of the percentages of (a) foreign material and (b) moisture in excess of 7 percent in the Southeast and Southwest areas or 8 percent in the Virginia-Carolina area. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.1446 Delivery, rejection, and liquidated damages.

(a) The sheller shall deliver, in accordance with instructions issued by the Association, a quantity of No. 2 peanuts which is not less than 95 percent nor more than 102 percent of the quantity specified in the sheller's offer and accepted by the Association. Such delivery instructions, except as provided in § 446.1447, shall be issued within 25 days after the date of the Association's written acceptance of the offer. Unless otherwise approved by CCC, all peanuts delivered on or after April 1, 1963 and at CCC's request peanuts delivered before April 1, 1963, shall be fumigated at the time of delivery, at the sheller's expense, and in accordance with instructions issued by CCC.

(b) The sheller shall deliver all peanuts in bags of uniform size, which are packed in accordance with instructions issued by CCC. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by the Association or CCC may be required.

(c) CCC may, upon notice to the sheller, reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer does not meet the eligibility requirements in § 446.1439 at the time of the original inspection or re-inspection, or if the peanuts have not been fumigated as required in paragraph (a) of this section. However, CCC may at its discretion and in lieu of rejection, require that eligible peanuts be fumigated at the sheller's expense at destination or other location specified by CCC, if the sheller did not fumigate such peanuts as required in paragraph (a) of this section.

(d) If, as of the date peanuts are moved out of the sheller's plant, such peanuts are subject to condemnation or disqualification for use as human food by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or if CCC determines that such peanuts would be subject to condemnation or disqualification if moved in interstate commerce, such peanuts shall not be delivered to CCC, and any amount paid to the sheller with respect to such peanuts shall be refunded to CCC. The sheller shall also pay any costs incurred by CCC with respect to such peanuts, as determined by CCC. Nothing contained in this subparagraph shall relieve the sheller of any obligation to deliver to CCC the quantity of eligible No. 2 peanuts specified in the sheller's offer.

(e) If the sheller fails to deliver a quantity of No. 2 peanuts equal to 95 percent or if he delivers in excess of 102 percent of the quantity offered by him and accepted by the Association, or if peanuts delivered to CCC are rejected, the sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such peanuts, liquidated damages in an amount equal to 2 cents per pound for the quantity by which the quantity of No. 2 peanuts delivered is less than 95 percent or more than 102 percent of that offered by the sheller and accepted by the Association or for the quantity of peanuts delivered to CCC and rejected. The sheller shall also refund to CCC any amount paid to him with respect to No. 2 peanuts which are rejected. The farmers stock peanut equivalent of No. 2 peanuts rejected by CCC, at the ratio of one ton of farmers stock to 200 pounds of such No. 2 peanuts, shall not be used by the sheller for the purpose of supporting further offers of No. 2 peanuts to CCC.

(f) If peanuts included in any offer are determined by CCC to be ineligible after CCC has contracted to sell such peanuts, the sheller shall make delivery of not less than 95 percent of the quantity offered by him and accepted by the Association. The price which CCC will pay to the sheller for such ineligible peanuts shall be the amount received by CCC upon the sale of such ineligible peanuts, as determined by CCC. The sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such ineligible peanuts, liquidated damages in an amount equal to 2 cents per pound (1) for the quantity by which the quantity of peanuts delivered is less than 95 percent of that offered by the sheller and accepted by the Association and (2) for the quantity of such peanuts delivered to CCC.

(g) Nothing contained in paragraphs (e) and (f) of this section shall require the payment of liquidated damages by the sheller under both of such paragraphs with regard to the same lot of peanuts. The sheller shall pay to CCC upon demand any amount determined by CCC to be due from the sheller under this section, or shall refund to CCC upon demand any amount paid to him which is in excess of any amount to which he may be entitled under this section as determined by CCC.

(h) Because of the difficulty in ascertaining the exact damages which CCC would sustain in the situations outlined in paragraphs (e) and (f) of this section, CCC and the sheller agree that the liquidated damages provided for in such paragraphs constitute a reasonable estimate of CCC's probable actual damages. Nothing contained in this section shall be construed as waiving any right of CCC or of the United States in the event of any fraudulent act on the part of the sheller.

§ 446.1447 Passage of title.

Title and risk of loss and damage to the peanuts shall pass to CCC upon delivery from the sheller's plant, f.o.b. railroad cars or trucks at CCC's option, except that in the event the Association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate, in form acceptable to CCC, which properly identifies the peanuts, and an inspection certificate issued by a Federal-State inspector if such peanuts were not inspected before they were offered. The gross weight of the peanuts for which the storage certificate is issued shall be determined, after the expiration of the 25-day period within which the Association was to have issued shipping instructions, by a weighmaster, and on scales, approved by CCC. Subject to the provisions of paragraph (d) of § 446.1446 the sheller shall not be responsible for deterioration or for uninsured loss or damage to the No. 2 peanuts prior to delivery but after passage of title to CCC unless such deterioration or such uninsured loss or damage is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise, or unless the peanuts are determined by CCC to be ineligible. If the peanuts are insured such insurance shall inure to the benefit of CCC. Any insurance proceeds received by CCC with regard to ineligible peanuts shall be applied against any amount due CCC from the sheller under § 446.1446, as determined by CCC. Any amount by which such proceeds exceed any amount due CCC shall be paid to the sheller, and any amount by which such proceeds are exceeded by the amount due CCC shall be paid by the sheller to CCC promptly upon demand. If the sheller fails to issue the storage certificate to CCC on or before the 30th day after the date of the Association's written acceptance of the sheller's offer, title shall not pass until the peanuts are delivered in accordance with instructions issued by the Association, and CCC shall not pay any storage or handling charges with respect to such peanuts. Title to ineligible peanuts, and risk of loss and damage if such peanuts have been delivered pursuant to instructions issued by the Association shall, in the event CCC rejects such peanuts, revert to the sheller as of the date of CCC's notice of rejection to the sheller, CCC shall not pay storage charges with respect to peanuts which are rejected.

§ 446.1448 Payment for No. 2 peanuts.

(a) (1) CCC will purchase eligible No. 2 peanuts at the price in effect on the date the offer is accepted by the Association. When two or more lots are included in one offer, the sum of the prices determined individually for all lots will be the purchase price of all peanuts delivered pursuant to such offer. For purposes of calculating the price of No. 2 peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent. Fractions of five-hundredths or more shall be rounded upward, and fractions of four-hundredths or less shall be dropped.

(2) No. 2 peanut prices shall be established by the Executive Vice President, CCC, who may revise such prices upward or downward at his discretion. Associations designated in § 446.1437 will furnish current No. 2 peanut prices to shellers who have informed the Associations of their interest in selling No. 2 peanuts to CCC. A sheller shall have the right to withdraw his offer if the price is reduced before the offer is accepted by the Association.

(b) Warehouse charges for peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.1447 shall be the sum of:

(1) $0.50 per net weight ton for handling-in charges,

(2) $0.50 per net weight ton for handling-out charges (delivery f.o.b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton or fraction thereof per storage month, each calendar month or fraction thereof, following the calender month in which title passed to CCC, and during which the peanuts remain in the sheller's facility, shall be a storage month: *Provided*, That if the peanuts are delivered in accordance with instructions issued by the Association during the calendar month in which title passed to CCC, the sheller shall be paid storage for one month.

(c) (1) Payment for the peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the Association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for peanuts for which title passed to CCC upon delivery from the sheller's plant shall be made, after delivery, for the net weight determined from the gross weight obtained at the time the peanuts were loaded out.

(3) Payment for peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities as provided in § 446.1447, shall be made after title has passed to CCC, but payment of the warehouse charges specified in paragraph (b) of this section shall be made after the peanuts are loaded out of the sheller's facilities. The net weight on which payment for both the peanuts and the warehouse charges is determined shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.1449 Records and reports.

(a) The records of the sheller shall at all times show (1) with respect to farmers stock peanuts purchased direct from producers the dates and places received, the names and addresses of the producers, the types and grades as determined by Federal or Federal-State inspectors, the pounds of each such grade purchased from and the price paid to each producer, (2) the types, grades, and quantities of farmers stock peanuts purchased from an Association, (3) the types, grades and quantities of farmers stock peanuts purchased from persons other than producers or Associations and (4) the types, grades and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The Association designated in § 446.1437 for the area in which the sheller is located or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all of his records available at the main office at any time an audit is made. All books, accounts, and records shall be retained for a period of 3 years after the last No. 2 peanuts are delivered to CCC.

(b) The reporting and record keeping requirements contained in this bulletin have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.1450 Assignment.

No contract, claim, or payment pursuant to any of the provisions of this bulletin relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.1451 Officials not to benefit.

No member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this bulletin relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation or a producer in his capacity of producer.

§ 446.1452 Contingent fees.

The sheller shall not employ any person to solicit or secure any contract

pursuant to any of the provisions of this bulletin relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or, in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Effective date: Date of signature.

Signed at Washington, D.C., on July 9, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6812; Filed, July 11, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 727—MARYLAND TOBACCO

Subpart—Marketing Quota Regulations, 1962–63 Marketing Year

GENERAL

AUTHORITY: §§ 727.1330 through 727.1361 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

§ 727.1330 Basis and purpose.

Sections 727.1330 through 727.1361 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and 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 purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1962–63 marketing year. These regulations do not provide for the collection of penalties on excess tobacco produced prior to the 1960 calendar year and marketed after September 30, 1960, it having been administratively found and determined, and it is hereby so found and determined, that (a) there will not be more than a negligible amount of such tobacco, (b) there is no practicable course which could be pursued to determine accurately the farms on which such tobacco may have been produced, (c) the costs of endeavoring to collect penalties on any such tobacco would be prohibitive, and (d) any attempt to collect any small amount of penalties which might become due would hamper the efficient and economical administration of the tobacco marketing quota program. Prior to preparing §§ 727.1330 through 727.1361, 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 §§ 727.1330 through 727.1361 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended. Since farmers are now engaged in 1962 farming operations, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 727.1330 through 727.1361 shall, therefore, become effective upon filing with the Director, Office of the Federal Register.

§ 727.1331 Definitions.

As used in §§ 727.1330 through 727.1361 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", "Secretary".

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

(b) "Buyers Corrections Account" means the account required to be kept by the warehouseman of any tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, and which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. Buyers Corrections Account shall include from each adjustment invoice the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights which buyers debit or credit to the warehouseman and support with adjustment invoices.

(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) "Dealer" or "buyer" means a person who engaged to any extent in the business of acquiring tobacco from producers.

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

(f) "Field assistant" or "marketing recorder" means any duly authorized employee of the United States Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation (ASCS) county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm engaged in receiving tobacco from farmers to assist in the sale of such tobacco through such warehouse and to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(g) "Floor sweepings" means scraps of tobacco or leaves, other than bundles, of tobacco which accumulate on the warehouse floor in the regular course of business which is sold in the untied form in which acquired and sales and resales of such tobacco.

(h) "Leaf account tobacco" means all tobacco purchased by or for the account of the warehouse regardless of whether it is in whole or parts of leaves or bundles and in addition tobacco, other than floor sweepings, which accumulates on the warehouse floor and is gathered up by the warehouseman for sale, and sales and resales of such tobacco including tobacco from Buyers Corrections Account. Scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, and floor sweepings purchased from another warehouseman or dealer shall be considered and reported as leaf account tobacco.

(i) "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".

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman.

(k) "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.

(l) "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.

(m) "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.

(n) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which had been marketed previously.

(o) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(p) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(q) "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.

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

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) 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 as Maryland tobacco, shall be considered Maryland tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) 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 Maryland 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 (1) of this paragraph, all or a part of such acreage should not be considered as Maryland 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.

(3) Notwithstanding the foregoing definition of "tobacco", or any other provision of §§ 727.1330 through 727.1361, tobacco in hogsheads which at the close of business on September 30, 1960, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1960, shall not be considered to be "tobacco" within the meaning of this subpart if such warehouse has furnished a report to the State ASC committee showing the quantity of such tobacco and identifying symbols which identify each lot of such tobacco.

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1962 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 727.1345.

(v) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1962, to September 30, 1963, inclusive, and any Maryland tobacco produced in the calendar year 1962 and marketed prior to October 1, 1962.

(w) "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.

(x) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers, warehouseman, and Association ("loan tobacco").

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed by sale at public auction in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.1332 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.

§ 727.1333 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 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; 0.0550 would be 0.05; 0.551 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

§ 727.1334 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 1962–63 marketing year 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.

§ 727.1335 Determination of tobacco acreage.

(a) *County committees.* 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 §§ 727.1330 through 727.1361 inclusive, and subject to the rule of fractions heretofore provided in § 727.1333(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 § 727.1331 (t)(2) that tobacco (harvested or unharvested) acreage is of a kind of tobacco 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 purposes 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 § 727.1338 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 which will be disposed of under § 727.1345 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

§ 727.1336 Amount of farm marketing quota.

(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 Maryland Tobacco Marketing Quota Regulations, 1962–63 (26 F.R. 6424, 6641, 10504). 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 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 1962 farm acreage allotment.

§ 727.1337 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 727.1328 and 719.12 of this chapter.

§ 727.1338 Marketing cards.

(a) *Issuance.* 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) through (f) of this section. Marketing 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, cards issued under § 727.1341 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 for use in identifying marketings of tobacco, except with respect to the issuance of excess marketing cards for the identification of "carryover" tobacco, as provided in paragraph (c) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty to be shown in § 727.1347(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 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 § 727.1352(f), 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 1962 crop tobacco from a farm are subject to penalty, determined as provided in § 727.1344 (including zero penalty), 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 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 any other producer on the farm fails to notify the ASCS county office (with deposit to cover the cost as determined by the county committee and approved by the State committee) of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 727.1345, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to file such 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 § 727.1345(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.

(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 (d)(2) of this section prior to the beginning of the harvesting of tobacco from the farm.

(c) *Excess marketing card (MQ–77—Tobacco) marked "carry-over".* An excess marketing card (ineligible for price support loans) marked "carry-over" showing the extent to which marketings of carry-over tobacco from a farm are subject to penalty, determined pursuant to § 727.1344(c), shall be issued for a farm with respect to which there is carry-over tobacco.

(d) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1962 crop tobacco from a farm under paragraph (b) or (e) of this section, a within quota marketing card (eligible for price support loan 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.

(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 harvest of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and farm 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 harvest 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 on the report is located.

(e) *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 warehouseman 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 warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm for use in identifying marketings of (1) 1962 crop tobacco, or (2) carryover tobacco. 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 marketing of tobacco from the farm has 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.

§ 727.1339 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.

§ 727.1340 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 issued for the farm for marketing his proportionate share.

§ 727.1341 Successors in interest.

Any person who succeeds, other than as a dealer, 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.

§ 727.1342 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 cannot be corrected by a field assistant), 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 any 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 a field assistant, then such card shall become valid.

§ 727.1343 Report of misuse of marketing card.

Any information which causes a field assistant, a member of a State, county, or community committee, or an 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

§ 727.1344 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of the 1962 crop Maryland tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in 1962 in excess of the 1962 farm acreage allotment and not disposed of under § 727.1345 by the total acreage of tobacco harvested from the farm in 1962.

(b) All Maryland carry-over tobacco from crops produced prior to 1960 shall be treated as within quota tobacco and, as such, not subject to penalty. (See § 727.1330.)

(c) Marketings of Maryland carry-over tobacco from a farm produced in 1960 or 1961 shall be subject to penalty by the percent excess determined as follows:

(1) The percent excess for farms having within quota carry-over tobacco only from one or more year's crops will be zero.

(2) The percent excess for any farm having excess carry-over tobacco from one crop year only, whether 1960 crop or 1961 crop, none of which has been offset by underharvesting the 1962 allotment for the purpose of collecting penalties, will be the percentage determined in:

(i) 1960 as applicable to tobacco from the 1960 crop, or

(ii) 1961 as applicable to tobacco from the 1961 crop.

(3) Where the carry-over tobacco for a farm is from more than one year's crop, the percent excess for such farm having within quota carry-over tobacco, if any, and excess carry-over tobacco, none of which excess has been offset by underharvesting the 1962 allotment, will be determined as follows:

(i) The quantity of any excess carry-over tobacco from the 1960 crop will be multiplied by the percentage determined in 1961 as applicable to the 1960 excess carry-over tobacco for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(ii) The quantity of any excess carry-over tobacco from the 1961 crop will be multiplied by the percentage determined in 1961 as applicable to the 1961 crop for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iii) Add the pounds of 100 percent excess poundage as may be determined under subdivisions (i) and (ii) of this subparagraph and divide the sum by the total of the pounds of within quota carry-over tobacco, if any, and the pounds of excess carry-over tobacco will result in the percent excess.

(4) Where the carry-over tobacco for a farm is from one or more year's crop, the percent excess for such farm having within quota carry-over tobacco, if any, and excess carry-over tobacco, part or all of which excess has been offset by underharvesting the 1962 allotment, will be determined as follows:

(i) Multiply the 1962 underharvested acreage (allotment minus harvested acreage) by the normal yield for 1962 to determine the pounds of 100 percent excess tobacco that could be absorbed by 1962 underharvesting.

(ii) The quantity of any excess carry-over tobacco from the 1960 crop will be multiplied by the percentage determined in 1961 as applicable to the 1960 excess carry-over tobacco for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iii) The quantity of any excess carry-over tobacco from the 1961 crop will be multiplied by the percentage determined in 1961 as applicable to the 1961 crop for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iv) Compute the sum of the pounds of 100 percent excess poundage by adding the results determined under subdivisions (ii) and (iii) of this subparagraph.

(v) If the sum of the pounds of 100 percent excess poundage computed under (iv) does not exceed the pounds computed under subdivision (i) of this subparagraph, all carry-over tobacco is penalty free, and the percent excess is zero.

(vi) If the pounds computed under subdivision (iv) of this subparagraph exceed the pounds computed under subdivision (i) of this subparagraph, the difference between such two poundage figures is the net amount of 100 percent excess poundage that was not absorbed by 1962 underharvesting. Such net amount of 100 percent excess poundage divided by the total of the pounds of within quota carry-over tobacco, if any, and the pounds of excess carry-over tobacco will result in the percent excess.

(d) 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 rate of penalty determined pursuant to § 727.1347 by the percent excess obtained under paragraph (a) or (c) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.1345 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 subparagraph (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 excess carry-over tobacco from the farm calculated as provided in § 727.1344(c) but not to exceed the normal production of the acreage by which the 1962 harvested acreage for the farm is less than the 1962 allotment may be marketed penalty free.

§ 727.1346 Identification of marketings; old crops.

Subject to paragraph (a) of this section, 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. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "carry-over" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1962, and the words "old crop" will be written or stamped on each memorandum of sale executed covering a warehouse sale, or by the buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1962.

(a) *Memorandum of sale and sale without marketing card.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum of sale identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82–Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82–Tobacco shall be executed only by a field assistant or other representative of the State executive director with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized during the 1962–63 marketing year on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the ware-

house when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for vertification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who keeps records showing the information specified in § 727.1354, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State executive director from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.1330 through 727.1361.

(3) The field assistant shall write on the "county copy" of the memorandum of sale, any name shown as seller on a floor sheet unless the name(s) shown thereon include the surname of the person to whom the marketing card was issued.

(4) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator, and all such bills of nonwarehouse sale shall be delivered to a person who is authorized to issue a memorandum of sale.

(2) Each bill of nonwarehouse sale covering any marketing of tobacco, except as described under paragraph (a)(1)(ii) of this section, shall be presented to a person who is authorized to issue a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.1347 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 Maryland tobacco for the 1961–62 marketing year as determined by the Crop Reporting Board, Agricultural Marketing 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 for Maryland tobacco as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1961–62 marketing year will be issued by an amendment to these regulations.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess Maryland tobacco during the 1962–63 marketing year will be issued by an amendment to these regulations.

(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 § 727.1344.

§ 727.1348 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) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

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

(d) *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.

§ 727.1349 Penalties considered to be due from warehousemen, dealers 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) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale); and,

(2) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week in which the tobacco was purchased; or,

(3) Where the tobacco is not to be resold through a hogshead tobacco warehouse, and is purchased prior to the opening of the local auction market, is not identified by a valid bill of nonwarehouse sale and by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman, which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Resales not reported.* Any resale of tobacco which under §§ 727.1330 through 727.1361 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.1330 through 727.1361 shall be considered to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *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.

§ 727.1349a Producers' penalties; false identification, failure to account, incorrectly determined acreages.

(a) *Penalties for false identification or failure to account.* 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 marketed as 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 § 727.1352(d) 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 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 § 727.1335 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 § 727.1352(f), 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 § 727.1326 of this part, 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) of tobacco 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 tobacco 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.

§ 727.1350 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 in which case 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 end of the calendar week 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 the penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale; net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.1330 through 727.1361 is in excess of the net proceeds of sale (gross amount for all lots included in the sale, less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonwarehouse sale; converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.1351 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 §§ 727.1330 through 727.1361 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 approval of the State Executive Director.

RECORDS AND REPORTS

§ 727.1352 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 refused 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 shall return to the ASCS county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than October 1, 1963. At the time the marketing card is returned to the ASCS county office, there shall be shown on each such card the quantity of tobacco on hand, if any, including the crop year produced and its location. Failure to return the marketing card 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 (d) of this section.

(c) *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 kinds 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.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.1330 through 727.1361, 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 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 warehouseman, dealer, 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 the MQ–108, as requested, the filing of a false MQ–108, of the filing of an 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.

(e) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1962 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(f) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 727.1311 through 727.1328 (26 F.R. 6424, 6641, 10504) which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

§ 727.1353 Warehouseman's records and reports.

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

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition, with respect to each individual basket or lot of tobacco constituting the warehouse sale, the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) Each warehouseman shall keep such records as will enable him to furnish the ASCS State office the total pounds and amounts of the debits (for short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account as defined in § 727.1331(b). Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry), in the case of a dealer, on the Dealer's MQ–79 (Dealer's Record). If a warehouse maintains a daily summary of billouts, the balancing figure reflected thereon, if any, shall not be included in the Buyers Corrections Account.

(4) Any warehouseman 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 approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of producer sales of tobacco*—(1) *Floor sheet.* The prefix letter and serial number of the marketing card shall be recorded by the warehouseman on his office copy of the auction warehouse floor sheet covering an auction sale of tobacco by a producer.

(ii) *Check register.* The serial number of the warehouse bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering an auction sale of tobacco by a producer (or on the ledger account in the case of a sale through a hogshead warehouse).

(iii) *Marketing card cover.* The serial number of the warehouse bill(s) shall be recorded on the inside front cover of the marketing card by the field assistant or warehouseman for each memorandum of sale issued covering a sale of tobacco by a producer.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or an MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman or any other person who obtains possession of any scrap tobacco in the course of grading tobacco from any farm and any warehouseman who obtains possession of any scrap tobacco as a result of providing curing space or stripping space for farmers shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–80—Tobacco, Daily Auction Warehouse Report: *Provided,* That, if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record; old crops.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record, or have the dealer record, on MQ–79—Tobacco, the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and regardless of who makes the entries, the warehouseman shall enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1962, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco

warehouse by or for such warehouseman from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco, as these terms are defined under § 727.1331.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided,* that if tobacco is purchased prior to the opening of the local auction market, an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week which includes the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office with the original copy of MQ–79—Tobacco.

(g) *Weekly and season report of hogshead tobacco warehouse business.* (1) Each hogshead tobacco warehouseman shall furnish the ASCS State office a weekly report of all leaf account tobacco purchased or sold and all floor sweepings sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASCS State committee, not later than October 10, 1962, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), the hogshead number and pounds of tobacco in each hogshead received, but which is on hand and unsold as of the close of business on September 30, 1962; *Provided,* That such report shall not include any tobacco which was previously reported as being on hand in such hogshead warehouse as of the close of business, September 30, 1960, under § 727.1331(t)(3).

(3) A hogshead tobacco warehouseman shall submit weekly reports, except as to tobacco excluded from the definition of "tobacco" by § 727.1331(t)(3), (each such report to be submitted not later than the end of the calendar week during which the transactions occurred) to the ASCS State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the billout to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to the year the tobacco in the hogshead was produced.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1962 and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1962.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the billout for tobacco resold through the hogshead warehouse.

(h) *Daily report of warehouse business.* Each warehouseman, other than a hogshead tobacco warehouseman, shall prepare and promptly forward at the end of each sale day to the ASCS State office a report on Form MQ–80—Tobacco, Daily Auction Warehouse Report, showing for each sale day, unless otherwise stated below:

(1) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased at auction, and resales at auction on the warehouse floor.

(2) For any association, as originally billed, the total pounds and gross amount of loan tobacco acquired at auction, and resales at auction, if any, on the warehouse floor.

(3) The total pounds and gross amount of all leaf account purchases at auction on the warehouseman's own floor and the total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor including resales of tobacco from Buyers Corrections Account.

(4) The total pounds and gross amount of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor.

(5) The sum of the totals for subparagraphs (1), (2), (3) and (4) of this paragraph.

(6) The computed total of first sales at auction on the warehouse floor.

(7)(i) The warehouse gross sales for the day, pounds and amount, as billed to buyers (sum of purchases from subparagraphs (1), (2) and (3) of this paragraph, (ii) the amount on warehouse check register, if shown thereon; and (iii) the total of the resales, pounds and amount (sum of resales from subparagraphs (1), (2), (3) and (4) of this paragraph).

(8) On the report for the last sale day for the season, the pounds and estimated value of all tobacco on hand and whether such tobacco represents leaf account tobacco, or floor sweepings which accumulated on the warehouseman's own floor.

(9) For each sale day, if available, otherwise weekly, the sum of the debits and the sum of the credits, pounds and amounts, from the Buyers Corrections Account.

(10) For each warehouse sale of excess tobacco from a farm, the applicable memorandum of sale numbers and the relevant memoranda together with remittance of the penalty due as shown thereon.

(11) As to the information required to be entered on Form MQ–80—Tobacco, Daily Auction Warehouse Report, by the field assistant, the warehouseman shall keep and make available such records as will enable the field assistant to enter thereon: (i) For each sale identified by a memorandum of sale or MQ–82, Sale Without Marketing Card, the pounds sold and gross amount; (ii) for each sale suspended under §§ 727.1346(a) and 727.1353(d), the warehouse bill(s) number, pounds sold and gross amount; and (iii) for each sale cleared from suspension, the memorandum of sale number and the date of clearance.

§ 727.1354 Dealers' records and reports.

Each dealer, except as provided in § 727.1355, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASCS State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco, which is issued to the dealer.

(b) *Record of marketings.* Each dealer shall keep such records as will enable him to furnish the ASCS State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale, including the records and reports for farm scrap tobacco set forth in § 727.1353 (a)(4)(5) and (c); and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and, with respect to each lot of tobacco sold by him, the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

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

(11) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1962, the fact that such tobacco was bought by him from a crop produced prior to 1962.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale

from the 1962 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse, including farm scrap tobacco obtained as set forth in § 727.1353 (a)(4)(5) and (c). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed. Nonwarehouse purchases shall be recorded by the dealer or the field assistant on MQ–79—Tobacco, Dealer's Record, and the field assistant shall enter his initials in the space provided.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco bought from a crop produced prior to 1962, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1962. MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week in which tobacco was purchased or resold, including the original copy of any spoiled reports: *Provided,* That if tobacco is purchased prior to the opening of the local auction market, an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office with the original copy of MQ–79—Tobacco.

(e) *Report to warehousemen for Buyers Correction Account of Tobacco Received.* Notwithstanding the provisions of § 727.1355, any dealer, buyer or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the werehouseman an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

§ 727.1355 Dealers exempt from regular records and reports.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.1354: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.1354 with respect to such purchases.

§ 727.1356 Records and reports of truckers and persons redrying, prizing or stemming 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 producer;

(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 redrying, prizing or stemming 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.

§ 727.1357 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 warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming 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.

§ 727.1358 Failure to keep records and 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 warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers who fails to make any report or keep any record as required under §§ 727.1330 through 727.1361, 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 warehouseman or dealer 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, sec. 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.

§ 727.1359 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 warehouseman, processor, dealer, trucker or person engaged in the business of redrying, prizing or stemming 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, upon written request by the State executive director or Director, all such books, papers, records, basket tickets; floor sheets, buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, and memoranda as the State executive director or Director has reason to believe are relevant and are within the control of such person.

§ 727.1360 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 727.1330 through 727.1361 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.

§ 727.1361 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.1330 through 727.1361 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 record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C. on July 9, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6808; Filed, July 11, 1962; 8:51 a.m.]

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

[Milk Order No. 47]

PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

Order Amending Order

§ 1047.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1047.46 (c) and (d) and the corresponding steps of § 1047.47; and

(c) The amount of milk for which a payment is computed pursuant to § 1047.62 (a) (2) or (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued May 18, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 7, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended as follows:

1. Section 1047.6 is revised to read as follows:

§ 1047.6 Marketing area.

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area", means all the territory within the counties of Adams, Allen, Blackford, De Kalb, Huntington, Jay, La Grange, Noble, Steuben, Wabash, Wells and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

2. Section 1047.51(b) is revised to read as follows:

§ 1047.51 Class prices.

* * * * *

(b) *Class II milk price.* The price per hundredweight for Class II milk of 3.5 percent butterfat content shall be the basic formula price: *Provided,* That such Class II price shall not exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the Chicago butter price subtract three cents and multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month to the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

3. Part 1047 is amended by adding a new § 1047.49 to read as follows:

§ 1047.49 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1047.46(f) and the corresponding step of § 1047.47 subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to §§ 1047.46 and 1047.47 in:

(a) Producer milk and receipts of fluid milk products from other pool plants; and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

4. Section 1047.70 (d) and (f) are revised to read as follows:

§ 1047.70 Computation of value of producer milk.

* * * * *

(d) Multiply the hundredweight of skim milk and butterfat subtracted pursuant to § 1047.49(a) by the difference between the Class II price for the preceding month and the Class I price for the current month;

* * * * *

(f) Multiply the hundredweight of skim milk and butterfat remaining after the calculation pursuant to § 1047.49(b) by the rate pursuant to § 1047.63(b).

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

Effective date: August 1, 1962.

Signed at Washington, D.C., on July 6, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6819; Filed, July 11, 1962; 8:53 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 7—ADVISORY BOARDS

The following regulations are issued pursuant to Executive Order 11007, and section 161, 68 Stat. 948, 42 U.S.C. 2201, and supersede regulations in this part, dated December 10, 1959.

Because of the organizational and procedural nature of these regulations, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary, and that good cause exists why these rules should be made effective without the customary period of prior notice.

The following regulations are made effective upon publication thereof in the FEDERAL REGISTER:

Sec.

AUTHORITY: §§ 7.1 to 7.11 issued under Executive Order No. 11007; sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

§ 7.1 Purpose.

(a) The regulations prescribed in this part shall govern advisory boards established pursuant to sections 161(a), 26, 29 and 157(a) of the Atomic Eenergy Act of 1954, as amended (68 Stat. 948), to the extent not inconsistent with specific law.

(b) Except as made applicable by the Commission, the regulations shall not apply:

(1) To any advisory board for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such board;

(2) To any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations;

(3) To any local, regional, or national committee whose sole function is the dissemination or information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

§ 7.2 Definitions.

As used in this part:

(a) The term "advisory board" means any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is established under authority of the Atomic Energy Act of 1954, as amended, in the interest of obtaining advice or recommendations, or for any other purpose, and that is not composed wholly of full-time salaried officers or employees of the Government. The term also includes any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not established by the Commission, but only during any period when it is being utilized by the Commission in the same manner as a Government-formed advisory committee. The term does not include any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is established in the interest of obtaining information and recommendations and is composed wholly of full-time salaried officers or employees of the Government and of employees of AEC contractors who furnish such information and recommendations as services under, and in accordance with the terms of, the contract between AEC and their employers.

(b) The term "industry advisory committee" means an advisory board composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service, or product basis. An industry advisory committee may also be composed of members or representatives of labor or agriculture, as well as industry, or a combination thereof.

(c) The term "Commission" means the Atomic Energy Commission.

§ 7.3 Functions and limitations.

(a) No advisory board shall be established by the Commission or utilized unless:

(1) Specifically authorized by law, or

(2) Specifically determined as a matter of formal record by the Commission to be in the public interest in connection with the performance of duties imposed by law.

(b) Unless specifically authorized by law to the contrary, no advisory board shall be utilized for functions not solely advisory, and determinations of action to be taken with respect to matters upon which an advisory board advises or recommends shall be made solely by full-time salaried officers or employees of the Government.

§ 7.4 Chairman.

All meetings of an advisory board shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

§ 7.5 Membership.

In the case of advisory boards other than the General Advisory Committee, the Advisory Committee on Reactor Safeguards, and the Patent Compensation Board, the General Manager or the Director of Regulation, as the case may be, will select the members: *Provided, however,* That the Manager of a field office will select members of the Personnel Security Board established for his office.

§ 7.6 Meetings and agenda.

No meeting of an advisory board shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the Commission, and with an agenda formulated or approved by such officer or employee.

§ 7.7 Minutes.

For advisory boards other than industry advisory committees, minutes of each meeting shall be kept which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory board. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

§ 7.8 Waivers of compliance.

In the case of advisory boards other than industry advisory committees, the Commission, the General Manager or Director of Regulation, as the case may be, may waive compliance with any requirement contained in §§ 7.4, 7.6 and 7.7 when the Commission, the General Manager or the Director of Regulation, as the case may be, formally determines that compliance therewith would interfere with the proper functioning of such advisory board or would be impracticable, that adequate provisions are otherwise made to insure that the advisory board operation is subject to Government control and purpose, and that waiver of the requirement is in the public interest.

§ 7.9 Duration.

An advisory board whose duration is not otherwise fixed by law shall terminate not later than two years from the date of its formation unless the Commission determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the Commission shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such advisory board thereafter. For the purpose of these regulations, the date of formation of an advisory board in existence on February 28, 1962, shall be deemed to be July 1, 1960, or the actual date of its formation, whichever is later.

§ 7.10 Industry advisory committees.

(a) Each industry advisory committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in

the particular industry, industries, or segments concerned, except where the Commission, the General Manager or Director of Regulation, as the case may be, deems such limitations would interfere with effective committee operation.

(b) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: *Provided,* That where the Commission, the General Manager or the Director of Regulation, as the case may be, formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, the Commission, the General Manager or the Director of Regulation, as the case may be, may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received; issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(c) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

§ 7.11 Annual publication of list of advisory boards; availability of Advisory board records and files to the Attorney General.

(a) The Commission shall publish in its annual report, or otherwise publish annually, a list of such advisory boards, including the names and affiliations of their members, a description of the function of each advisory board and a statement of the dates of its meetings: *Provided,* That the Commission may waive this requirement where the Commission determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory boards, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for any such advisory board, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.

Dated at Germantown, Md., this 6th day of July 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-6769; Filed, July 11, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraphs (g) and (h) are added to § 6.372 as set out below.

§ 6.372 U.S. Arms Control and Disarmament Agency.

* * * * *

(g) The General Counsel.

(h) One Private Secretary to the General Counsel.

(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. 62-6813; Filed, July 11, 1962; 8:52 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

Day of Registration

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), § 325.12(c)(8) of Part 325 (20 CFR 325.12(c)) of the regulations under such act is amended by Board Order 62-84, dated June 28, 1962, to read as follows:

(c) *Day of registration.* * * *

(8) If an employee, because of a circumstance or condition directly affecting him and not attributable to any lack of diligence on his part, does not register within the time hereinabove specified with respect to any day in the benefit years beginning July 1, 1957, July 1, 1958, July 1, 1959, or July 1, 1960, for which he would not have been entitled to unemployment benefits except for the amendments to the Railroad Unemployment Insurance Act made by Public Law 86-28, 73 Stat. 25, or except for the provisions of section 303(b) of Public Law 86-28, 73 Stat. 31, such employee may register with respect to such day within a reasonable time after the circumstance or condition which had prevented timely registration is removed, but not later than May 18, 1963.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: July 6, 1962.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Acting Secretary of the Board.

[F.R. Doc. 62-6785; Filed, July 11, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1193; Amdt. 461]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the wing rear spar of Lockheed 1049 Series aircraft was published in 27 F.R. 4559.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

LOCKHEED. Applies to all Models 1049-54, 1049B, 1049C, 1049D, 1049E, 1049F, 1049G, and 1049H Series aircraft.

Compliance required as indicated.

As a result of corrosion found on the wing rear spar upper cap exposed surfaces which exceeded the negligible damage limits the following is required:

(a) Within the next 700 hours' time in service after the effective date of this AD, unless already accomplished, inspect the exposed surfaces of the rear spar upper caps from wing Station 80 to wing Station 458 using a wood or micarta pick as a probe and a good light source to illuminate the area.

(b) If no corrosion is found, coat the spar cap with zinc chromate primer. The aircraft may then be returned to service.

(c) If corrosion damage is found on the exposed surfaces of the rear spar upper cap, remove enough rivets from the aft upper surface skin to allow lifting the skin for the purpose of inspecting the aft outer surface of the rear spar upper cap in accordance with (a).

(d) Repair all corrosion damage in accordance with Lockheed Report 8882, figure 2-25 and paragraph 1-67N, or FAA approved equivalent. If no corrosion is found on the aft outer surface of the rear spar upper cap, coat it with zinc chromate.

(e) All rear spar upper caps which have been inspected and repaired in accordance with (a) through (d) shall be reinspected and repaired in accordance with (a) through (d) at periods thereafter not to exceed 5,000 hours' time in service or two calendar years, whichever occurs first. The first periodic reinspection of any rear spar upper cap which was inspected and repaired in the manner prescribed in (a) through (d) prior to the effective date of this AD, shall be accomplished within 5,000 hours' time in service or two calendar years, whichever occurs first, following the date of that inspection.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letters FS/249582L dated November 4, 1960, and FS/250141L

dated December 20, 1960, cover this same subject.)

This amendment shall become effective August 13, 1962.

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

Issued in Washington, D.C., on July 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6771; Filed, July 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1241; Amdt. 462]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on June 7, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Douglas DC-8 aircraft. The directive required preflight inspection of the forward outboard wing flap actuating cylinder barrels. It was later determined that with certain modifications incorporated the inspection time could be extended to a daily inspection. Accordingly, this directive was amended by a new directive adopted on June 14, 1962, and made effective immediately as to the same known operators.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Douglas DC-8 aircraft by individual telegrams dated June 7, 1962, and as amended by telegrams dated June 14, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

DOUGLAS. Applies to all Model DC-8 aircraft with outboard flap actuating cylinder Douglas P/N 3643686. These cylinders can be identified as having an outside diameter of 3.810—3.820 inches at the forward end of the barrel where the cylinders attach to the wing flap crank. Compliance required as indicated.

(a) On aircraft incorporating flap quadrant stops which limit flap extension to 40° full down, conduct a close visual inspection daily of the forward ¼ inch of length and around the entire periphery of both outboard wing flap actuating cylinder barrels for evidence of cracks or fluid leakage. Conduct inspection with hydraulic pressure on. Investigate hydraulic fluid leakage to determine cause. Barrels showing evidence of cracks shall be replaced prior to further flight.

(b) On aircraft not incorporating 40° full-down quadrant stops, prior to each flight inspect in accordance with (a) until aircraft are modified as follows:

(1) Install a stop on the control pedestal assembly as described on Serial E.O.001 to Douglas Drawing 5640901 which restricts flap extension to 46-48° down travel.

(2) Rig the flap in accordance with the instructions contained in Addendum No. 1 dated June 12, 1962, to Douglas Alert Bulletin A27-134.

(c) When modifications in accordance with (b) have been accomplished, the preflight inspection required by (b) may be conducted daily.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegrams dated June 7, 1962, and June 14, 1962.

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

Issued in Washington, D.C., on July 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6772; Filed, July 11, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-47]

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

Alteration of Control Zone

On May 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4155) stating that the Federal Aviation Agency proposed to alter the control zone at El Centro, Calif.

No 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, § 601.2175 (14 CFR 601.2175) is amended to read:

§ 601.2175 El Centro, Calif., control zone.

Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, (latitude 32°50'10" N., longitude 115°34'30" W.), and within 2 miles either side of the El Centro VORTAC 327° radial extending from the Imperial County 5-mile radius zone to the VORTAC.

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 July 6, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6761; Filed, July 11, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-48]

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 § 601.2089 of the Regulations of the Administrator is to alter the description of the Cleveland, Ohio, control zone.

The Cleveland control zone is designated, in part, with reference to the Cleveland radio range and the Elyria, Ohio, fan marker. The Cleveland-Hopkins Airport LF radio range instrument approach procedure was cancelled December 14, 1961. The Federal Aviation Agency is now planning to decommission the Elyria fan marker as this navigational aid, which supported the radio range instrument approach procedure, is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Cleveland radio range and the Elyria fan marker.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit the appropriate changes to be made on areonautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2089 (14 CFR 601.2089) is amended to read:

§ 601.2089 Cleveland, Ohio, control zone.

Within a 5-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.), within 2 miles either side of the Cleveland ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM, and within 2 miles either side of the extended centerline of runway 23-R extending from the 5-mile radius zone to 18 miles NE of the approach end of the runway.

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 July 6, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6770; Filed, July 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1250; Amdt. 277]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

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

PROCEDURE CANCELLED, EFFECTIVE JULY 27, 1962.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., SBRAZ; Ident., CMH; Procedure No. 1, Amdt. 11; Eff. Date, 22 July 61; Sup. Amdt. No. 10; Dated, 30 July 55

PROCEDURE CANCELLED, EFFECTIVE JULY 26, 1962.

City, Duluth; State, Minn. Airport Name, Duluth; Elev., 1430'; Fac. Class., SBRAZ; Ident., DLH; Procedure No. 1, Amdt. 4; Eff. Date, 14 Oct. 53; Sup. Amdt. No. 3; Dated, 1 Aug. 50

PROCEDURE CANCELLED, EFFECTIVE JULY 21, 1962, OR UPON CONVERSION OF LFR TO RBN.

City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091'; Fac. Class., BRL; Ident., CX; Procedure No. 1, Amdt. 5; Eff. Date, 24 June 61; Sup. Amdt. No. 4; Dated, 15 Dec. 56

JAX VOR	JX LFR	Direct	1200	T-dn C-dn A	300-1 600-2 NA	300-1 600-2 NA	200-½ 600-2 NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 139°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 1500' on W crs within 20 mi.
NOTE: If unable to maintain visual reference after passing facility, climb to 1400' on SE crs within 20 mi and contact JAX approach control immediately. NA for Air Carriers. No weather or communications service at airport.
Other change: Deleted transition from Fort George Island Fan Marker.

City, Jacksonville; State, Fla.; Airport Name, Craig Municipal; Elev., 41'; Fac. Class., SABRAZ; Ident., JAX; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 7 Jan. 56

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
OBK VOR	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Lakewood Int	LOM	Direct	2500	S-dn-27	400-1	400-1	400-1
Acorn Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Temple Int*	LOM (Final)	Direct	2100				
Deerfield Int	LOM	Direct	2200				
Beacon Int	LOM	Direct	2500				
Elgin Int	OBK VOR	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 268°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing LOM, make right turn climb to 2500' on 360° course then proceed direct to OH LOM, or when directed by ATC, climb to 2000' on ORD VOR R-250, then make right climbing turn to 2500' and proceed to Elgin Int via ORD VOR R-271 or make right turn climb to 2200' and proceed to Northbrook VOR via R-170.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound.
*Temple Int: Int ORD VOR R-076 and OBK VOR R-119 or ORD VOR R-076 and CGT VOR R-356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., LOM; Ident., IA; Procedure No. 3, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 27 Jan. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CMX VOR	CMX RBn	Direct	2500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn W. side of crs, 018° Outbnd, 198° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 200°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, climb to 2900′ on 198° brng from CMX RBn facility within 20 miles.

City, Houghton; State, Mich.; Airport Name, Houghton-County; Elev., 1091′; Fac. Class., SABH; Ident., CMX; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 July 62

IDA VOR	RBn	Direct	6500	T-dn	300-1	300-1	200-½
Rigby Int	RBn (Final)	Direct	5400	C-dn	500-1	500-1	500-1½
St. Anthony Int	RBn	Direct	7500	S-dn-20	400-1	400-1	400-1
DBS VOR	RBn	Direct	7000	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 018° Outbnd, 198° Inbnd, 6500′ within 10 mi.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 198°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles climb to 7000′ on 195° crs, of IDA RBn within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4731′; Fac. Class., SABH; Ident., IDA; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62 or upon commissioning of IA "H" facility; Sup. Amdt. No. Orig.; Dated, 30 Sept. 61

Morey Int	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Marshall Int	LOM	Direct	2500	C-dn	700-1	700-1	700-1½
Albany Int*	LOM	Direct	2400	S-dn-36	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 359°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′ on 359° brng from LOM within 15 mi.
CAUTION: 1211′ tower 1.3 mi to left of crs after passing LOM on final and 1023′ MSL pole 0.8 mi to left of crs and 0.8 mi SW of Runway 36.
*Albany Int: Int, JVL VOR R-314 and brg. 179° from LOM.
**Aircraft must be equipped to receive LOM and LFR simultaneously to use lower minimums.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., LOM; Ident., MS; Procedure No 1, Amdt. 6; Eff. Date, 21 July 62; Sup. Amdt. No. 5; Dated, 3 Dec. 60

PROCEDURE CANCELLED, EFFECTIVE JULY 21, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., LOM; Ident., MI; Procedure No. 1, Amdt. 8; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 7; Dated, 3 Jan. 59

MIA-VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
BSY-VOR	LOM	Direct	1300	C-dn	500-1	500-1	500-1½
MIA RBn	LOM	Direct	1300	S-dn-9 L and R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Ontbnd, 086° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to Runway 9L, 086°—4.5 mi; Runway 9R, 097°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 1400′ on crs of 086° within 20 miles.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., LOM; Ident., IMF; Procedure No. 3, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

Oklahoma City VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Oklahoma City RBn	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Bethany Int	LOM	Direct	2500	S-dn-35	400-1	400-1	400-1
Cashion Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Newcastle Int	LOM (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM inbnd final, 2300′.
Crs and distance, facility to airport, 350°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 3000′ on 350° crs within 20 mi or, when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR, or direct to the OKC Rbn.
Other change: Deletes transition from Mustang FM.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 9; Eff. Date, 21 July 62; Sup. Amdt. No. 8; Dated, 28 Jan. 61

Oklahoma City RBn	TWO RBn	Direct	2500	T-dn	300-1	300-1	200-½
Oklahoma City VOR	TWO RBn	Direct	2500	C-dn	400-1	500-1	500-1½
Oklahoma City LOM	TWO RBn	Direct	2400	S-dn-17	400-1	400-1	400-1
Cashion Int	TWO RBn	Direct	2500	A-dn	800-2	800-2	800-2
Edmond Int	TWO RBn (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on 170° crs from TWO RBn within 20 mi or, when directed by ATC, turn right, climb to 2500′ direct to OKC-VOR or direct to OC-LFR.
Other change: Deletes transition from Mustang FM.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., MHW; Ident., TWO; Procedure No. 2, Amdt. 6; Eff. Date, 21 July 62; Sup. Amdt. No. 5; Dated, 27 Aug. 60

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cross City RBn	CTY-VOR	Direct	1100	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side, 120° Outbnd, 300° Inbnd, 1300 within 10 mi.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 300°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing CTY VOR climb to 1200 on R-300° within 20 miles.

City, Cross City; State, Fla.; Airport Name, Cross City; Elev., 42'; Fac. Class., BVOR; Ident., CTY; Procedure No. 1, Amdt. 7; Eff. Date, 21 July 62; Sup. Amdt. No. 6; Dated, 2 July 55

Pipe Line Int*	DUG-VOR (Final)	Direct	5000	T-dn	300–1	300–1	200–½
				C-dn**	500–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 289° Outbnd, 109° Inbnd, 7000' within 10 mi. Procedure turn north of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 118°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, turn left and climb to 8000' on R-289 within 20 miles.
*Pipe Line Int: Douglas, Arizona R-289 and Cochise, Ariz. R-175.
**Runway 12-30 closed to all aircraft over 12,500 lbs gross weight.

City, Douglas; State, Ariz.; Airport Name, Bisbee-Douglas International; Elev., 4158'; Fac. Class., BVOR; Ident., DUG; Procedure No. 1, Amdt. 8; Eff. Date, 21 July 62; Sup. Amdt. No. 7; Dated, 22 July 61

				T-dn	300–1	300–1	
				C-dn	600–1½	600–1½	
				A-dn	800–2	800–2	

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1600' within 10 miles.
Crs and distance, facility to airport, 245°—6.2 mi.
Minimum altitude over facility on final approach course, 1000'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR make a right climbing turn to 1600' proceed direct to Deer Park VOR.
Hold NE 1 minute, right turns, inbound crs. 245°.
NOTE: This approach authorized only during the hours that the control tower is in operation. Radar transitions authorized in accordance with approved Radar patterns of Idlewild ASR.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation; Elev., 82'; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 July 62

Jacksonville LFR	JAX-VOR	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 243°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing VOR, climb to 1500' on R-243 within 15 miles of JAX VOR or, when directed by ATC, climb to 1500' on R-275 within 20 miles.*
CAUTION: 194' tank between VOR and airport.
*Restricted Area 161A located 15 miles SW of JAX VOR.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., BVORTAC; Ident., JAX; Procedure No. 1, Amdt. 9; Eff. Date, 21 July 62; Sup. Amdt. No. 8; Dated, 23 Dec. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hallsville VOR	CBI TVOR	Direct	2600	T-dn	300–1	300–1	200–½
Millersburg Int	CBI TVOR	Direct	2600	C-d	500–1	500–1	500–1½
Wilton Int	CBI TVOR	Direct	2600	C-n	500–1½	500–1½	500–1½
Woolridge Int#	CBI TVOR	Direct	2600	S-dn-35	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				If aircraft is equipped with dual VOR receivers and Stadium Int.* is received, the following minimums apply:			
				S-dn-35	400–1	400–1	400–1

Procedure turn W side of final approach crs, 169° Outbnd, 349° Inbnd, 2600′ within 10 miles of Stadium Int.
Procedure turn nonstandard due to ATC requirement.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 35, 350°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CBI-VOR climb on R-350 of the CBI-VOR to 2600′ within 10 mi. and return to CBI-VOR.
#Woolridge Int.: 092° radial Blackwater VOR and 235° radial CBI Ter VOR.
*Stadium Int.: 169° radial CBI Ter VOR and 215° radial HLV-VOR.

City, Columbia; State, Mo.; Airport Name, Municipal; Elev., 778′; Fac. Class., BVOR; Ident., CBI; Procedure No. TerVOR-35, Amdt. Orig.; Eff. Date, 21 July 62

				T-dn	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				S-dn-25	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Following minimums apply for aircraft equipped to receive ADF and VOR simultaneously and the Linden Int* received:			
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				S-dn-25	500–1	500–1	500–1

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, breakoff point to airport, 247°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn and climb to 2500′ on R-308 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.
*Linden Int: Int R-060 CMX VOR and 108° brng. from CX RBn.

City, Houghton; State, Mich.; Airport Name, Houghton-County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-25, Amdt. 3; Eff. Date, 21 July 62; Sup. Amdt. No. 2; Dated, 20 Jan. 62

IDA RBn	VOR	Direct	6500	T-dn	300–1	300–1	200–½
Rigby Int	VOR	Direct	6000	C-dn	500–1	500–1	500–1½
St. Anthony Int	VOR	Direct	7500	S-dn-2	400–1	400–1	400–1
DBS VOR	VOR	Direct	7000	A-dn	800–2	800–2	800–2

Procedure turn W side crs, 205° Outbnd, 025° Inbnd, 6000′ within 10 miles. Nonstandard due to high terrain E.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, breakoff point to Runway 2, 020°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 6500′ on R-012 within 20 miles or, when directed by ATC, a climbing left turn, return to VOR and climb to 7000′ on R-196 within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4731′; Fac. Class, BVOR; Ident., IDA; Prodecure No. Ter VOR-2, Amdt. 4; Eff. Date, 21 July 62; Sup. Amdt. No. 3; Dated, 30 Sept. 61

IDA RBn	VOR	Direct	6500	T-dn	300–1	300–1	200–½
Rigby Int	RBn (Final)	Direct	5400	C-dn	500–1	500–1	500–1½
St. Anthony Int	VOR	Direct	7500	S-dn-20	400–1	400–1	400–1
DBS VOR	VOR	Direct	7000	A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 012° Outbnd, 192° Inbnd, 6500′ within 10 miles.
Minimum altitude over IDA RBn on final approach crs, 5400′; over VOR, 5100′.
Crs and distance, breakoff point to Runway 20, 200°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile climb to 7000′ on R-196 of VOR within 20 miles or, when directed by ATC, a climbing right turn, return to VOR and climb to 6500′ on R-012 within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4731′; Fac. Class., BVOR; Ident., IDA; Procedure No. TerVOR-20, Amdt. 2; Eff. Date, 21 July 62; Sup. Amdt. No. 1; Dated, 30 Sept. 61

Beacon Int	VOR	Direct	2500	T-dn	300–1	300–1	200–½
Acorn Int	VOR	Direct	2500	C-dn	700–1	700–1	700–1½
				S-d-13	700–1	700–1	700–1
				A-dn	NA	NA	NA

Procednre turn N side of crs, 321° Outbnd, 141° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to runway, 124°—0.9 mi.
If visual contact not established npon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OBK VOR make left climbing turn to 2500′, return to OBK VOR. Hold east on 091° rad; crs inbound 271°; right turns; 1 minute.
NOTES: Radar transitions to final approach course authorized. Aircraft may be released without procedure turn 5 miles from OBK VOR. Aircraft executing missed approach may, after being reidentified, be radar controlled. Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Wheeling; State, Ill.; Airport Name, Chicagoland ;Elev. ,668′; Fac. Class. ,VORTAC; Ident. ,OBK ;Procedure No. TerVOR-13, Amdt. Orig.; Eff. Date, 21 July 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Acorn Int	VOR	Direct	2500	T-dn	300–1	300–1	200–½
Beacon Int	VOR	Direct	2500	C-dn	600–1	600–1	600–1½
ORD VOR	VOR	Direct	2000	S-dn-22	600–1	600–1	600–1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach course, 1300′.
Crs and distance, breakoff point to Runway 22, 222°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OBK VOR make right climbing turn to 2500′, return to OBK VOR. Hold east on 091° Rad; crs inbound 271°, right turns; 1 minute.
NOTES: Radar transitions to final approach course authorized. Aircraft may be released without procedure turn at least 5 miles from OBK VOR. Aircraft executing missed approach may, after being reidentified, be radar controlled. Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Wheeling; State, Ill.; Airport Name, Chicagoland; Elev., 668′; Fac. Class., VORTAC; Ident., OBK; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 21 July 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
OBK VOR	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Lakewood Int	LOM	Direct	2500	S-dn-27*	200–½	200–½	200–½
Elgin Int	OBK VOR	Direct	2100	A-dn	600–2	600–2	600–2
Beacon Int	LOM	Direct	2500				
Acorn Int	LOM	Direct	2500				
Whitefish Int	E crs ILS (Final)	R-052 API VOR	2200				
Temple Int$	E crs ILS (Final)	R-054 API VOR	2200				
Tide Int	Shark Int#	R-120 OBK VOR	2200				
Shark Int#	Point Int% (Final)	E crs ILS	2200				
Deerfield Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn N side E crs, 088° Outbnd, 268° Inbnd, 2200′.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2130′—4.5 mi; at MM, 860′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on ORD-VOR R-250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD-VOR R-271 or, when directed by ATC, make right turn climb to 2500′ and proceed direct to Northbrook VOR.
NOTES: When authorized by ATC, DME from ORD VOR may be used to establish position inbound at 2500′ on E crs ILS via 10-mile arc from ORD VOR for straight-in approach with elimination of procedure turn.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR R-306 and climb to 2000′ before proceeding westbound.
*400–1 required with glide slope inoperative.
$Temple Int: Int ORD VOR R-076 and CGT VOR R-356.
#Shark Int: Int R-120 OBK E crs ORD ILS-27.
%Point Int: Int R-127 OBK-VOR, E crs ORD ILS-27, and CGT-VOR R-356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS-27, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 25 Nov. 61

Morey Int	LOM	Direct	2700	T-dn	300–1	300–1	200–½
Brookiyn Int*	LOM (Final)	Direct	2000	C-dn	600–1	600–1	600–1½
Marshall Int	LOM	Direct	2500	S-dn-36	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM—1918′—3.9; at MM—1058′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on 359° brng from LOM within 15 miles or, when directed by ATC, right climbing turn to 2500′ and proceed direct to Madison LOM.
CAUTION: 1211′ tower 1.3 mi to left of crs after passing LOM on final and 1023′ MSL pole 0.8 mi to left of crs and 0.8 mi SW of Runway 36.
*Brooklyn Int: Int. JVL VOR R-327 and S crs ILS.

City, Madison; State, Wis.; Airport Name, Traux Field; Elev., 859′; Fac. Class., ILS; Ident., I-MSN; Procedure No. ILS-36, Amdt. 7; Eff. Date, 21 July 62; Sup. Amdt. No. 6; Dated, 1 Apr. 61

PROCEDURE, CANCELLED, EFFECTIVE JULY 21, 1962 OR UPON DECOMMISSIONING OF FACILITY.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MIA; Procedure No. ILS-9, Amdt. 8; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 7; Dated, 3 Jan. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MIA-VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
BSY-VOR	LOM	Direct	1300	C-dn	500-1	500-1	500-1½
MIA RBn	LOM	Direct	1300	S-dn-9L*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1228′—4.4 mi; at MM, 192′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on E crs ILS within 20 miles or climb to 1400′ on crs of 086° from LOM within 20 mi.
*400-¾ required when glide slope inoperative.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MFA; Procedure No. ILS-9L, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

PROCEDURE CANCELLED, EFFECTIVE JULY 21, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MIA; Procedure No. ILS-27, Amdt. 2; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 1 Dated, 3 Jan. 59

Oklahoma City RBn	TWO RBn	Direct	2500	T-dn	300-1	300-1	200-½
Oklahoma City VOR	TWO RBn	Direct	2500	C-dn	400-1	500-1	500-1½
Oklahoma City LOM	TWO RBn	Direct	2400	S-dn-17	300-1	300-1	300-1
Cashion Int	TWO RBn	Direct	2500	A-dn	800-2	800-2	800-2
Bethany Int	TWO RBn (Final)	Direct	2300				
Edmond Int	TWO RBn (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over TWO RBn on final, 2300′.
Bearing and distance, TWO RBn to Runway 17, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on S crs ILS within 20 ... or on crs 170° from TWO within 20 mi, or when directed by ATC, make immediate right turn, climb to 2500′ and proceed direct to OKC-VOR.
Other change: Deletes transition from Mustang FM.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-17, Amdt. 7; Eff. Date, 21 July 62; Sup. Amdt. No. 6; Dated, 12 Aug. 60

Oklahoma City VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Oklahoma City RBn	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Bethany Int	LOM	Direct	2500	S-dn-35	200-½	200-½	200-½
Cashion Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Newcastle Int	LOM (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2329′—5.8 mi; at MM, 1494′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on N crs ILS within 20 mi, or when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR or direct to the OKC RBn.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-35, Amdt. 7; Eff. Date, 21 Jul 62; Sup. Amdt. No. 6; Dated, 28 Jan. 61

St. Joseph VOR	LOM	Direct	2300	T-dn*	300-1	300-1	200-½
				C-d	500-1	700-1	700-1½
				C-n	500-1½	700-1½	700-1½
				S-dn-35#	300-¾	300-¾	300-¾
				A-dn	600-2	700-2	700-2

Procedure turn W side S crs, 172° Outbnd, 352° Inbnd, 2300′ within 10 mi (NA beyond 10 mi). Nonstandard due ATC.
Minimum altitude at glide slope int inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2261′—5.3; at MM, 1066′—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 2400′ on North course ILS within 25 miles.
CAUTION: 400′ bluffs W, NW, and E of airport.
*Takeoff minimums no lower than 300-1 authorized on Runway 31.
#Straight-in ILS minimums of 400-1 required with Glide Slope inoperative.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822′; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS-35, Amdt. 14; Eff. Date, 21 July 62; Sup. Amdt. No. 13; Dated, 9 Sept. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
000°	360°	20 mi	#1300												Surveillance approach		
														T-dn	300-1	300-1	200-½
														C-dn	400-1	500-1	500-1½
														S-dn-9L, 9R, and 12.	400-1	400-1	400-1
														S-dn-27L*, 27R* and 30*	400-1	400-1	400-1
														A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1500', then proceed direct to the MIA-VOR or MIA-"H."

#2000' required within 3.0 mi of towers 999' and 997' 10.8 and 12.5 miles NNE of radar site.

*1400' required until within 4.5 miles from end of runway and on runway extended centerline.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class. and; Ident., Miami Radar; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 16 May 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6034; Filed, July 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1268; Amdt. 278]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

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

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203'; Fac. Class., SBMRAZ; Ident., MSO; Procedure No.1, Amdt. 5; Eff. Date, 6 May 58; Sup. Amdt. No. 4; Dated, 16 Aug. 54

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Holston Mt VOR	Int BFO R-200 and 306° brg to LOM	Direct	6000	T-dn	300-1	300-1	#200-½
Int BFO R-200 and 306° brg to LOM	LOM (MHW)	Direct	4100	C-dn%	800-1	800-1	800-1½
Telford Int	LOM (MHW)	Direct	4100	S-dn-22%	800-1	800-1	800-1
Yuma Int	LOM (MHW)	Direct	4100	A-dn	800-2	800-2	800-2
Hilton Int	LOM (MHW)	Direct	5000				
Greendale Int*	LOM (MHW) (Final)	Direct	4100				
Damascus Int	Int TRI R-007 and 270° brg to LOM	Direct	6000				
Int TRI R-007 and 270° brg to LOM	LOM (MHW)	Direct	4100				

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 4100' within 10 mi. Nonstandard due to terrain NW.
Minimum altitude over facility on final approach crs, 3600'.**
Crs and distance, facility to airport, 224°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM climb, to 4000' on crs 224° from LOM within 20 mi or, when directed by ATC, turn right climb, to 4000' on TRI R-291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevation immediately adjacent to procedure areas.
NOTES: Final approach from holding pattern at LOM not authorized. Procedure turn required.
#Runway 4 and 22 only.
*Greendale Int: Int BFO R-187 and 224° brng to LOM (MHW).
%No reduction of any landing ceiling or visibility minimum is authorized.
**Descent from 4100' authorized in holding pattern at LOM (HW). Descent from 4100' also authorized on final after passing TRI-VOR R-332.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519'; Fac. Class., LOM (HW); Ident., TR; Procedure No. 1, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

PROCEDURE CANCELLED, EFFECTIVE JULY 16, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981'; Fac. Class., SBRAZ; Ident., CW; Procedure No. 2, Amdt. 1; Eff. Date, 27 Aug. 60; Sup. Amdt. No. Orig.; Dated, 9 July 60

Lakewood Int	OH LOM (Final)	Via OBK R-271 and 318° brng from LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L	400-1	400-1	400-1
Acorn Int	OH LOM	Direct	2500	A-dn	800-2	800-2	800-2
Beacon Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 mi.
Minimum altitude over LOM on final approach crs, 2200'.
Crs and distance, facility to airport, 138°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OH LOM, make left turn climb to 2500' and proceed to IA LOM, then direct to OBK-VOR or, when directed by ATC, make left turn climb to 2500', proceed to OBK-VOR via ORD-VOR R-030 and OBK-VOR R-135.
NOTES: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA".
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbound.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., LOM; Ident., OH; Procedure No. 2, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No 2; Dated, 2 June 62

LCH VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
LCH RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal transition altitude 1500' within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 148°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing LOM, make an immediate right turn, climbing to 1500' and return to the LOM.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14'; Fac. Class., LOM; Ident., LS; Procedure No. 1, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962.

City, Lake Charles; State, La.; Airport Name, Lake Charles AFB; Elev., 19'; Fac. Class., MH; Ident., LCH; Procedure No. 2, Amdt. 3; Eff. Date, 1 Feb. 58; Sup. Amdt. No. 2; Dated, 30 Nov. 57

Alberton FM	RBn (Final)	Direct	6500	T-dn	2500-2	2500-2	2500-2
				C-dn	3000-2	3000-2	3000-2
				A-dn	3500-3	3500-3	3500-3

Procedure turn N side of crs, 276° Outbnd, 096° Inbnd, 8000' within 10 miles. Beyond 10 miles NA. Nonstandard due to terrain South.
Minimum altitude over facility on final approach crs, 6500'.
Crs and distance, facility to airport, 119°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing MSO RBn, turn right and climb to 9000' on a course of 276° from MSO RBn within 10 mi.

City, Missoula; State, Mont.; Airport Name, Missoula-County; Elev., 3203'; Fac. Class., SABH; Ident., MSO; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 July 62, or on commissioning of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
STL-VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
SL-LFR	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Cora Int	LOM (Final)	Direct	1800	S-dn-24	500-1	500-1	500-1
Lake "H"	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Academy Int	LOM (Final)	Direct	1900				
Mitchell Int	LOM (Final)	Direct	1800				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized.
Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 238°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2100′ on crs of 238° to Lake "H" or, as directed by ATC, make right (North) turn, climb to 2100′ direct to STL-VOR.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 21; Eff. Date, 28 July 62; Sup Amdt. No. 20; Dated, 20 May 61

SL-LFR	Lake RBn	Direct	2000	T-dn	300-1	300-1	200-½
STL-VOR	Lake RBn	Direct	2000	C-dn	500-1	500-1	500-1½
ST LOM	Lake RBn	Direct	2000	S-dn-6	500-1	500-1	500-1
MTS-VOR	Lake RBn (Final)	Direct	1500	A-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Radar transitions to final approach course authorized.
Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles of Lake "H".
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 058°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Lake "H", climb to 2200′ on crs of 058° to LOM or, when directed by ATC, make left (North) turn, climb to 2100′ direct to STL-VOR.
NOTE: Final approach from holding pattern at LAQ RBn not authorized. Procedure turn required.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., HW; Ident., LAQ; Procedure No. 2, Amdt. 8; Eff. Date, 28 July 62; Sup Amdt. No. 7; Dated, 20 May 61

Oceanside RBn	LOM	Direct	2500	T-dn#	300-1	300-1	200-½
Miramar RBn	LOM	Direct	3000	C-dn	800-2	800-2	800-2
Sargo Int	LOM (Final)	Direct	1000	S-dn-9	600-1	600-1	600-1
Bostonia Int*	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′. CAUTION: 281′ trees and terrain between LOM and LMM.
Crs and distance, facility to airport, 091°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 1500′ on a 271° crs from LOM within 10 miles or, when directed by ATC, make immediate left climbing turn to 2500′ on a 328° crs to OCN RBn or turn right, climb to 2000′ on 135° crs from LMM within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi east of airport.
#500-1 required on Runway 9.
*Bostonia Int: Int SAN R-076 and JLI R-203.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., SLOM; Ident., SA; Procedure No. 1, Amdt. 5; Eff. Date, 28 July 62; Sup. Amdt. No. 4; Dated, 12 Aug. 61

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				S-dn-27	1000-3	1000-3	1000-3
				A-dn#	NA	NA	NA
				The following minimums apply to aircraft equipped with dual VOR receivers and when Zang Int* identified:			
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over Zang Int*, 1600′.
Crs and distance, facility to airport, 266°—13.3 mi; Zang Int* to airport, 266°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.3 miles after passing the ELX-VOR or 3 miles after passing Zang Int*, climb to 2000′ on ELX-VOR R-266 within 20 miles, then proceed direct to ELX-VOR and contact SBN approach control for further instructions.
*Zang Int: Int ELX-VOR R-266 and SBN-VOR R-356.
#1000-3 alternate minimums authorized for air carriers with approved weather reporting service.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. 2; Eff. Date, 28 July 62; Sup. Amdt. No. 1; Dated, 2 June 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

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

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642'; Fac. Class., BVOR; Ident., ELX; Procedure No. 2, Amdt. 2; Eff. Date, 16 July 60; Sup. Amdt. No. 1; Dated, 16 Nov. 57

				T-dn	300-1		
				C-d	1000-1		
				C-n	1000-2		
				A-dn	1000-2		

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 305°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles, climb to 2600' on R-305 within 20 mi.
CAUTION: Sod Field.
NOTE: Air carrier use not authorized.

City, Emporia; State, Kans.; Airport Name, Emporia; Elev., 1204'; Fac. Class., BVORTAC; Ident., EMP; Procedure No. 1, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 30 Apr. 60

				T-d	300-1	300-1	NA
				C-d	500-1	500-1	NA

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 2300' within 10 miles. Nonstandard due to high towers to north. All turns to the S side of crs.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 250°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing VOR, make left climbing turn to 2300' and proceed to JFN-VOR. Hold NE, 1-minute left turns, 245° Inbnd, 065° Outbnd.
CAUTION: Unlighted transmission poles 40' high 80' from approach end of Runway 27.
NOTES: 1. Weather service not available. 2. Nonstandard holding. All turns to the south side of course due to high towers to north.

City, Jefferson; State, Ohio; Airport Name, Jefferson; Elev., 935'; Fac. Class., BVORTAC; Ident., JFN; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 July 62

				T-dn	300-1		
				C-d	1000-1		
				C-n	1000-1½		
				A-dn	1000-1½		

Procedure turn E side of crs, 158° Oubnd, 338° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 338°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing LMN-VOR, climb to 2300' on R-338 and return to LMN-VOR.
AIR CARRIER NOTE: Air carrier use not authorized.
CAUTION: Sod Field.

City, Lamoni; State, Iowa; Airport Name, Lamoni; Elev., 1163'; Fac. Class., BVOR; Ident., LMN; Procedure No. 1, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 27 Feb. 60

Alberton FM	VOR	Direct	6500	T-dn	2500-2	2500-2	2500-2
MSO RBn	VOR	Direct	8000	C-dn	3200-2	3200-2	3200-2
				A-dn	3500-3	3500-3	3500-3
				If aircraft equipped with VOR and ADF and Primrose Int* received, the following minimums apply:			
				C-dn	3000-2	3000-2	3000-2

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 8000' within 10 miles. Beyond 10 miles NA.
Minimum altitude over Primrose Int* on final approach crs, 6500'.
Crs and distance, Primrose Int* to airport, 098°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right and climb to 9000' on R-278 MSO-VOR.
*Primrose Int: Int MSO-VOR R-278 and 053° brng to MSO RBn.

City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203'; Fac. Class., BVOR; Ident., MSO; Procedure No. 1, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 19 Feb. 55

Texarkana RBn	TXK-VOR	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 301° Outbnd, 121° Inbnd, 1700' within 10 miles. Nonstandard due ATC.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 121°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing TXK-VOR, climb to 1700' on R-121 within 20 miles.
NOTE: Radio tower 565' msl 2¼ mi NE of airport and 740' msl 4 mi west of airport.

City, Texarkana; State, Ark.; Airport Name, Texarkana Municipal; Elev., 389'; Fac. Class., BVORTAC; Ident., TXK; Procedure No. 1, Amdt. 5; Eff. Date, 28 July 62; Sup. Amdt No. 4; Dated, 13 Sept. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OBK-VOR	Arlington Int*	Via R-235 OBK and R-329 ORD.	2200	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-14L	700-1	700-1	700-1
Palatine Int#	Arlington Int* (Final)	Via R-329 ORD-VOR.	2200	A-dn	800-2	800-2	800-2
Lakewood Int	Palatine Int	Via R-271 OBK and R-329 ORD.	2200	#Following minimums apply for dual VOR equipped aircraft and Arlington Int received or radar fix in lieu of Arlington Int:			
Acorn Int	ORD-VOR	Direct	2500	C-dn	400-1	500-1	500-1½
Deerfield Int	ORD-VOR	Direct	2500	S-dn-14L	400-1	400-1	400-1
Beacon Int	ORD-VOR	Direct	2500				
OBK-VOR	ORD-VOR	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 2500' within 15 mi. of VOR.
Minimum altitude over facility on final approach crs, 1400'; over## Arlington Int* or 6 mi radar fix, 2200'.
Crs and distance, Arlington Int* to Runway 14L, 149°—6.0 mi.
Crs and distance, breakoff point to appr end of Runway 14L, 138°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left turn, climb to 2500' and proceed to OBK-VOR via ORD-VOR R-030 and OBK-VOR R-135 or, when directed by ATC, make left turn climb to 2500' and proceed to IA LOM, then direct to OBK-VOR.
NOTE: Aircraft executing missed approach may be radar vectored after being reidentified.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbound.
*Arlington Int: Int ORD-VOR R-329 and OBK-VOR R-193.
#Palatine Int: Int ORD-VOR R-329 and OBK-VOR R-235.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR-14L, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 2 June 62

Bostonia Int*	Sweetwater Int**	Direct	3600	T-dn#	300-1	300-1	200-½
Sweetwater Int**	Encanto Int*** (Final)	Direct	1500	C-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs inbnd, 271°.
Minimum altitude over Encanto Int, on final approach crs, 1500'.
Crs and distance, facility to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Int, turn right, climb to 2500' on LIF-VOR R-323 to Mt. Dad Int or, when directed by ATC, climb to 1500' on LIF-VOR R-272 to Sargo Int.
CAUTION: 281' trees and terrain between LOM and LMM. Buildings and terrain 467' MSL 0.5 mi east of airport.
*Bostonia Int: Int SAN R-076 and JLI R-203.
**Sweetwater Int: Int LIF R-091 and JLI-VOR R-203 or 331° brng to NKX RBn.
***Encanto Int: Int LIF R-091 and 352° brng to NKX RBn.
#500-1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15'; Fac. Class., VOR; Ident., LIF; Procedure No. TerVOR (R-091), Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 5 May 62

Sargo Int	Skipjack Int* (Final)	Direct	1400	T-dn#	300-1	300-1	200-½
San Diego VOR	Skipjack Int*	Direct	1700	C-dn	800-2	800-2	800-2
Bostonia Int**	LIF-VOR	Direct	2600	S-dn-9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles of Skipjack Int.*
Minimum altitude over Skipjack Int*, 1400'.
Crs and distance, Skipjack Int* to airport, 092°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LIF-VOR, make immediate left climbing turn to 2500' on LIF-VOR R-323 to Mt. Dad Int or, when directed by ATC, make right climbing turn to 2000' on LIF-VOR R-135 within 10 miles.
CAUTION: Buildings and terrain 472' MSL 0.5 mi east of airport. 281' trees and terrain 1.2 mi before runway threshold.
*Skipjack Int: Int LIF-VOR R-272 and SAN-VOR R-228.
**Bostonia Int. Int SAN R-076 and JLI R-203.
#500-1 required for takeoff on Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15'; Fac. Class., L-VOR; Ident., LIF; Procedure No. TerVOR-9, Amdt. 9; Eff. Date, 28 July 62; Sup. Amdt. No. 8; Dated, 18 Nov. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

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

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962.

City, Boston; State, Mass.; Airport Name, Logan Airport; Elev., 19'; Fac. Class., ILS; Ident., IBOS; Procedure No. ILS-22L, Amdt. 6; Eff. Date, 2 July 60; Sup. Amdt. No. 5; Dated, 23 Feb. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Holston Mt VOR	Int BFO R-200 and 306° brg to LOM	Direct	6000	T-dn	300-1	300-1	**200-½
Int BFO R-200 and 306° brg to LOM	LOM (MHW)	Direct	4100	C-dn#	700-1	800-1	800-1½
Telford Int	LOM (MHW)	Direct	4100	S-dn-22#%	300-¾	300-¾	300-¾
Yuma Int	LOM (MHW)	Direct	4100	A-dn	800-2	800-2	800-2
Hilton Int	LOM (MHW)	Direct	5000				
Greendale Int*	LOM (MHW) (Final)##	Direct	4100				
Damascus Int	Int TRI R-007 and 270° brg to LOM	Direct	6000				
Int TRI R-007 and 270° brg to LOM	LOM (MHW)	Direct	4100				

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 4100′ within 10 mi. Nonstandard due to terrain NW.
Minimum altitude at glide slope interception inbound, 3600′.##
Altitude of glide slope and distance to approach end of runway at OM, 3462′—5.9 mi; at MM, 1742′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on crs 224° from LOM within 20 miles or, when directed by ATC, turn right, climb to 4000′ on TRI R-291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas NW.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Greendale Int: Int BFO R-187 and TRI ILS NE crs.
**Runway 4 and 22 only.
%600-1 required when glide slope not utilized.
#No reduction of any landing ceiling or visibility minimum is authorized.
##Descent from 4100′ must be made on glide slope or SW of TRI-VOR R-332 on final.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519′; Fac. Class., ILS; Ident., I-TRI; Procedure No. ILS-22, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt No. Orig.; Dated, 13 Jan. 62

Lake Charles RBn	LOM	Direct	1500	T-dn	300-1	300-1	200-½
LCH VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-15	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at LOM, 1170′—4.2 mi; at LMM, 199′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on the SE crs of ILS within 20 miles or, when directed by ATC, make immediate right turn, climbing to 1500′ and return to LOM.
NOTE: Procedure turn required, except in accordance with radar vectoring authorization.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., I-LLS; Procedure No. ILS-15, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

OA LFR	Keg Int*	Direct	2700	T-dn#	300-1	300-1	%200-½
Neola VOR	Keg Int*	Direct	2500	C-d	600-1	700-1	700-1½
OMA LOM	Keg Int*	Direct	2700	C-n	600-1½	700-1½	700-1½
OMA VOR	Keg Int (Final)*	Direct	2500	S-d-32R	500-1	500-1	500-1
Keg Int*	Staek Int (Final)**	Direct	1800	S-n-32R	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2600′ except 2700′ within 3 mi of 1739′ tower 4 mi W and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2500′ within 10 mi of Keg Int.*
No glide slope, outer or middle marker. Descend to 1800′ after passing Keg Int*. Descend to landing minimums after passing Stack Int.** Crs and distance, Stack Int** to airport, 315°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Stack Int**, climb to 2900′ on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2800′ and proceed to Neola VOR.
NOTE: Radar fixes authorized at Keg* and Stack Intersections**. ILS procedure NA when radar inoperative unless aircraft equipped to receive ILS/VOR simultaneously.
CAUTION: Bluff 1339′ msl 1.3 mi East; TV towers 1739′ msl 4 mi WNW and 1746′ msl 3 mi SW of airport. Stack 1192′ msl 0.8 mi SSE of LOM.
*Keg Int: Int Neola VOR R-196 and SE localizer crs.
**Staek Int: Int Neola VOR R-204 and SE localizer crs.
#After takeoff, climb to 2000′ msl prior to proceeding in a westerly direction.
%AIR CARRIER NOTE: 300-1 required except on Runways 14L, 32R, 17L, and 35R.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS-32R, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 18 Mar. 61

JVL-VOR	Harlem Int#	Direct	2500	T-dn	300-1	300-1	200-½
RFD-VOR	Oxford Int*	Direct	2500	C-dn	600-1	600-1	600-1½
Afton Int**	Harlem Int#	Direct	2500	S-dn-18	600-1	600-1	600-1
Harlem Int#	Oxford Int* (Final)	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 002° Outbnd, 182° inbnd, 2500′ within 10 mi. of Oxford Int.*
Minimum altitude over Oxford Int on final approach crs, 2000′.
Crs and distance, facility to airport, 182°—4.9 mi.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Oxford Int,* climb to 2000′ and proceed to RFD LOM or, when directed by ATC, make right climbing turn to 2500′, proceed direct to RFD-VOR.
CAUTION: [illegible]011′ msl stack 2.4 mi north of airport.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
*Oxford Int: Int R-065 RFD-VOR and N crs ILS.
**Afton Int: Int R-073 JVL-VOR and N crs ILS.
#Harlem Int: Int R-040 RFD-VOR and N crs ILS.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 735′; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS-18, Amdt. Orig.; Eff. Date, 28 July 62

St. Louis LFR	Lake RBn	Direct	2000	T-dn	300-1	300-1	200-½
St. Louis VOR	Lake RBn	Direct	2000	C-dn	500-1	500-1	500-1½
St. Louis LOM	Lake RBn	Direct	2000	S-dn-6	500-1	500-1	500-1
Int R-180 STL-VOR and SW crs ILS	Lake RBn (Final)	Direct	1500	A-dn	800-2	800-2	800-2
Maryland Heights VOR	SW crs ILS (Final)	R-072 MTS-VOR	1500				

Radar transitions to final approach course authorized.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 mi of Lake "H".
No glide slope or markers. Altitude over Lake "H", 1500′. Distance from Lake "H" to Runway 6, 3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Lake "H", climb to 2200′ on NE crs ILS to LOM or, when directed by ATC, make left (North) turn, climb to 2100′ direct to STL-VOR.
NOTE. Final approach from holding pattern at LAQ RBn not authorized. Procedure turn required.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-6, Amdt. 14; Eff. Date, 28 July 62; Sup. Amdt. No. 13; Dated, 20 May 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
St. Louis VOR	LOM	Direct	1900	T-dn**	300–1	300–1	200–½
St. Louis LFR	LOM	Direct	1900	C-dn	500–1	500–1	500–1½
Lake RBn	LOM	Direct	2000	S-dn-24#*	200–½	200–½	200–½
Cora Int	LOM (Final)	Direct	1800	A-dn	600–2	600–2	600–2
Academy Int	LOM	Direct	1900				
Mitchell Int	Gora Int	Via R-297 TOY-VOR.	1800				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				
Godfrey Int	LOM	Direct	1900				

Radar transitions to final approach course authorized.
Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1782′—4.1; at MM, 748′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on SW crs of ILS to Lake "H" or, when directed by ATC, make right (North) turn, climb to 2100′ direct to STL-VOR.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Runway visual range 2,600 feet also authorized for landing on Runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 24 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.
#400–1 required with Glide Slope inoperative.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 25; Eff. Date, 28 July 62; Sup. Amdt. No. 24; Dated, 20 May 61

Sargo Int	LOM (Final)	Direct	1000	T-dn*	300–1	300–1	200–½
Bostonia Int**	LOM	Direct	2500	C-dn	800–2	800–2	800–2
LaJolla FM/Mt. Dad Int	LOM	Direct	1500	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over LOM on final approach crs, 1000′.
Crs and distance, LOM to airport, 091°—2.7 mi.
No glide slope. Descent to landing minimums authorized after passing LOM.
CAUTION: 281′ trees and terrain between LOM and LMM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 2500′ on LIF-VOR R-323 or 330° crs from LMM to Mt. Dad Int or, when directed by ATC, make a right climbing turn to 2000′ on LIF-VOR R-135 within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi east of airport.
*500-1 required for Runway 9.
**Bostonia Int: Int SAN R-076 and JLI R-203.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-9, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 18 Nov. 61

Bostonia Int*	Sweetwater Int**	Direct	3600	T-dn#	300–1	300–1	200–½
Sweetwater Int**	Encanto Int*** (Final)	Direct	1500	C-dn	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs. Inbound 271°.
Minimum altitude over Encanto Int on final approach crs, 1500′.
Crs and distance, Encanto Int to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Intersection turn right, climb to 2500′ on SAN VOR R-323 to Mt. Dad Int, or when directed by ATC, climb to 1500′ on LIF-VOR R-272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi east of airport.
*Bostonia Int: Int SAN R-076 and JLI R-203.
**Sweetwater Int: Int E crs SAN ILS and JLI-VOR R-203 or 331° brng to NKX RBn.
***Encanto Int: Int E crs SAN ILS and 352° brng to NKX RBn.
#500–1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-27, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 5 May 62

Bradley Int	Bradley LMM	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-24	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side NE crs, 058° Outbnd, 238° Inbnd, 2200′ within 13 mi of the Bradley LMM.
Minimum altitude crossing R-163 BAF-VOR on final approach crs, 1400′.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on the SW crs of the BDL ILS. Hold SW of BDL LOM, left turns, 1-minute pattern, 058° Inbnd.
NOTES: 1. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. 2. All fixes may be supplemented by radar.
CAUTION: Unlighted hills 2.4 miles NW of airport, approximately 768′ msl.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-24, Amdt. Orig.; Eff. Date, 28 July 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
330°	060°					20 mi	2200							Surveillance approach			
060°	120°			15 mi	2200	20 mi	2600										
120°	330°			15 mi	3300	20 mi	4000							T-dn	300-1	300-1	200-½
120°	300°	10 mi	*2600											C-dn-5, 23, 31	400-1	500-1	500-1½
300°	330°	10 mi	2200											C-dn-13	500-1	500-1	500-1½
														S-dn-5, 31, 23	400-1	400-1	400-1
														S-dn-13	500-1	500-1	500-1
														A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— Runways 5-31, make climbing right turn to 2000' or Runways 13-23, make climbing left turn to 2000', proceed direct to BUF-VOR. Hold East BUF-VOR 1 minute right turns, 287° Inbound.

*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3-5 mile (inclusive) radius of tower 1349' msl 6 miles west of airport. All bearings are from the radar site with sector azimuths progressing clockwise.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class. and Ident., Buffalo Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 July 62

000°	360°	20 mi	3000	20-30	4000	30-40	5000							Surveillance approach			
														T-dn#	300-1	300-1	200-½
														C-dn	500-1	500-1	500-1
														S-dn-28L*	500-1	500-1	500-1
														A-dn	800-2	800-2	800-2
														Precision approach			
														S-dn	200-½	200-½	200-½
														A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 5, 10, 14: Climb to 3000' within 10 mi and proceed to GP LOM, hold east right turn 1-minute pattern, 277° Inbnd.
Runways 23, 28, 32: Climb to 3000' within 10 mi and proceed to Clinton RBn. Hold West right turn 1-minute pattern, 097° Inbnd.
*Runway visual range 2600' also authorized for landing on Runway 28L providing all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers and middle and outer compass locators are operating satisfactorily. Descent below 1368' msl shall not be made unless visual contact with approaeh lights has been established or the aireraft is clear of elouds.
#Runway visual range 2600' also authorized for takeoff on Runway 28L when 200-½ is authorized, providing high intensity runway lights are operational.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class. and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 4; Eff. Date, 28 July 62; Sup. Amdt. No. 3; Dated, 14 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 62. COMBINED WITH NO. 1 PROCEDURE, AMDT. 4, EFFECTIVE JULY 28, 62.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class. and Ident., Pittsburgh Radar; Procedure No. 2, Amdt. 1; Eff. Date, 14 Dec. 61; Sup. Amdt. No. Orig.; Dated, 17 Sept. 60

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillanee approach			
100-190		25 mi	@2200				
190-100		25 mi	2000	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6, 17, 30, 35	500-1	500-1	500-1
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
				Precision Approach			
				T-dn*#	300-1	300-1	200-½
				S-dn-24#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar terminal area transition altitudes: All bearings and distances are from the radar site with scetor azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100', proceed direct to STL-VOR or, when directed by ATC, (1) climb to 2000' direct to MTS-VOR.
@2600' within 3 mi of 1649' TV tower 10.7 mi south of airport.
#Runway Visual Range 2600' also authorized for landing on Runway 24; provided, that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*Runway Visual Range 2600' also authorized for takeoff on Runway 24 in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class. and Ident., St. Louis Radar; Procedure No. 1, Amdt. 7; Eff. Date, 28 July 62; Sup. Amdt. No. 6; Dated, 6 May 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 22, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6253; Filed, July 11, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-88]

PART 13—PROHIBITED TRADE PRACTICES

Hobart Steel Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.115 *Jobs and employment service;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(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, Alan Hofberg, et al. doing business as Hobart Steel Company, etc., North Hollywood, Calif., Docket C-88, Mar. 2, 1962]

In the Matter of Alan Hofberg and Norman Best, Individually and as Copartners Doing Business as Hobart Steel Company and Western States Claim Adjusters

Consent order requiring a North Hollywood, Calif., partnership to cease using false offers of employment, deceptive pricing and guarantee claims, and other misrepresentations to sell their waterless cookware, in letters and other promotional material sent to prospective purchasers and in newspaper advertisements.

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

It is ordered, That respondents Alan Hofberg and Norman Best, as individuals or as copartners doing business as Hobart Steel Company, Western States Claim Adjusters, or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of waterless cookware or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. (a) That employment is being offered, when in fact the purpose or effect of such representation is the solicitation of sales of such products.

(b) That such products are distress merchandise, or must be sold, or are from the stock of a business in the state of liquidation.

(c) That such products are unclaimed freight, or that they are being offered for the balance due for freight, storage, or other charges thereon.

(d) That any amount is respondents' usual and customary price of merchandise when it is in excess of the price at which the merchandise has been usually and customarily sold by respondents in the recent, regular course of business.

(e) That any price is a reduced price unless it constitutes a reduction from the price at which respondents have usually and customarily sold such merchandise in the recent regular course of their business.

(f) That such products are guaranteed, unless the nature, extent, terms, and conditions of such guarantee, the name of the guarantor, and the manner and form in which the guarantor will perform thereunder, are clearly set forth.

2. Placing in the hands of others the means and instrumentalities by and through which they may mislead the public as to any of the matters set forth in paragraph 1 above.

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: March 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6778; Filed, July 11, 1962; 8:46 a.m.]

[Docket 8368]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Krieger & Son, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Bernard Krieger & Son, Inc., et al., New York, N.Y., Docket 8368, Mar. 3, 1962]

In the Matter of Bernard Krieger & Son, Inc., a Corporation, and A. Joseph Krieger, Individually and as an Officer of Said Corporation

Order requiring New York City jobbers to cease violating the Textile Fiber Products Identification Act by failing to label handkerchiefs with the required information.

The order to cease and desist is as follows:

It is ordered, That the respondents Bernard Krieger & Son, Inc., a corporation and its officers, and A. Joseph Krieger, 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 introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from: Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is 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 the order to cease and desist.

Issued: March 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6779; Filed, July 11, 1962; 8:46 a.m.]

[Docket C-86]

PART 13—PROHIBITED TRADE PRACTICES

Washington Training Institute

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–125 *Individual or private business being:* § 13.15–125(s) *Institute;* § 13.115 *Jobs and employment service:* § 13.115–20 *Government;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services;* § 13.240 *Special or limited offers.* Subpart—Using misleading name—VENDOR: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(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, Cecil T. Jenkinson, doing business as Washington Training Institute, Plymouth, Indiana, Docket C-86, Feb. 28, 1962]

In the Matter of Cecil T. Jenkinson, Doing Business as Washington Training Institute

Consent order requiring a Plymouth, Ind., seller of a correspondence course purporting to prepare purchasers for U.S. Civil Service examinations, to cease using—by direct mail solicitation and newspaper advertising followed by personal contact—false job-assurance claims and other misrepresentations, as in the order below indicated, to sell his courses; and to cease using the word "Institute" in his trade name or in the name of his school.

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

It is ordered, That Cecil T. Jenkinson, individually and trading and doing business under the name of Washington Training Institute, or under any other name, and his agents, representatives 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 a course of study and instructions, do forthwith cease and desist from:

1. Representing, directly or indirectly, that:

(a) Completion of respondent's course of study assures passing a Civil Service examination or assures the purchaser of said course of qualifying for or securing a Civil Service position.

(b) There are vacancies in any United States Civil Service positions when such vacancies do not exist.

(c) Vacancies exist in United States Civil Service positions in any specified locality when such vacancies do not exist.

(d) It is necessary to take a correspondence course, or any other course of study, before a person will be able to pass a Civil Service examination, when such is not the fact.

(e) Positions in the United States Civil Service, which are restricted to any group, or otherwise restricted, or require certain qualifications, are open unless such restrictions or qualifications are clearly disclosed.

(f) Passing an examination for a Civil Service position guarantees or assures an appointment to such a position.

(g) Prospective purchasers must pass a test or have special qualifications before they may enroll for respondent's course.

(h) Respondent's offer of sale of his course is limited as to time.

(i) Respondent furnishes complete information as to and notifies the purchaser of his course when and where a Civil Service examination will be held, or will assist in filing an application to take a Civil Service examination.

2. Using the word "Institute" or any abbreviation or simulation thereof as part of said respondent's trade name or as a part of the name of respondent's school; or otherwise representing, directly or indirectly, that respondent's school is an institute.

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

Issued: February 28, 1962.

By the Commission.

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

[F.R. Doc. 62-6780; Filed, July 11, 1962; 8:46 a.m.]

[Docket C-87]

PART 13—PROHIBITED TRADE PRACTICES

Duotone Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(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, Duotone Company, Inc. (Keyport, N.J.), et al., Docket C-87, Feb. 28, 1962]

In the Matter of Duotone Company, Inc., a Corporation, and Stephen Nester and Virginia Nester, Individually and as Officers of Said Corporation

Consent order requiring a Keyport, N.J., manufacturer and distributor of phonograph needles and accessories to disclose clearly the country of origin of imported needles; to cease representing falsely that synthetic needle points were made of jewels or sapphires, that excessive list prices and printed amounts on retail packages were the usual retail prices for said needles, and that its diamond needle was guaranteed in every respect.

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

It is ordered, That respondent Duotone Company, Inc., a corporation, and its officers, and Stephen Nester and Virginia Nester, 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 offering for sale, sale or distribution of phonograph needles, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such product which is packaged or otherwise placed in a container unless the country or place of origin is clearly and conspicuously disclosed on such package or container.

2. Offering for sale, selling or distributing any such product in such a manner that the country or place of origin of the product is not clearly disclosed to prospective purchasers.

3. Disseminating, or causing to be disseminated, any display or point of sale material with respect to any such product which fails to clearly and conspicuously disclose the country or place of origin of the product.

4. Advertising or representing in any manner and in any medium including point of sale material that the points or tips of respondents' phonograph needles are jewel, jeweled, sapphire, or, using any other term descriptive of precious stone, unless such points or tips are in truth and in fact composed of precious stone.

5. Offering for sale, selling or distributing phonograph needles containing points or tips of synthetic nature, unless there is a clear and conspicuous disclosure of the synthetic nature thereof.

6. Representing, directly or by implication, by means of preticketing, use of the words "list price" or in any other manner, or by any other means, that any amount is the usual and regular retail price of merchandise when such amount 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.

7. Representing that any merchandise offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

8. Furnishing to others any means or instrumentalities by and through which they may misrepresent the origin, composition, guarantee or usual and customary retail prices of respondents' 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 28, 1962.

By the Commission.

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

[F.R. Doc. 62-6781; Filed, July 11, 1962; 8:46 a.m.]

[Docket C-89]

PART 13—PROHIBITED TRADE PRACTICES

Goodstein Brothers & Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Goodstein Brothers & Company, Inc., et al., New York, N.Y., Docket C-89, Mar. 2, 1962]

In the Matter of Goodstein Brothers & Company, Inc., a Corporation, Albert Goodstein, Lawrence Goodstein, William Goodstein, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by labeling as "90% Reprocessed Cashmere—10% Nylon", top coats which contained a substantial quantity of fibers other than those represented, and by failing to label top coats with the true generic names of the constituent fibers and the percentage thereof.

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

It is ordered, That respondents, Goodstein Brothers & Company, Inc., a corporation, and its officers, and Albert Goodstein, Lawrence Goodstein and William Goodstein, 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 offering for sale, sale, transportation, delivery for shipment or distribution, in commerce, of coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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: March 2, 1962.

By the Commission.

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

[F.R. Doc. 62-6782; Filed, July 11, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

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

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that §§ 121.90 and 121.91 of the food additive regulations (21 CFR 121.90, 121.91) be amended as set forth below:

1a. Section 121.90 is amended by deleting the items "Bromides, inorganic" and "Sodium nitrate" and by changing the items listed to read as follows:

§ 121.90 Further extension of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS [1]

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Morpholine (26 F.R. 7544)	Component of coating on fruits and vegetables; limit 3 p.p.m.	Jan. 1, 1963
* * *	* * *	* * *
Mannitol (26 F.R. 8390)	If an amount of the food that may reasonably be consumed as an average serving contains 2.5 gm. or more of mannitol, the label shall bear a statement of the number of grams of mannitol in an average serving of the food. The average serving shall be expressed in terms of a convenient unit or units of such food or a convenient unit of measure that can be readily understood and utilized by purchasers of such food. The label shall also bear a statement that the consumption of more than 7.5 gm. of mannitol at one time or more than 20 gm. of mannitol per day may have laxative effects.	[2] July 1, 1963
* * *	* * *	* * *
Sodium methyl naphthalene sulfonate (245-260 mol. wt.) (26 F.R. 8390).	In solutions for peeling fruits and vegetables, to be followed by water rinse.	[2] June 30, 1964
* * *	* * *	* * *
Sorbitol (26 F.R. 8390)	If an amount of the food that may reasonably be consumed as an average serving contains 5 gm. or more of sorbitol, the label shall bear a statement of the number of grams of sorbitol in an average serving of food. The average serving shall be expressed in terms of a convenient unit or units of such food or a convenient unit of measure that can be readily understood and utilized by purchasers of such food. The label shall also bear a statement that the consumption of more than 15 gm. of sorbitol at one time or more than 40 gm. of sorbitol per day may have laxative effects.	[2] July 1, 1963
* * *	* * *	* * *
Petroleum hydrocarbons: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 *l.* per gm./cm. maximum (26 F.R. 11210).	Defoamer in food processing; limit 1 p.p.m. residue on fruit.	Jan. 1, 1963
	Component of detergent for removing insecticide from fruit; limit 1 p.p.m. residue on fruit.	Jan. 1, 1963
	In froth-flotation process for cleaning vegetables; limit 5 p.p.m. residue in food.	Jan. 1, 1963

[1] The inclusion of substances specified as dietary supplements in this list does not constitute a finding by the Food and Drug Administration that the substance is useful as a supplement to the diet for humans.
[2] Progress report required by Jan. 1, 1963.

b. Section 121.90 is further amended by adding thereto the following items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	Foaming agent in beverage mix	Mar. 1, 1963	Jan. 1, 1963
Sodium nitrate and/or sodium nitrite	On smoked, cured shad; limit 200 p.p.m. expressed as nitrite.	Jan. 1, 1963	* * *

§ 121.91 [Amendment]

2. Section 121.91 *Further extension of effective date of statute for certain specified food additives as indirect additives to food* is amended as follows:

a. By changing the items listed to read as set forth below:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Polyethylene blending resins (26 F.R. 5221)	Meeting the specifications of § 121.2510(c) with extractability in xylene of no more than 75% at 25° C., in ethyl acetate of no more than 8% at 50° C., and in *n*-hexane of no more than 53% at 50° C., may be used as components of food-packaging materials and containers, except for packing and holding during cooking.	[1] July 1, 1963
* * *	* * *	* * *

MISCELLANEOUS [1]

Product	Specified uses or restrictions	Effective date of statute extended to—
Dimethyl dialkyl (C_8 to C_{18}) ammonium chloride (26 F.R. 6271).	Flocculating agent in manufacture of silica pigments used in food packaging.	[1] July 1, 1963
• • •	• • •	• • •
Dicyclohexyl phthalate (26 F.R. 6271)	Plasticizer in resins used in packaging, handling, storing, or transporting food.	Jan. 1, 1963
• • •	• • •	• • •
Diphenyl phthalate (26 F.R. 6271)	Plasticizer in resins used in packaging, handling, storing, or transporting food.	Jan. 1, 1963
• • •	• • •	• • •
Chloropicrin (26 F.R. 7963)	Fumigant for food plant use	[1] July 1, 1963
• • •	• • •	• • •
Styrene and divinylbenzene copolymer: 1. Chloromethylated and aminated with *tert*-amine; 2. Chloromethylated and aminated with primary and/or secondary amine or mixed polyamine (26 F.R. 7963).	Anion-exchange resin used in food processing	[1] July 1, 1963
Styrene and divinylbenzenesulfonate copolymer (26 F.R. 7963).	Cation-exchange resin used in food processing	[1] July 1, 1963
• • •	• • •	• • •
Potassium abietate (26 F.R. 9715)	Spray adjuvant on fresh fruits and vegetables	Jan. 1, 1963
• • •	• • •	• • •
Polyethylene (26 F.R. 9410)	Meeting the specification prescribed in § 121.2510 (c)(1) and the extractability limitations of § 121.2510(d)(1) with specific gravity more than 0.85 and less than 0.95, as determined by A.S.T.M. Method D-1505; may be used as component of articles intended for holding food during cooking.	[2] July 1, 1963
• • •	• • •	• • •
Petroleum hydrocarbons, aliphatic: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 l. per gm./cm. maximum (26 F.R. 11210).	Adjuvant for insecticides in food-processing plants; limit 1 p.p.m. residue on food.	Jan. 1, 1963
	In manufacture of food packaging	Sept. 1, 1962
• • •	• • •	• • •
Ethyl acrylate and methyl methacrylate copolymers of itaconic or methacrylic acid (26 F.R. 11242).	Components of coating of paper and paperboard for food packaging.	Jan. 1, 1963
• • •	• • •	• • •
Acrylic or methacrylic acid and divinyl benzene copolymer aminolyzed with primary and/or secondary amine or mixed polyamine (26 F.R. 7963).	Anion-exchange resin used in food processing	[1] July 1, 1963
Acrylic acid or methacrylic acid and divinylbenzene copolymer (26 F.R. 7963).	Cation-exchange resin used in food processing	[1] July 1, 1963
• • •	• • •	• • •
Isooctylphenylpolyethoxy (9-10) ethanol (26 F.R. 2861).	Spray adjuvant on fresh fruits and vegetables; limit 1 p.p.m.	Jan. 1, 1963
• • •	• • •	• • •

[1] Progress report required by Jan. 1, 1963.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Bromides, inorganic	Resulting from fumigation with methyl bromide or combination of methyl bromide and ethylene dibromide to control pest infestations; limit 50 p.p.m. in processed food.	Jan. 1, 1963	
4-Chloro-3,5-dimethylphenol	Preservative in sizings and coatings of paper and paperboard for food packaging.	Jan. 1, 1963	
Polyamide resin (thermoplastic), derived from vegetable oil acids reacted with ethylene-diamine	Component of printing ink for food packaging.	Jan. 1, 1963	
	Coating on metallic substrate used for food packaging.	Jan. 1, 1963	

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: June 29, 1962.

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

[F.R. Doc. 62-6683; Filed, July 11, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

ZINC-SILICON DIOXIDE MATRIX COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Humble Oil and Refining Company, Houston 1, Texas, and other relevant material, has concluded that the following regulation should isssue with respect to zinc-silicon dioxide matrix coatings as the food-contact surface of articles in contact with food. Therefore, pursuant to the provisions of the act (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2548 Zinc-silicon dioxide matrix coatings.

Zinc-silicon dioxide matrix coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The coating is applied to a metal surface, cured, and washed with water remove soluble substances.

(b) The coatings are formulated from optional substances which include:

(1) Substances generally recognized as safe.

(2) Substances for which safe conditions of use have been prescribed in § 121.2514.

(3) Substances identified in paragraph (c) of this section, subject to the limitations prescribed.

(c) The optional substances permitted are as follows:

List of substances	Limitations
Ethylene glycol	As a solvent removed by water washing.
Iron oxide	
Lithium hydroxide	Removed by water washing.
Methyl orange	As an acid-base indicator.
Potassium dichromate	Removed by water washing.
Silica gel	
Sodium silicate	
Zinc, as particulate metal	

(d) The coatings in the finished form to contact food, when extracted with heptane at 120° F. for 30 minutes, using a ratio of 5 milliliters of the solvent per square inch of surface, shall yield total extractives not to exceed those prescribed in § 121.2514(c)(3); lithium extractives not to exceed 0.05 microgram per square inch of surface; and chromium extractives not to exceed 0.05 microgram per square inch of surface.

(e) The coatings are used as food-contact surfaces for bulk re-usable containers intended for storing, handling, and transporting fats and oils.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

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

Dated: July 5, 1962.

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

[F.R. Doc. 62-6816; Filed, July 11, 1962; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

On August 31, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8173) a list of substances used as components of coatings of paper and paperboard for food packaging. In the order cited, the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act was extended to July 1, 1962, under the conditions prescribed in the introduction to § 121.91.

The Commissioner of Food and Drugs finds that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances in accordance with the statute. Therefore, pursuant to the provisions of the act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.91 *Further extension of effective date of statute for certain specified food additives as indirect additives to food,* is amended as follows:

1. In the list headed "Substances Used As Components of Coatings of Paper and Paperboard for Food Packaging" the date in the column "Effective date of statute extended to—" is changed to read "Jan. 1, 1963".

2. Footnote 1 is deleted.

3. The following items are deleted:

Animal glue * * *.
N,N-Ethylenebis stearamide * * *
Polyamide resin obtained by condensation of dimerized vegetable fatty acids and ethylene diamine, molecular weight 6000-9000 * * *.
Toluene-sulfonamide formaldehyde resin * * *.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

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

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 5, 1962.

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

[F.R. Doc. 62-6817; Filed, July 11, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

[Docket No. 14184; FCC 62-710]

Television Broadcast Translator Stations

1. This proceeding was initiated by a notice of proposed rule making (FCC 61-832), released June 30, 1961, in which we proposed to amend our rules to provide that a VHF translator will not be issued to the licensee of a television broadcast station, or to an applicant financially supported by such a licensee, or to any person associated with the licensee either directly or indirectly, unless the grant of the license would fill in an unserved area within the parent station's Grade B contour and would neither duplicate any part of the programming of another television broadcast station serving the proposed translator area with a Grade B signal or better, nor serve any community which has a television channel assignment on which a television station is operating or for which a construction permit is outstanding. However, under the proposal a station would not be precluded from receiving a license for a VHF translator to extend its service to an area or community already receiving its only television service via VHF translators. In addition, we proposed to provide that any license issued to a television broadcast licensee, or a licensee-supported applicant, might be terminated upon sixty days notice, without hearing, if local circumstances are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

HISTORY OF THE PROCEEDING

2. The Commission has long been concerned with the problem of inadequate television reception in small, remote communities. In an effort to bring additional service to these areas, we authorized UHF translators in 1956. Meanwhile we continued to study the problems involved in licensing VHF translators under standards and conditions consistent with the need for protection against interference to other television services.

3. On July 27, 1960, the Commission amended Subpart G of Part 4 of the rules to permit the operation of television broadcast translator stations on VHF television channels. We were persuaded that the licensed operation of these translators would be in the public interest as another technique by which television service might be brought to more of our nationwide population. However, in our Order we stated that UHF translator facilities were still the

most satisfactory method of bringing television service to sparsely settled regions.

4. The adoption of the rules providing for the operation of VHF translators was motivated by the fact that service can be improved within the normal service area of a television broadcast station or extended beyond that area by low-power translator operations. The Commission had contemplated that such stations would be utilized primarily by local groups or communities located in areas remote from regular television broadcast service. However, a problem not contemplated by the Commission when the rule was adopted has arisen from the provision in § 4.732(a) permitting broadcast station licensees to acquire licenses for VHF translator stations. It is apparent that applications are being filed by broadcast station licensees for purposes other than a need for the new service by the people in the area involved. Some of these applications are clearly motivated by the desire to extend the coverage of a regular television broadcast station beyond its normal service area.

5. The Commission believes that unless some restrictions are placed upon the eligibility of regular television licensees to apply for VHF television broadcast translator stations, the VHF translator will tend to become simply another weapon in the competition between television licensees rather than an instrument to be utilized by people living in areas receiving little, if any, television service.

COMMENTS IN SUPPORT OF PROPOSAL

6. Alvarado Television Company, McClatchy Newspapers, Midland Telecasting Company, Ponce Television Corporation, Southern Minnesota Broadcasting Company, Supreme Broadcasting Company, Frontier Broadcasting Company and the National Association of Broadcasters strongly support the proposal, asserting that the rules as presently framed leave the choice of where a translator service should be located to be determined by an individual not necessarily connected with the community rather than the need of a particular community.

COMMENTS IN OPPOSITION TO PROPOSAL

SERVICE WITHIN GRADE B CONTOUR

Grade A Contour

7. Several of the respondents urged that the rule should differentiate between filling in unserved areas in the Grade A and Grade B contours of a parent station and that even if we limit the rights of a television licensee to fill in its Grade B contour, we should allow filling in of the Grade A contour without any limitations. Capital Cities Broadcasting Corporation, Lynchburg Broadcasting Corporation, Mid New York Broadcasting Corporation and Triangle Publications, Inc., strongly object to the proposed amendment, if it would limit a licensee's right to fill in its Grade A contour. They assert that the Commission contemplates full service within the Grade A contour and that the improved service would be no more than contemplated by the Commission's allocation and licensing functions in having granted the parent station's authorization.

8. We are still convinced, however, that the problems which arise from the filling in of unserved areas within the Grade A and Grade B contours are similar. Therefore, the limitations we impose herein will similarly pertain to the parent station's Grade A and Grade B contours.

PRINCIPAL CITY CONTOUR

9. We have been persuaded by the arguments advanced that the licensee of a television broadcast station should have the right to fill in shadow areas in its predicted principal city contour. It is this contour which is significantly important in identification of a television station. No competitor of an existing station could have a valid objection to the filling in of an unserved area in that contour. Therefore, this amendment is not intended to limit the right of a television licensee to fill in shadow areas in its predicted principal city service area.[1]

Grade B Contour

10. Mosby's Inc., Reeves Broadcasting and Development Corporation, King Broadcasting Company and Westinghouse Broadcasting Company urge that stations be allowed to fill in an unserved area within their Grade B contours whether or not the community proposed to be served has an operating station or outstanding construction permit. Summarized, their arguments are that the allocation plan contemplated that all licensees assigned to a community would serve substantially the same area and that the public should not be deprived of the benefits of diversification of service.

11. American Broadcasting Company, Connecticut Television, Plains Television Corporation and Turner-Farrar Association oppose as too restrictive the provision that the proposed translator may fill in only the parent station's existing Grade B contour and urge rather that, if the station is not operating with maximum height and power, it should be allowed to fill in to the Grade B contour of the parent station, assuming maximum power and height.

12. ABC, Connecticut Television, Plains Television Corporation and Turner-Farrar Corporation also urge that UHF licensees be authorized to fill in holes in their Grade A and Grade B contours with VHF translators, and in areas where a UHF station is in competition with a VHF station, the UHF licensee should be allowed to use VHF translators beyond its own Grade B contour in order to compete more effectively with the VHF station in communities served by the VHF station.

PROHIBITION AGAINST DUPLICATION OF PROGRAMMING

13. Grave concern is expressed about this provision. The parties would impose a limitation on duplication of network programming only, or a major part of the programming of another station, or none at all.

14. Guy Gannet Broadcasting Service opposes the restriction arguing that competition is not confined to situations where two or more stations present completely different program schedules and King Broadcasting Company would achieve the purpose of the proposal by putting a condition on the translator license, requiring it to be silent during any period of program duplication.

15. After consideration of the comments, we have concluded that a VHF translator or a UHF translator will be granted to a VHF licensee to fill in an area receiving no signal or an inadequate signal within the parent station's existing Grade A or Grade B contours under the following limitations. The licensee applicant will not be permitted to fill in any part of its Grade A or Grade B contour with a VHF translator where reception will be provided to all or any part of a community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations.

16. We agree that the use of a VHF translator to fill in an unserved area within the parent station's Grade A and Grade B contours which is receiving no signal or an inadequate signal is, under the limitations set forth, a legitimate use of such auxiliary facility. The parent station would be serving the area proposed to be served by the translator if some accident of terrain or peculiar local situation had not prevented it. However, where any part of the community proposed to be served lies within the Grade A contour of another station and duplication of the programming of that station will result, there is no need for the service proposed since the community involved is receiving, or will receive, an adequate signal carrying the programming proposed. Because of the scarcity of VHF assignments, the Commission sees no reason for allowing the use of a VHF translator under these circumstances. These restrictions are intended to prevent the use of a translator as a competitive weapon against existing stations or as a deterrent to the building of new stations.

17. Several parties urged that the restrictions herein should not pertain to the UHF licensee. The limitations of the amendment will pertain to the UHF licensee as well as the VHF licensee. The Commission will not permit the use of a VHF translator to fill in holes in the Grade A or Grade B contours of a UHF station except under the circumstances specified in the preceding paragraph.[2]

[1] However, where the area is receiving satisfactory service from a UHF station or a UHF translator, the provisions of § 4.732(d) will of course apply.

[2] Subpart H provides for on-channel boosters for UHF licensees to fill in their maximum theoretical Grade A contour, which is assumed to be 68 miles from the station. In addition the Commission, as a matter of policy, has allowed both UHF and VHF licensees to use UHF translators to fill in shadow areas within their Grade A and Grade B contours.

18. Nor will the UHF licensee be authorized to extend its service area beyond its predicted Grade B contour by means of a VHF translator. The Commission cannot see how these uses of the VHF translator would aid the development of UHF. The UHF licensee should seek to improve its service to the maximum extent possible. It has available to it UHF translators to extend its service area. We have recognized the possible need for and encouraged the supplementation of service from UHF stations through ancillary repeater devices such as translators, but we believe it preferable to foster the use of UHF channels for translator use.

SERVICE BEYOND GRADE B CONTOUR

19. Almost all of the respondents support the proposed amendment to prohibit use of VHF translators to serve beyond a station's Grade B contour However, ABC and Plains Television Corporation suggest that duplication be allowed beyond the predicted Grade B contour upon a specific showing of public interest. NBC and The Washington Post Company urge that use of VHF translators be allowed if the area to be served is beyond the Grade B contour of any station since this could have no adverse impact on any regular television station, which position is supported by local officials of Rehobeth Beach and Lewes, Delaware.

20. The Commission will not allow a television licensee to extend its service area by VHF translators beyond its Grade B contour. By refusing to allow licensees to thus extend their service areas, we are not depriving the areas or communities involved of translator service. Local groups or the community itself can apply for a VHF or UHF translator. Experience has indicated that if there is really a need in a locality for translator television service, the citizens will join together to satisfy that need. The VHF spectrum is too crowded and problems of potential interference are too great for the Commission to authorize VHF translators unless there is a clear and compelling need therefor demonstrated by active interest of the people in the area.

21. It is apparent that applications by some regular television broadcast licensees for VHF translators are attempts to extend the parent station's service area into new markets at relatively little cost with no responsibility for meeting the needs of the new community for local programming and might result in delaying the development of new stations and keep existing stations from expanding their service to cover these areas through authorized facilities.

TERMINATION PROVISION

22. Transcontinent Television Corporation and the Washington Post Company oppose this provision, claiming it would discourage a regular television licensee from investing money to improve its signal and that it would be unfair to deprive the licensee of its VHF translator authorization without a hearing. We recognize that under the new provisions of the rule a licensee might be reluctant to invest in a VHF translator, but the purpose of the proposed rule is to discourage regular stations from extending their service at great distances to serve other communities, and, therefore, we are of the opinion that termination of the licensee's translator authorization, when circumstances so alter in the community that the translator would not have been authorized under § 4.732 (e) of the rule, is in the public interest. Absent the existence of a factual issue of decisional significance, an evidentiary hearing would serve no useful purpose.

NON-COMMERCIAL EDUCATIONAL TELEVISION STATIONS

23. The National Educational Television and Radio Center argues that the proposed new section should not apply to non-commercial educational television stations. The proposals herein are not directed to non-commercial educational television licensees and therefore proposed § 4.732 (e) and (f) will not apply to them.

NATIONAL RADIO QUIET ZONE

24. Havens and Martins, Inc., licensee of WTVR, Richmond, Virginia, requests that we exclude from the proposed new section of the rules the National Radio Quiet Zone, which is an area 100 x 125 miles in the western part of Virginia and the eastern part of West Virginia, which includes the United States Naval Radio Research Station at Sugar Grove, West Virginia, and the National Radio Astronomy Observatory, Green Bank, West Virginia. We are not persuaded that this area should be excepted from the amendment herein.

DECISION OF THE COMMISSION

25. The Commission will amend subparagraph G of Part 4 of its rule so that the rights of a television station licensee will be limited as specified below. Since there are instances in which the applications for the translators may not be filed by the station licensee, but the licensee may be the principal financial force behind the translator application, this limitation will apply also to an applicant financially supported by the licensee and to any person associated with the licensee either directly or indirectly.

26. The television licensee will not be authorized to operate a VHF translator if it is intended to provide reception beyond the predicted Grade B contour of the parent station.

27. The television licensee will not be permitted to operate a VHF translator within its Grade A or B contour where the translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television station for which a construction permit or license has been granted and the programs rebroadcast by the proposed translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations.

28. However, this prohibition will not preclude the authorization of a VHF translator to a licensee applicant if the translator is intended to improve reception of the parent station's signal to any community, any part of the corporate limits of which is within the principal city service contour of such station.

29. Where circumstances in the community or area served by the VHF translator issued to the broadcast station licensee change so that the grant of the application would have been prohibited had these circumstances existed at the time of the filing of the application, such authorization for a VHF translator may be terminated upon not less than sixty days' notice.

30. The limitations imposed herein on VHF licensees are not intended to apply to non-commercial educational stations.

31. The Commission does not intend by this amendment to the rules to impose any additional restrictions on the eligibility of regular television broadcast licensees insofar as UHF translators are concerned.

32. It is further to be noted that the restrictions adopted pertain only to television licensees or permittees, or applicants financially supported by television licensees or permittees, or persons associated with the licensee or permittee, and not to local groups or communities applying for VHF translators.

33. Authority for the adoption of the rule amendments herein is contained in sections 4(i) and 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

34. *It is ordered,* That effective August 15, 1962, the Commission's rules are 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)

Adopted: July 3, 1962.

Released: July 9, 1962.

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

1. Section 4.732 is amended to read as follows:

§ 4.732 Eligibility and licensing requirements.

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

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

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate

application is required for each television broadcast translator station and each application shall be complete in all respects.

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

(e) The licensee or permittee of a television broadcasting station, an applicant financially supported by such licensee or permittee, or any person associated with the licensee or permittee, either directly or indirectly, will not be authorized to operate a VHF translator under any of the following circumstances:

(1) Where the proposed translator is intended to provide reception beyond the Grade B contour of the television broadcast station proposed to be rebroadcast.

(2) Where the proposed VHF translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations: *Provided, however,* That this will not preclude the authorization of a VHF translator intended to improve reception of the parent station's signal to any community, any part of the corporate limits of which is within the principal city service contour of such station.

NOTE: The contours of a television broadcast station shall be determined in accordance with the procedures set forth in § 3.684 of this chapter.

(f) Any authorization for a VHF translator issued to an applicant described in paragraph (e) of this section will be issued subject to the condition that it may be terminated at any time, upon not less than sixty (60) days notice where the circumstances in the community or area served are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

(g) Paragraphs (e) and (f) of this section will not be applicable to noncommercial educational stations.

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

[F.R. Doc. 62-6792; Filed, July 11, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

[Docket No. AO–144–A10]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Decision With Respect to Proposed Amendment of the Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 9, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 475) on proposals to amend the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 24, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62–5185; 27 F.R. 4994).

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62–5185; 27 F.R. 4994) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by Col. N. J. Riebe, P.O. Box 1811, Yuma, Arizona. Such exceptions were carefully and fully considered, in conjunction with the record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth herein. To the extent that any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions and rulings relating thereto or to the issues to which the exception refers.

Exception is taken to the findings and conclusions of the recommended decision that the evidence of record does not support the adoption of the proposal (contained in the notice of hearing) to provide in the order that, with respect to District 2, the term "lemons available for current shipment" include only the lemons which potentially are marketable as fresh fruit under applicable laws and which were delivered to the handlers in such district during the preceding 20-week period. The proponents of the proposal abandoned it; but, as stated by the presiding officer, such abandonment does not take the proposal out of the notice of hearing, and unless it is supported there would be no need to oppose it.

The evidence of record concerning this proposal consists of one brief statement which is quoted as follows:

> I feel this entire matter of a separate marketing arrangement for District 2 is discriminatory. I don't believe that lemons held over for 20 weeks are fresh lemons; neither do I think that such lemons are applicable under the Act to any greater extent that is juice.
>
> I further think that if any special provisions are to prevail for District 2, they should prevail for District 3 in that if California has a right to storage facilities, then we have just as much right in Arizona.
>
> I think, therefore, that the entire proposal should be reviewed, and that if a separate marketing arrangement for District 2 is to prevail as stated, or as contained in the present order, then we in Arizona should have a compensating grade regulation.

The only purpose of defining in § 910.12 of the order, the term "lemons available for current shipment" is to establish the basis for allocating among handlers, by districts, the weekly volume of lemon shipments fixed, pursuant to § 910.52, for a particular district. The term has no application to the grade of the lemons that may be handled and the order does not authorize any such grade regulation. Neither was there any proposal in the notice of hearing to provide for such grade regulation. In addition, the order does not provide any separate "marketing arrangement" for any district other than methods for fixing the quantity of lemons to be handled each week from each district, and for allotments thereof among handlers. Further, it does not in any way restrict the right of any handler in any portion of the production area to have or utilize storage facilities. Moreover, the evidence of record concerning this proposal does not in any way indicate what, if any, provisions may be appropriate as a "compensating grade regulation." The exception is, therefore, denied.

Exception was also taken to the findings and conclusions of the recommended decision pertaining to the proposal to provide additional grower representation on the administrative committee from District 3 on the grounds that the basic and inherent rights of the Arizona grower is ignored in that such representation may be through an alternate member rather than through a member only. The reasons and basis for providing that such additional grower representation should be by either a member or an alternate member are set forth in the recommended decision. It is shown that the provisions of § 910.28 of the order authorize any alternate member from District 3 to serve as the member at all committee meetings to consider recommendations for regulation during the period when lemons are being shipped for District 3. At other times, such alternate member as well as any other grower may attend committee meetings, which are open to all interested parties, if they desire to do so. The exception is, therefore, denied.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" and "Order Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period November 1, 1960, through October 31, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and in that portion of the State of California that is south of a line drawn due east and west through the Post Office in Turlock, California, in the production of lemons for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of lemons grown in California and Arizona. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modi-

fied for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate:" In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

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

Dated: July 9, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona*

§ 910.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 9, 1962, upon proposed amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 910.15 [Amendment]

1. The provisions of § 910.15 *Production area* are revised to read as follows:

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 910.22 [Amendment]

2. The following sentence is added at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower in District 3."

§ 910.23 [Amendment]

3. The following sentence is inserted immediately preceding the last sentence in § 910.23: "At least one of the growers so selected shall be a grower of lemons in District 3."

§ 910.29 [Amendment]

4. The amount "$10" is deleted from § 910.29 and the amount "$15" is substituted therefor.

5. A new § 910.33 is added as follows:

§ 910.33 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons; the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.51 [Amendment]

6. Paragraph (c) of § 910.51 is revised to read as follows:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.57 [Amendment]

7. The words "ten percent" are deleted wherever they appear in § 910.57 and the words "twenty percent" are substituted therefor.

8. A new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the time marketable lemons generally are available in District 3, issue special allotments to handlers in such district who have marketable lemons available for handling. Such handlers may apply to the committee for such allotments on forms prescribed by the committee, and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall determine the extent to which early availability allotment shall be granted. Such allotments approved by the committee shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however*, That early availability allotments issued to any handler shall not permit the handling of a larger share of the lemons available for current shipment of such handler than the share of the lemons available for current shipment in District 3 estimated at the beginning of the season, to be allotted to all handlers. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. When marketable lemons generally are available to the handlers in District 3, the early availability allotments issued shall be offset or repaid by deducting from the lemons available for current shipment of each handler who has received such allotments a quantity equal to the early availability allotments issued to him. The committee shall, with the approval

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

of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 910.64 [Amendment]

9. Paragraphs (a) and (b) of § 910.64 *Districts* are revised to read as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but shall exclude San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south or west of District 1, but shall exclude the area east of a line drawn due north and south through the post office in White Water, California.

[F.R. Doc. 62-6807; Filed, July 11, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 52 Stat. 1055, 21 U.S.C. 376(d)), notice is given that a petition (CAP 3) has been filed by Annatto Color Testing Committee, 14 Proudfit Street, Madison, Wisconsin, proposing the issuance of a regulation to provide for the safe use of annatto extracts as a color for foods and drugs.

Dated: July 5, 1962.

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

[F.R. Doc. 62-6818; Filed, July 11, 1962; 8:53 a.m.]

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES; O,O-DIMETHYL S-4-OXO-1,2,3-BENZOTRIAZIN-3(4H)-YLMETHYL PHOSPHORODITHIOATE

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition has been filed Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of a pesticide tolerance of 2 parts per million for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on brussels sprouts, grapefruit, lemons, oranges, and tangerines. The petition also proposes the establishment of a food additive tolerance of 5 parts per million for residues of this insecticide in citrus peel and dried citrus pulp resulting from carryover and concentration of residues in these feed items processed from such citrus fruits.

The analytical method proposed in the petition for determining residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate is a modification of that published in Agricultural and Food Chemistry, Volume 8, page 282 (1960).

Dated: July 5, 1962.

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

[F.R. Doc. 62-6815; Filed, July 11, 1962; 8:52 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 836) has been filed by Monsanto Chemical Company, 800 Lindberg Boulevard, St. Louis 66, Missouri, proposing the issuance of a regulation to provide for the safe use of diphenyl phthalate as a plasticizer in polyvinyl acetate and polyvinyl chloride coatings, films, and adhesives contacting food.

Dated: July 6, 1962.

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

[F.R. Doc. 62-6804; Filed, July 11, 1962; 8:49 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 850) has been filed by The Cromwell Paper Company, 130 North Wabash Avenue, Chicago 1, Illinois, proposing the issuance of a regulation to provide for the safe use of dicyclohexylamine and morpholine salts of fatty acids derived from animal or vegetable oils as rust inhibitors on steel or tinplate used in contact with food.

Dated: July 6, 1962.

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

[F.R. Doc. 62-6805; Filed, July 11, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 14703, RM-178; FCC 62-713]

OPERATION OF STATIONS DURING EMERGENCIES

Notice of Proposed Rule Making

In the matter of amendment of § 2.405 of the Commission rules and regulations pertaining to operation of stations during emergencies and addition of New §§ 3.98, 3.298, 3.597, and 3.670 relating thereto.

1. The Commission has before it for consideration a "Petition for Rule Making or Advisory Ruling," filed April 26, 1960, by the Daytime Broadcasters Association, Inc. (DBA), which requests that the Commission either initiate a rule making proceeding to amend the present § 2.405 of the Commission rules pertaining to operation of stations during emergencies or issue a declaratory ruling concerning that section so that restricted-hours stations will be assured that a certain type of emergency operation discussed in the petition is permissible under the present rule.

2. *Petitioner's proposal.* In the event that a rule making proceeding is instituted, DBA submits a draft of a proposed new rule concerning operation during emergencies by standard broadcast stations and suggests that such a new rule should appear as § 3.98 in Part 3, Subpart A, of the rules governing standard broadcast stations. Some of the wording of the present § 2.405 is carried over by DBA into its proposed new rule, some is omitted, and some new language is added. The DBA proposal and the present § 2.405 are combined below. New wording proposed by DBA is italicized. Words enclosed in brackets appear in the present § 2.405 but not in the DBA proposal. Words neither italicized nor bracketed appear in both § 2.405 and the DBA proposal.

[§ 2.405] *§ 3.98 Operation During Emergency.* The licensee of [any station, except amateur, may,] *a daytime only, limited time or specified hours standard broadcast station, or the permittee of such a station operating under program test authority,* during a period of emergency [in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization:] *or imminent emergency due to hurricane, flood or other severe weather conditions or from earthquake or similar disaster affecting the community in which the station is located, may operate at times other than those specified in the license or permit in order to, and to the extent necessary to meet public necessity or to prevent or alleviate serious public inconvenience or hardship which might result in the absence of such*

operation: Provided, (a) That as soon as possible after the beginning of such emergency [use,] *operation,* notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency [use of the station shall] *operation will* be discontinued as soon as [substantially normal communication facilities are again available,] *the conditions requiring such operation are no longer present,* and (c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such [special use of the station] *emergency operation* is terminated: [*Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law:] *And provided further,* [(e)] (*d*) That the Commission may, at any time, order the discontinuance of any [such emergency communication] *emergency operation* undertaken under this section.

3. Foremost among the changes suggested by DBA we note the following: The proposal (1) applies to certain permittees as well as licensees, (2) adds the concept of imminent emergency to that of emergency, (3) eliminates the requirement that normal communications facilities be disrupted, (4) inserts the phrase "severe weather conditions," (5) eliminates the requirement concerning frequency and power which may be used for operations during emergencies, (6) indicates emergency communication service to be operation "to the extent necessary to meet public necessity or to prevent or alleviate serious public inconvenience or hardship," and (7) specifically permits emergency operation at times other than those specified in the instrument of authorization. It may also be observed that the DBA proposal is directed at restricted-hours standard broadcast stations. Although not specifically set forth in the petition, we assume that by suggesting a new § 3.98 DBA intends that standard broadcast stations be removed from the provisions of § 2.405.

4. *Petitioner's arguments in support of petition.* Petitioner states that for many years the Commission, by regular administrative construction of § 2.405, has led daytime, limited-time, and specified-hours standard broadcast stations to believe that they might operate at times other than their regularly authorized hours when severe weather conditions prevail, such as heavy snowstorms, in order to prevent or minimize serious public inconvenience or hardship in the affected communities.

5. To support the foregoing statement, petitioner asserts that "Although the rule does not specifically refer to a situation such as severe snowstorm conditions except to the extent that this may be implied by 'similar disaster', such stations as a matter of regular practice regularly specified license sign-on time have for many years signed on before the and have remained in operation beyond the regularly licensed sign-off time when such conditions are imminent or present. There have been innumerable instances in which notifications of such emergency operations during such conditions have been given to the Commission and the Commission has, by tacit acquiescence, administratively construed its rules as permitting such operations. This has been the case despite the fact that 'normal communications facilities' (which apparently is broad enough to cover common carrier and telephone and telegraph services, as well as other broadcast services in the area) may not have been 'disrupted'."

6. Petitioner also says that the administrative construction of the rule as described above has been made apparent not only by tacit sanction of operations in the type of situation referred to, but that "Commission engineers in charge of the districts in which stations are located, have frequently indicated that when such conditions arise (severe snowstorm) emergency operation is permissible."

7. Finally, it is set forth by DBA that the daytime broadcasters have, during the past six years, sought an amendment of the rules which would allow them to extend their hours of operation during the winter months, an extension which would, "to a large extent, permit them to meet more effectively such critical situations as the foregoing." Petitioner then states that, although such attempts have proved unsuccessful, "The Commission has made public statements indicating its sympathy with this problem and has indicated its desire to do something to solve it were it not for its belief that serious interference would result if such operations were regularly permitted by daytime stations on a nationwide basis. The Commission has indicated that where emergency situations arise in individual instances, the possible interference is not to be considered an obstructing factor."

8. After having stated that, for reasons unknown to petitioner, the Commission's view of operation outside authorized times by restricted-hours stations during severe weather conditions appears suddenly to have changed (as evidenced by reference in the petition to a specific instance occurring in February, 1960, in which the Commission informed a daytime-only station is action was outside the scope of § 2.405), the DBA proposes, as stated in paragraph 1 above, that a rule making proceeding be commenced or that a declaratory ruling concerning § 2.405 be issued.

9. *Commission policy and administrative construction of § 2.405.* In various public pronouncements the Commission has given administrative construction of the section. Thus,

(a) On November 21, 1933, the Federal Radio Commission went on record as saying that stations operating under the provisions of rule 23[1] "would use their regular licensed frequencies."

(b) On September 23, 1938, a press release in connection with the New England hurricane contained the following language: "Rule 23 of the Commission's rules and regulations provides for emergency communication beyond and above those authorized by the license during a period of emergency where normal communication facilities are disrupted. Under this rule broadcast stations may handle messages concerning safety of life and property, amateurs[2] may engage in the transmission of such messages and other stations may communicate to points not specified in the license, and in general stations may engage in whatever operations are required to best assure safety of life and prevention of loss of property."

(c) On July 13, 1949, an Order was adopted which amended § 2.405. The Order contained language to the effect that "* * * the rule was intended only to remove restrictions in respect to the scope of service and points of communication * * *"

10. Over the years the Commission has carried on correspondence with numerous station licensees and with other parties, such as members of the Congress, interpreting the rule under consideration herein. Typical of the administrative construction and Commission policy indicated in such letters are the following excerpts:

(a) Letter to a U.S. Senator (1957): "Insofar as stations in the broadcast service are concerned, it is intended primarily to permit standard broadcast stations to utilize their facilities in a manner other than that specifically authorized in the station's license. For example, a station operating under the terms of this rule could handle urgent messages to specific persons, organizations, business establishments, and the like, which would normally be reached by other means of communications. The words '* * * in which normal communication facilities are disrupted * * *' were intended to embrace such situations. Strict interpretation of the rule would, during a period of emergency, permit no other deviation from the instrument of authorization.

"With the advent of a great number of 'daytime only' stations in the post-war period, the Commission has relaxed its strict interpretation of the rule to the extent of permitting daytime stations to operate beyond those hours specified in the station license when 'as a result of hurricane, flood, earthquake or similar disaster' an area is threatened and danger to life and property is imminent, and when service to the area from other broadcast stations which are *not* restricted in their operating hours is inadequate."[3]

(b) Letter to daytime-only station (1961): "The type of emergency con-

[1] Section 2.405 may be traced back to 1933 when it appeared in somewhat different form as rule 23 of the rules of the Federal Radio Commission.

[2] Late in 1938, what has since become rule 12.156 was adopted governing operation by amateurs during emergencies. Shortly thereafter, in 1939, amateurs were removed from the provisions of rule 23.

[3] In 1941 there were 882 standard broadcast stations of which 60 were daytime-only stations. There are now close to 3800 standard broadcast stations of which about 1500 are daytime-only stations.

templated by § 2.405 is an actual or threatened community disaster in which extended operation is directly related to the safety of life and property. Such operation is permitted on the assumption that unlimited time standard broadcast stations (if any) in the same community are inoperative or otherwise failing to provide nighttime emergency service."

11. *Discussion of petitioner's assertions.* The above-mentioned examples of Commission policy and administrative construction of the rule indicate the path that has been followed. A rule of this nature must of necessity be administered on a case-by-case basis. The point to be made here is that although generically the phrase "severe snowstorm conditions" may be applied to numerous situations, emergency operation may be justified in one severe snowstorm and not in another, the judgment as to permissibility of emergency operation not always being an easy one to make. The Commission's tacit sanctions, as petitioner calls them, have been made as each individual case arose and were based upon the general policies previously outlined.

12. As mentioned in paragraph 6 above, petitioner states that engineers in charge of districts have "frequently" indicated that there might be emergency operation in conditions of severe snowstorm. Without a survey of the conditions under which such "indications" have been made, it may safely be assumed that many of the "frequent" indications probably occurred with reference to truly severe conditons.

13. Petitioner asserts (as indicated above in paragraph 7) that the Commission has indicated that where emergency situations arise in individual instances, the possible interference to other stations caused by emergency operation is not to be considered an obstructing factor. They cite but one statement in support of this. However, we must not overlook our statement in Report and Order, Docket No. 12274, released September 19, 1958, FCC 58–891, Mimeo 62895, paragraph 49, in which we said in our discussion of the reasons for denying the request of the Daytime Broadcasters Association for extension of broadcasting time: "The losses would thus impair the present ability of stations to meet the needs and provide the advantages expected of radio to an extent much greater than that to which the extended hours would afford daytime stations an opportunity to render similar service. For example, as to service in emergencies, it is desirable for a local station to be able to render such service; but not at the expense of the ability of other stations to render similar service, when the population lost would be much greater than the population gained."

14. *Need for revision of § 2.405.* We are of the opinion that § 2.405 of the rules as it applies to broadcast services should be amended for the purpose of reflecting Commission policy and administrative construction cited above and for clarifying questionable points. Thus, we agree with the DBA suggestion that the rule should state that emergency operations under the provisions thereof shall include operations prompted by imminent emergencies as well as emergencies and that such operation should be permitted although normal communications facilities have not been disrupted. We also agree that the amendment should provide that such operations may be engaged in by permittees operating under program test authority as well as by licensees. We find ourselves in disagreement, however, with the suggestion that the limitations concerning frequency and power for the transmission of emergency communications be removed from the rule. And we would modify the suggested provisions concerning emergency operation outside hours specified in instruments of authorization.

15. Of extremely great importance in the DBA proposal is the language permitting emergency operation during "severe weather conditions" coupled with the language that such operation may be for the purpose of "meeting public necessity or to prevent or alleviate serious inconvenience or hardship which might result in the absence of such operation." The language of DBA presents "meeting public necessity" and "to prevent or alleviate serious inconvenience or hardship" in the disjunctive. We are of the opinion that the two phrases are not disjunctive but that the latter is subsumed by the former. "Meeting the public necessity" is a broad concept that must be given more specific meaning within the present context. We are prepared to give such meaning by indicating that emergency operation may occur for the purpose of promoting safety of life and property or alleviating hardship. But we do not believe that such operation should be permitted to prevent or alleviate inconvenience, even of a serious nature. We recognize that the line between inconvenience and hardship may be difficult to draw, but we do not doubt a difference in their meanings exists. The amendment which we propose herein is worded to convey this thinking.

16. It may be observed that certain specified-hours stations operating on local channels are, under the provisions of § 3.23(e) of the rules, free to operate at hours other than those specified in their instruments of authorization without relying on § 2.405. It should be noted, too, that under the present § 3.87 pre-sunrise operation is permitted under certain conditions without the invoking of § 2.405. A rule making proceeding was instituted with regard to § 3.87 in Notice of Proposed Rule Making released on December 8, 1961, Docket No. 14419, FCC 61–1446, Mimeo 11957. In an Order released April 30, 1962, the time for filing comments and reply comments therein was extended indefinitely pending the issuance of a Further Notice of Proposed Rule Making in that docket.

17. *Method of revision of § 2.405.* We have chosen to revise § 2.405 with regard to standard, FM, noncommercial educational FM and television broadcast stations by removing such stations from the provisions of § 2.405 (which presently is applicable to all stations except amateurs) and inserting, in the appropriate subparts of Part 3 of the rules, new sections governing their operation during emergencies. Although no problems have been encountered with regard to operation during emergencies by unlimited-time standard broadcast stations or by any of the last three types of broadcast stations mentioned in the preceding sentence, we have amended the emergency rule with respect to such stations in order to anticipate problems relating to emergency operation which might conceivably arise in the future. The thinking of the Commission on the aspects of the rule mentioned in the foregoing paragraphs as well as on other facets of the subject appears in the proposed amendments as set forth below.

18. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedure set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 13, 1962, and reply comments on or before August 27, 1962. In reaching its decision on the rule amendments which are proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

20. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 3, 1962.

Released: July 9, 1962.

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

1. § 2.405 is amended to read as follows (this amendment removes standard, FM, noncommercial educational FM and television broadcast stations from the provisions of the section and adds a note indicating what parts of the rules contain provisions governing operation during emergency by such stations and by amateur stations):

§ 2.405 Operation during emergency.

The licensee of any station (except amateur, standard broadcast, FM broadcast, noncommercial educational FM broadcast, or television broadcast) may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued

as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated; *Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,* (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

NOTE: Part 3 of this Chapter contains provisions governing emergency operation of standard, FM, noncommercial educational FM, and television broadcast stations. Part 12 of this Chapter contains such provisions for amateur stations.

2. Part 3 is amended by adding new §§ 3.98, 3.298, 3.597 and 3.670 concerning operation during emergencies as follows:

§ 3.98 Operation during emergency.

(a) The licensee of a standard broadcast station or permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a license or permittee may also (during the hours, at the frequency, and with the facilities specified in its instrument of authorization) utilize such station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations, or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation or any other operation permitted under the provisions of this section a station may communicate with stations of other classes and in other services. For the purposes of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fires. The term shall not include such events as frosts or localized fires.

(b) During periods of emergency or imminent emergency, the licensee of a standard broadcast station or the permittee of such a station operating under program test authority may, if authorized different powers or antenna patterns for daytime and nighttime service, utilize daytime facilities during nighttime for the purpose of disseminating communications directly related to the emergency which are intended to be received by the public or by specific individuals for the purposes specified in paragraph (a) of this section: *Provided, however,* That if such nighttime emergency operation is not continuous, but is interspersed with operations not related to the emergency, the latter operations shall be with normally authorized nighttime facilities: *Provided further,* That such nighttime emergency operation shall not contain music or either commercial continuity or commercial anouncements, but a low-level attention signal such as a tone may be used.

(c) During periods of emergency or imminent emergency, a licensee of a standard broadcast station (other than an unlimited-time station) or a permittee of such a station operating under program test authority may operate at times other than those specified in its instrument of authorization or sharing-time agreement for the purpose of disseminating communications directly related to the emergency which are intended to be received by the public or by specific individuals for the purposes specified in paragraph (a) of this section if there is no standard broadcast station authorized to operate unlimited time in the area, or if all standard broadcast stations authorized to operate unlimited time in the area are for any reason not engaged in transmitting emergency communications, or if such licensee or permittee is prepared to make a showing on request that the area affected by the emergency was not adequately covered by the unlimited-time stations at the time that the extra-hour operation occurred. (Sharing-time stations and specified-hours stations sharing time must reach agreement with respect to the division of time for operation under the terms of this paragraph.) Announcements warning of emergencies such as blizzards, hurricanes or tornadoes many hours in advance of the time when they might possibly be expected, and announcements concerning school closings or changes in school bus schedules, road conditions or other matters necessitated by severe weather conditions shall not be made at times other than those specified in instruments of authorization or sharing-time agreements if adequate advance warning can be given during normal hours of operation. Operation under the provisions of this paragraph shall not contain music or either commercial continuity or commercial announcements, but a low-level attention signal such as a tone may be used.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(f) Operation under the provisions of this section shall in no event occur on frequencies other than those specified in the instruments of authorization or as otherwise expressly provided by the Commission or by law. When operating under the provisions of this section, power shall not exceed and antenna pattern shall not differ from that specified in the instrument of authorization or as otherwise provided by the Commission or by law, the only permissible deviations with regard to power and antenna pattern being those set forth in paragraph (b) of this section.

(g) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

§ 3.298 Operation during emergency.

(a) The licensee of an FM broadcast station or the permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a licensee or permittee may also utilize its station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation a station may communicate with stations of other classes and in other services. For the purpose of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fire. The term shall not include frosts or localized fires.

(b) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(c) When engaged in operation under the provisions of this section a station shall use the frequency specified in and power not in excess of that specified in its instrument of authorization.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an oppor-

tunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

§ 3.597 Operation during emergency.

(a) The licensee of a noncommercial educational FM broadcast station or the permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a licensee or permittee may also utilize its station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation a station may communicate with stations of other classes and in other services. For the purpose of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fire. The term shall not include frosts or localized fires.

(b) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(c) When engaged in operation under the provisions of this section a station shall use the frequency specified in and power not in excess of that specified in its instrument of authorization.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

§ 3.670 Operation during emergency.

(a) The licensee of a television broadcast station or the permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a licensee or permittee may also utilize its station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation a station may communicate with stations of other classes and in other services. For the purpose of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fire. The term shall not include frosts or localized fires.

(b) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(c) When engaged in operation under the provisions of this section a station shall use the frequency specified in and power not in excess of that specified in its instrument of authorization.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the stations is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

[F.R. Doc. 62-6793; Filed, July 11, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62–6790, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business, June 30, 1962, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130–A—Call No. 442,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on Federal Reserve Form 105—Call 164,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 60,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State Banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated January, 1961,[1] and shall send the same to the Federal Deposit Insurance Corporation. Each insured mutual savings bank which is a member of the Federal Reserve System shall make its original Report of Condition on Federal Reserve Form 105—Call 164,[1] prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February, 1961,[1] and shall send the same to the Federal Reserve Bank of the District in which it is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation.

[SEAL] ERLE COCKE, SR.,
Chairman, Federal, Deposit Insurance Corporation.

JAMES J. SAXON,
Comptroller of the Currency.

C. C. BALDERSTON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 62–6790; Filed, July 11, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62–6790, Federal Deposit Insurance Corporation, *supra*.

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86–587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS–1530–5	Statistician	Cincinnati, Ohio, metropolitan area.	May 14, 1962
GS–1530–7	Survey Statistician		
GS–1530–7	Statistician in the subject matter areas of Demography, Economics, Health, Social Science, Medicine, Operations and Administration, and General.		
GS–1074–17	Director, Television Service	United States Information Agency, Washington, D.C.	May 17, 1962
GS–802–9	Mechanical Engineering Technician (Nuclear Reactor Operator).	Charleston Naval Shipyard, Charleston, S.C.	June 8, 1962
	Professor (positions typically involve such areas as naval warfare, international relations, physical sciences).	Naval War College, Newport, Rhode Island.	June 11, 1962
GS–665–0, grades GS–11 above.	Speech Pathologist and/or Audiologist	Nationwide	June 26, 1962

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

Wherever Classification Act series and grades are shown above, if comparable positions exist which are not subject to the Classification Act, they are also covered.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–6814; Filed, July 11, 1962; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

MONTANA SHARES, INCORPORATED

Notice of Applications for Approval of Acquisitions of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Montana Shares, Incorporated, which is a bank holding company located in Great Falls, Montana, for the prior approval of the Board of the acquisitions by Applicant of more than 50 percent of the voting shares of Citizens Bank of Montana, Havre, Montana, and up to 100 percent of the voting shares of Liberty County Bank, Chester, Montana. Both banks are presently subsidiaries of Montana Shares by reason of

[1] Filed as part of original document.

its ownership of 25 percent or more of the outstanding voting shares.

In determining whether to approve these acquisitions, the Board is required by the Bank Holding Company Act to take into consideration the following factors in each case: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 5th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6777; Filed, July 11, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on June 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after June 1, as using humane methods on June 1 or a later date in June, will be listed in a supplemental list. Previously published lists represented establishments reported in May or June 1962 as humanely slaughtering and handling the designated species of livestock on May 1 or some later date in May 1962 (27 F.R. 5880 and 6291). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

[Report No. 1]

JUNE 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AD	(*)	(*)				
Do	2AT	(*)		(*)		(*)	
Do	2B	(*)	(*)			(*)	
Do	2C	(*)		(*)		(*)	
Do	2E	(*)		(*)		(*)	
Do	2F	(*)	(*)	(*)			
Do	2H	(*)	(*)	(*)		(*)	
Do	2HT	(*)	(*)				
Do	2LT	(*)					
Do	2SD	(*)	(*)	(*)	(*)	(*)	
Swift and Co	3A	(*)	(*)	(*)		(*)	
Do	3AC	(*)				(*)	
Do	3AE	(*)	(*)			(*)	
Do	3AF	(*)	(*)				
Do	3AN	(*)	(*)			(*)	
Do	3AW	(*)				(*)	
Do	3B	(*)	(*)	(*)		(*)	
Do	3C	(*)	(*)	(*)		(*)	
Do	3CC	(*)		(*)			
Do	3D	(*)	(*)	(*)		(*)	
Do	3E	(*)	(*)	(*)		(*)	
Do	3F	(*)	(*)	(*)	(*)	(*)	
Do	3FF	(*)	(*)	(*)		(*)	
Do	3H	(*)	(*)	(*)		(*)	
Do	3L	(*)				(*)	
Do	3N	(*)	(*)	(*)		(*)	
Do	3R	(*)	(*)			(*)	
Do	3S					(*)	
Do	3T	(*)	(*)				
Do	3UU	(*)	(*)	(*)		(*)	
Do	3W	(*)	(*)			(*)	
Do	3Z	(*)	(*)				
Lykes Bros., Inc	8	(*)				(*)	
Do	8B	(*)					
Pauly Packing Co., Inc	10	(*)	(*)				
Hygrade Food Products Corp	12	(*)	(*)	(*)		(*)	
Do	12A	(*)				(*)	
Do	12C	(*)	(*)	(*)		(*)	
Do	12D	(*)					
Do	12G	(*)	(*)			(*)	
Do	12P	(*)					
Mickelberrys Food Products Co	16					(*)	
John Morrell and Co	17	(*)				(*)	
Do	17A	(*)				(*)	
Do	17D	(*)		(*)		(*)	
C. Finkbeiner, Inc	18	(*)				(*)	
The Cudahy Packing Co	19	(*)				(*)	
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	20A	(*)	(*)			(*)	
Do	20N	(*)	(*)	(*)		(*)	
Do	20Q	(*)	(*)			(*)	
Do	20Y	(*)	(*)	(*)		(*)	
Brander Meat Co	25	(*)	(*)	(*)	(*)	(*)	
The Sperry and Barnes Co	27C					(*)	
Patrick Cudahy, Inc	28	(*)				(*)	
Kreinberg and Krasny, Inc	30	(*)					
Roegelein Provision Co	32	(*)	(*)			(*)	
Valleydale Packers, Inc	34	(*)	(*)	(*)		(*)	
Kenton Packing Co	36	(*)				(*)	
Pocomoke Provision Co	39	(*)	(*)	(*)			
Armour and Co	40	(*)				(*)	
Sunnyland Packing Co	43	(*)				(*)	
Stark Wetzel and Co., Inc	44	(*)					
Do	44A					(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Consolidated Dressed Beef Co., Inc	47	(*)	(*)	(*)			
Lackawanna Beef and Provision Co	49	(*)					
Midwestern Beef, Inc	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Glover Packing Co. of Amarillo	60	(*)					
Weiland Packing Co., Inc	61					(*)	
Selkirk Realty Co	65					(*)	
Somerville Packing Co	66					(*)	
The Quaker Oats Co	67E						(*)
Auburn University	71	(*)					
Minchs Wholesale Meats, Inc	72	(*)	(*)	(*)		(*)	
Brown Thompson & Son	73					(*)	
Eastern Packing Co	74E						(*)
Armour and Co	75	(*)	(*)	(*)	(*)		
The Braun Brothers Packing Co	79	(*)				(*)	
City Packing Co	80	(*)	(*)			(*)	
Hill Packing Co	83E						(*)
Edgar Packing Co	84		(*)				
Excel Packing Co., Inc	86	(*)					
Utica Veal Co., Inc	88	(*)					
The E. Kahns Sons Co	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp	90	(*)					
Sugardale Provision Co	92	(*)				(*)	
Shonyo Packing Co	93	(*)	(*)	(*)	(*)		
The Val Decker Packing Co	95	(*)	(*)	(*)		(*)	
John Engelhorn and Sons	97					(*)	
A. Kochs Sons	98	(*)	(*)				
Armour and Co	100	(*)	(*)	(*)			
H. Graver & Co	103	(*)	(*)	(*)			
Swift and Co	104	(*)	(*)	(*)		(*)	
J. Lynn Cornwell, Inc	107					(*)	
Wilson and Co., Inc	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc	112	(*)					
Morris Packing Co	113	(*)					
The Merchants Co	116	(*)	(*)			(*)	
West Coast Meat Co., Inc	117	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	119	(*)	(*)	(*)			
Marhoefer Packing Co., Inc	121	(*)				(*)	
E. J. Archie and Sons, Inc	122	(*)					
City Dressed Beef	125	(*)					
Peyton Packing Co., Inc	126	(*)	(*)	(*)	(*)	(*)	
Superior Packing Co	127	(*)					
John Roth and Son, Inc	130	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Tobin Packing Co., Inc.	133					(*)	
Armour and Co	139	(*)	(*)	(*)	(*)		
Edward J. Kluener, Inc	142	(*)	(*)				
R. B. Rice Sausage Co., Inc	144					(*)	
Kansas City Dressed Beef Co	156	(*)					
Armour and Co	158	(*)				(*)	
Missouri Farmers Assn. Packing Division	159	(*)					
Do	159A	(*)					
Carr Packing Co., Inc	160	(*)				(*)	
Joel E. Harrell and Son, Inc	162	(*)				(*)	
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
Swift and Co	166A	(*)	(*)	(*)	(*)	(*)	
Camp Packing Co., Inc	174	(*)					
Armour and Co	177	(*)	(*)				
Peerless Packing Co	180					(*)	
Montrose Beef Co	181	(*)					
The Rath Packing Co	186	(*)	(*)	(*)		(*)	
Do	186C	(*)	(*)				
Do	186F					(*)	
Seattle Packing Co	191	(*)	(*)	(*)		(*)	
Krey Packing Co	192	(*)	(*)	(*)		(*)	
John Morrell and Co	196					(*)	
Hynes Packing Co	197	(*)	(*)				
George A. Hormel and Co	199	(*)				(*)	
Do	199A	(*)					
Do	199D					(*)	
Do	199I					(*)	
Do	199N					(*)	
Mid Valley Beef Co., Inc	201	(*)					
Cudahy Packing Co	202	(*)				(*)	
Emge Packing Co., Inc	205	(*)	(*)			(*)	
Heinzs Riverside Abattoir, Inc	210	(*)					
Penn Packing Co	212					(*)	
Elburn Packing Co	213	(*)					
Kneip Packing Co	213C		(*)				
Fred Dold and Sons Packing Co	214	(*)					
Lincoln Meat Co	217	(*)					
Gwaltney, Inc	221A					(*)	
Armour and Co	222	(*)				(*)	
De Jong Packing Co	223	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
Do	224B	(*)	(*)	(*)		(*)	
Custom Processing Co	227	(*)					
Gold Merit Packing Co., Inc	232	(*)					
Walti Schilling and Co., Inc	235	(*)		(*)			
Raskin Packing Co	237	(*)					
Armour and Co	238			(*)		(*)	
P. D. and J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman & Co	243					(*)	
Iowa Beef Packers, Inc	245	(*)					
John Morrell and Co	246	(*)				(*)	
Harget Realty Corp	247	(*)				(*)	
Frosty Morn Meats	250	(*)				(*)	
Seiters, Inc	257					(*)	
Balentine Packing Co	258	(*)	(*)			(*)	
The Jones Dairy Farm	263	(*)				(*)	
Pacific Meat Co., Inc	267	(*)	(*)			(*)	
Houston Packing Co	271	(*)	(*)			(*)	
Tog Packing Co., Inc	273	(*)					
Elliott Packing Co	274	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	275	(*)					
Bookey Packing Co	281	(*)					
Agar Packing Co., Inc	282					(*)	
Figge and Hutwelker Co	283					(*)	
Soland Meat Co	285		(*)	(*)			
Western Packing Co	288	(*)					
Arbogast and Bastian Co	289	(*)	(*)	(*)		(*)	
The H. H. Meyer Packing Co	290	(*)				(*)	
San Jose Meat Co	291		(*)				
Sioux City Dressed Pork, Inc	292	(*)				(*)	
Gus Juengling and Son, Inc	298		(*)				
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)				(*)	
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Star Packing Co	306	(*)					
Survall Packing Co	307	(*)					
Melton Provision Co	311	(*)	(*)	(*)	(*)		
Ideal Packing Co., Inc	312	(*)					
Rudys Farm Co	315					(*)	
Webb Packing Co	316	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Greater New York Packing Co., Inc	317A					(*)	
Estes Packing Co	319	(*)	(*)				
Stadler Packing Co., Inc	320	(*)				(*)	
Turlock Meat Co	325	(*)	(*)				
Frisco Packing Co	327	(*)					
C. and M. Meat Packing Corp	329	(*)	(*)				
Royal Packing Co	331	(*)					
Sokolik Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)	(*)				
Great Western Packing Co., Inc	334	(*)					
Nobles Independent Meat Co	335	(*)	(*)				
Chino Valley Meat Packing Co., Inc	336	(*)	(*)				
Sam Kane Packing Co	337	(*)	(*)				
Midland Empire Packing Co., Inc	339	(*)					
Des Moines Packing Co	340	(*)				(*)	
Peters Packing Co., Inc	341	(*)	(*)				
State Packing Co., Inc	344	(*)					
Anza Packing Co	345	(*)	(*)	(*)			
Union Packing Co	351	(*)					
Samuels E. Tex Packing Co	353	(*)					
Fresno Meat Packing Co	354	(*)					
McCandless Pack. Co., Inc	355	(*)				(*)	
Heil Packing Co	357						
Marks Meat Co	362	(*)	(*)				
Meyers Packing Co	363	(*)					
Montebello Meat Packing Co	364	(*)		(*)			
James Allan and Sons	365	(*)		(*)	(*)	(*)	
Westport Packing Corp	369	(*)					
Bowling Provision Co., Inc	372					(*)	
Fischer Packing Co	374	(*)	(*)			(*)	
Cross Bros. Meat Packers, Inc	376	(*)	(*)	(*)			
Emge Packing Co., Inc	380	(*)	(*)			(*)	
Smithfield Packing Co., Inc	382					(*)	
American Stores Co	384	(*)					
Dugdale Packing Co	390	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Roth Packing Co	394	(*)					
Robert L. Runtz, Inc	395	(*)	(*)				
Duhuque Packing Co	396	(*)	(*)	(*)		(*)	
Logan Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Neuhoff Bros	406	(*)	(*)			(*)	
Alpine Packing Co	412	(*)	(*)	(*)		(*)	
The Lundy Packing Co	413					(*)	
Frosty Morn Meats	414	(*)	(*)	(*)			
Philadelphia Boneless Beef Co	418	(*)					
Murray Packing Co., Inc	421	(*)					
E. W. Kneip Inc., of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Hebron Packing Co., Inc	425						
Lone Star Packing Co	433	(*)	(*)				
Monarch Meat Packing Co	435	(*)					
Queen Packing Corp	436	(*)					
Schneider Packing Co	439	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
Prime Packing Co., Inc	443	(*)					
Del Curto Meat Co	445	(*)	(*)	(*)		(*)	
Peerless Packing Co., Inc	448	(*)					
Dewitt Packing Corp	456	(*)	(*)				
Swift and Co	459	(*)				(*)	
Morris Rifkin and Sons, Inc	460	(*)					
Pioneer Boneless Beef, Inc	461	(*)					
Lancaster Packing Co	462	(*)					
Beewar Packing Co	467	(*)	(*)			(*)	
Corn Husker Packing Co	468	(*)					
Eckert Packing Co	471	(*)				(*)	
Armour and Co	477	(*)	(*)				
Eidridge Packing Co	478	(*)					
Middletown Beef Co., Inc	483	(*)					
St. Cloud Meat Packing Co	485	(*)					
East Tennessee Packing Co	487	(*)	(*)			(*)	
Memphis Butchers Association, Inc	488	(*)	(*)			(*)	
Nebraska Beef Co	489	(*)					
Goldring Packing Co., Inc	490	(*)		(*)			
Mid State Packers, Inc	494	(*)	(*)				
Heim Brothers Packing Co	499	(*)				(*)	
Greeniee Pack Co	501	(*)					
Swift and Co	505	(*)					
B. Rothschild and Co	506	(*)					
Frosty Morn Meats	507	(*)	(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Gruensfelder Packing Co	508	(*)	(*)	(*)			
Armour and Co	509	(*)	(*)			(*)	
The Hull and Dillon Packing Co	510	(*)	(*)			(*)	
Shen Valley Meat Packers, Inc	511	(*)				(*)	
Snider Bros., Inc	512	(*)	(*)				
Charles Miller and Co	517					(*)	
Illinois Packing Co	521	(*)					
Pearl Packing Co., Inc	524	(*)	(*)	(*)	(*)	(*)	
Armour and Co	528	(*)	(*)				
Smallwood Packing Co., Inc	529	(*)					
Omaha Packing Co	532	(*)					
Rosenthal Packing Co., Inc	535	(*)	(*)	(*)	(*)		
Oscar Mayer and Co., Inc	537A	(*)	(*)	(*)	(*)	(*)	
Do	537C					(*)	
Midwest Packing Co	538	(*)					
Greendell Packing Corp	542	(*)	(*)				
United Dressed Meats, Inc	546	(*)	(*)			(*)	
Pride Packing Co., Inc	549	(*)	(*)				
Piute Packing Co	550	(*)	(*)				
Salter Packing Co	551	(*)					
Black Hills Packing Co	554	(*)				(*)	
Springfield Rendering Co	555D	(*)	(*)	(*)	(*)		
Mid South Packers, Inc	557	(*)				(*)	
The Cudahy Packing Co	559	(*)	(*)			(*)	
D. and W. Packing Co	560	(*)					
Emery Land Co	561	(*)					
John Morrell and Co	564					(*)	
Texas Meat Packers, Inc	565	(*)	(*)				
Elmer Binder & Son, Inc	569		(*)	(*)			
Perretta Packing Co., Inc	571	(*)					
Frosty Morn Meats, Inc	576	(*)	(*)			(*)	
Armour and Co	579	(*)	(*)			(*)	
Kingsford Packing Co., Inc	581	(*)					
Stahl Meyer, Inc	583	(*)					
Empire Packing Co., Inc	586	(*)					
City of Austin Municipal Abattoir	590		(*)				
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)	(*)				
San Antonio Packing Co	602	(*)	(*)	(*)	(*)		
Central Packing Co	606	(*)	(*)				
Swift and Co	608	(*)					
Eastern Oregon Meat Co., Inc	611	(*)	(*)	(*)		(*)	
National Tea Co	613	(*)				(*)	
Donner Packing Co	614	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)					
Hill Packing Co	623E						(*)
Star Provision Co	626					(*)	
Big Foot Packing Co., Inc	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc	628	(*)					
H. H. Keim Co	630	(*)	(*)	(*)		(*)	
General Meat Co	632	(*)					
Ebner Bros, Packers	633	(*)	(*)			(*)	
Zipron Bro., Inc	635	(*)					
Auburn Packing Co., Inc	636	(*)					
R. and C. Packing Co	645	(*)					
Bird Provision Co	647					(*)	
Spencer Packing Co	648	(*)					
Wm. Schluderberg—T. J. Kurdle Co	649	(*)	(*)	(*)		(*)	
John Morrell and Co	650					(*)	
Nagle Packing Co	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co	654	(*)					
Baums Bologna, Inc	657	(*)					
St. Louis Dressed Beef Co	659	(*)					
Quality Meat Packing Co	661	(*)	(*)				
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
San Joaquin Packing Co	671	(*)					
E. S. Read and Sons, Inc	672	(*)	(*)				
Union Packing Co	673	(*)					
Jacob Bauers Sons, Inc	678	(*)					
Colville Meats, Inc	679	(*)	(*)	(*)		(*)	
Armour and Co	680	(*)	(*)	(*)		(*)	
Nations Brothers Packing Co	684					(*)	
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co	689	(*)	(*)	(*)		(*)	
Pierce Packing Co	691	(*)				(*)	
Bryan Meat Co	693		(*)				
Kramer Beef Co	695	(*)					
Farmbest, Inc	717					(*)	
The Joseph N. Rice Co	719	(*)	(*)				
Swift and Co	726	(*)	(*)	(*)		(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Vogt Packing Co	730	(*)					
The Quaker Oats Co	734E						(*)
The Jacob Schlachter's Son & Co	739	(*)	(*)	(*)			
Mid State Meat Co	741	(*)	(*)				
Howard Pancero and Co	747	(*)	(*)				
Ruchti Bros	749	(*)					
Luck Brothers Cooperative Packing Co	753	(*)					
Monroe Packing Co., Inc	755	(*)					
Seitz Packing Co., Inc	756A	(*)				(*)	
Philadelphia Dressed Beef Co	758	(*)					
The American Meat Packing Corp	760					(*)	
Schaake Packing Co., Inc	761	(*)					
Karler Packing Co	767	(*)	(*)				
Earl C. Gibbs, Inc	770	(*)					
Modern Meat Packing Co	774	(*)		(*)			
Atlas Packing Co	775	(*)					
The Cudahy Packing Co	779	(*)	(*)			(*)	
Bryan Brothers Packing Co	780	(*)	(*)			(*)	
Diamond Meat Co., Inc	783	(*)	(*)				
Granite State Packing Co	785	(*)	(*)				
Aurora Packing Co., Inc	788	(*)					
Wimp Packing Co	791	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
The G. Erhardt Sons, Inc	810	(*)					
William N. H. Peters	813	(*)					
Rochester Independent Packer, Inc	817	(*)					
J. H. Ruth Packing Co	818					(*)	
Henry Meyers Sons, Inc	822	(*)	(*)				
Home Packing Co	823					(*)	
Hibbs Packing Co	825	(*)					
Penford Packing Co	827	(*)	(*)				
Bristol Packing Co	828	(*)	(*)				
Berchems Meat Co	830	(*)					
Norman Peters Packing Co	834	(*)					
White Packing Co., Inc	835	(*)	(*)	(*)		(*)	
John Morrell and Co	836	(*)	(*)				
Nat Buring Packing Co. of Ark., Inc	837B	(*)				(*)	
Frederick County Products, Inc	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons	839	(*)					
Reelfoot Packing Co	840	(*)				(*)	
G. Bartusch Packing Co	843	(*)					
Arena Dressed Beef Co	853	(*)	(*)				
Sioux City Dressed Beef, Inc	857	(*)					
Siouxland Dressed Beef Co., Division of	857F	(*)	(*)	(*)			
Jordan Meat & Livestock Co	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc	859	(*)					
Wells and Davies, Inc	860	(*)	(*)			(*)	
Sierra Meat Co	862	(*)					
Gunsberg Beef Co	867	(*)					
Genesee Packing Co	868	(*)					
Samuels & Co., Inc	878			(*)			
Pahler Packing Corp	880	(*)					
Vermont Dressed Beef Co., Inc	883	(*)					
Alco Packing Co	885	(*)	(*)	(*)			
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)				(*)	
O'Neill Packing Co	889	(*)					
City Packing Co	891	(*)	(*)				
Samboi Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Vernon Calhoun Packing Co	897	(*)					
Meats, Inc	899	(*)	(*)				
Hoosier Veterinary Laboratories, Inc	912					(*)	
Chiapetti Packing Co	916			(*)			
National Meat Packers, Inc	917	(*)	(*)			(*)	
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc	923	(*)	(*)				
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
Kerber Packing Co	929	(*)	(*)			(*)	
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)	(*)				
E. B. Manning and Son	934	(*)					
Voiz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Wilson and Co., Inc	940	(*)	(*)			(*)	
Gentner Packing Co., Inc	941	(*)					
Whitehall Packing Co	946	(*)	(*)				
M. Brizer & Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Greater Omaha Packing Co., Inc	960	(*)					
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
T. L. Lay Packing Co	967	(*)				(*)	
Hawaii Meat Co., Ltd	970	(*)	(*)				
Perlin Packing Co., Inc	974	(*)	(*)	(*)			
Reitz Meat Products Co	983	(*)				(*)	
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
The Klarer Co	995	(*)	(*)				
Do	995A					(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
Armour and Co	1085	(*)	(*)				
Landy Packing Co	1171	(*)					
The Harris Packing Co	1175					(*)	
A. F. Moyer and Sons, Inc	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			
P. & H. Packing Co., Inc	1313	(*)	(*)				
H. and H. Packing Co	1315	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co	1318	(*)					
Stevens Meat Co., Inc	1485	(*)	(*)				

458 Establishments Reported.

Done at Washington, D.C., this 5th day of July 1962.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

* * * * * * *

[F.R. Doc. 62-6765; Filed, July 11, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Amendment

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050) is amended as follows:

1. Section 8.10 is amended to read as follows:

SEC. 8.10 *Organization.* The Social Security Administration which is under the supervision and direction of the Commissioner of Social Security shall consist of:

Office of the Commissioner:
- Division of Program Research.
- Division of the Actuary.

Bureau of Old-Age and Survivors Insurance:
- Office of Information.
- Central Planning Staff.
- Division of Program Analysis.
- Division of Claims Policy.
- Division of Management.
- Division of Field Operations.
- Division of Accounting Operations.
- Division of Claims Control.
- Division of Disability Operations.

Bureau of Family Services:
- Civil Defense Emergency Welfare Services.
- Division of Administration.
- Division of Technical Training.
- Division of Program Operations.
- Division of Program Statistics and Analysis.
- Division of Welfare Services.
- Division of State Administrative and Fiscal Standards.
- Division of Medical Care Standards.

Children's Bureau:
- Division of Health Services.
- Division of Social Services.
- Division of Juvenile Delinquency Service.
- Division of Research.
- Division of Reports.
- Division of International Cooperation.
- Division of Administrative Services.

Bureau of Hearings and Appeals:
- Appeals Council.
- Medical Advisory Staff.
- Division of Administration.
- Program Division.
- Field Division.

Bureau of Federal Credit Unions:
- Division of Examination.
- Division of Program Services.
- Division of Administration.

Dated: June 8, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-6806; Filed, July 11, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14693, 14694; FCC 62-685]

JOHN A. EGLE AND KLFT RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478, requests: 1600 kc, 1 kw, day; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536, requests: 1600 kc, 1 kw, day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th 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 aforementioned issues specified below:

1. Each of the applicants requests the facilities formerly occupied by Station KLFT, Golden Meadow, Louisiana, the license of which was revoked by Commission decision released March 16, 1962 (FCC-62-278). On June 13, 1962, the Commission denied a request by Leo J. Theriot for further temporary operating authority to continue operation of KLFT until one of the present applicants was authorized to begin broadcasting in Golden Meadow and, on June 15, 1962, KLFT ceased operation. Each of the present applicants has also requested special temporary authority to operate a station in Golden Meadow, pursuant to section 309(f) of the Communications Act and, alternatively, a conditional grant of their respective applications, pursuant to § 1.362(h) of the Commission's rules.

2. Neither of the requests will be granted. The Commission notes that Golden Meadow, Louisiana receives 2 mv/m service from Stations WWL and WTIX in New Orleans and that portions of KLFT's former service area are also served by stations in Morgan City, Thibodeaux, and Houma, Louisiana. Under these circumstances, the Commission cannot make the requisite finding under section 309(f) of the Communications Act that "there are extraordinary circumstances requiring emergency operations in the public interest and that delay in the institution of such emergency operations would seriously prejudice the public interest." Accordingly, it is unnecessary to consider the question of which of the two competing applicants should be granted temporary authority. For similar reasons, the requests for conditional grants will be denied. However, since Golden Meadow is at present without a local standard broadcast transmission service, the proceedings ordered herein will be expedited.

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, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue which of the instant applications should be granted.

It is further ordered, That the requests of each of the applicants for special temporary authority to operate a station in Golden Meadow, Louisiana, pursuant to section 309(f) of the Communications Act of 1934, as amended, and, alternatively, for a conditional grant of their respective applications, pursuant to § 1.362(h) of the Commission's rules, are hereby denied.

It is further ordered, That, in the event of a grant of either subject application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise 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:

1. The appearances of the applicants herein shall be filed not later than July 16, 1962.

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

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's 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 3, 1962.

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

[F.R. Doc. 62-6799; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14692; FCC 62M-947]

PINELLAS RADIO CO.

Order Scheduling Hearing and Prehearing Conference

In re application of William D. Mangold, Francis G. Bonsey, and Edward P. Landt, d/b as Pinellas Radio Company, Pinellas Park, Florida, Docket No. 14692, File No. BP-14387, for construction permit.

It is ordered, This 5th day of July 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, September 10, 1962.

Released: July 6, 1962.

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

[F.R. Doc. 62-6800; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14695, 14696; FCC 62M-949]

ROBERT O. EDWARDS AND CLARKSTON BROADCASTERS

Order Scheduling Hearing and Prehearing Conference

In re applications Robert O. Edwards, Lewiston Orchards, Idaho, Docket No. 14695, File No. BP-14458; Donald M. Heinen and Howard Roup, Limited Partnership, d/b as Clarkston Broadcasters, Clarkston, Washington, Docket No. 14696, File No. BP-14460; for construction permits.

It is ordered, This 5th day of July 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1962, in Washington, D.C.; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 7, 1962.

Released: July 6, 1962.

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

[F.R. Doc. 62-6801; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14695, 14696; FCC 62-688]

ROBERT O. EDWARDS AND CLARKSTON BROADCASTERS

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert O. Edwards, Lewiston Orchards, Idaho, Requests: 1480 kc, 1 kw, Day, Class III, Docket No. 14695, File No. BP-14458; Donald M. Henien and Howard Roup, Limited Partnership, d/b as Clarkston Broadcasters, Clarkston, Washington, Requests: 1480 kc, 1 kw, Day, Class III, Docket No. 14696, File No. BP-14460; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th 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 applicants is legally, technically and otherwise qualified to construct and operate the proposed stations; that Clarkston Broadcasters is financially qualified, but, for the reasons hereinafter indicated, it cannot be determined that Robert O. Edwards is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals are mutually exclusive.

2. Upon the basis of the information submitted, it is apparent that the financial plans of Robert O. Edwards depend to a major degree upon the securing of funds through loans. The information submitted in this regard is incomplete in the following respects:

a. The loan agreement fails to show the security to be posted for the loan;

b. The commitment is not signed under oath by the lender, E. D. Cherry;

c. The commitment cannot be determined to be in compliance with the requirements of section III, paragraph 4(d) of the application form.

It further appearing that in view of the outstanding proposed rule making proceeding, Docket No. 14419, with respect to presunrise operation of Class II and III stations with daytime facilities, a grant of either of the applications in this proceeding should be appropriately conditioned.

It further appearing that the antenna system proposed by Robert O. Edwards has not been explicitly approved by the Federal Aviation Agency, but has been examined by the Commission in light of the criteria contained in FAA Regulations, Section 626.12 and accordingly, if the aforementioned proposal is favorably considered, the construction permit will be conditioned upon compliance with any applicable procedurees of the FAA.

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 instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether Robert O. Edwards is financially qualified to construct and operate his proposed station.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307

(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of either of the instant proposals, the construction permit shall contain the following condition: 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, in the event the proposal of Robert O. Edwards is favorably considered, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, 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's 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 3, 1962.

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

[F.R. Doc. 62-6802; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14510 etc.; FCC 62-703]

ROCKLAND BROADCASTING CO. ET AL.

Order Amending Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of July 1962;

The Commission having under further consideration the application of Delaware Valley Broadcasting Co. in the above-entitled proceeding;

It appearing that further examination of the application indicates that the applicant proposes to use top-loaded antennas to attain a high radiation efficiency; that the applicant has indicated that additional information would be supplied if requested; that such information would be desirable; and that an appropriate issue should be added to the present issues to determine whether Delaware's directional antenna would operate as proposed;

It further appearing, that, in the event of a grant of the application of Delaware Valley Broadcasting Co., the construction permit should contain a conditional clause requiring antenna current distribution measurements.

It is ordered, That the issues in the designation order, released February 12, 1962 (FCC 62-151) and as later amended, is further amended by addition of the following issue: To determine whether the directional antenna of Delaware Valley Broadcasting Co. would operate as proposed, with particular reference to whether the proposed radiation, both on the horizontal and in the vertical planes, could be achieved; and, if not, (a) whether the signal strength over the city of Trenton, New Jersey, would meet the requirements of § 3.188 of the rules and, if it fails to meet such requirements, whether a waiver of that rule is warranted, and (b) whether objectionable intereference would result to other existing and proposed stations.

It is further ordered, That, in the event of the grant of the application of Delaware Valley Broadcasting Co., the construction permit shall contain the following condition: Current distribution measurements shall be submitted to establish that the antenna towers have been top-loaded to produce the electrical characteristic of essentially 218 degree towers as proposed.

Released: July 6, 1962.

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

[F.R. Doc. 62-6803; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14700-14701; FCC 62-705]

CABRILLO BROADCASTING CO. AND HELIX BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Riley Jackson and Allen Richardson Hubbard d/b as Cabrillo Broadcasting Co., San Diego, California, Docket No. 14700, File No. BP-13423, requests: 1520 kc, 500 w, 1 kw-LS, DA-2, U; Cliff Gill, Ira Laufer, Daniel Russell, David S. Drubeck, Dennis Fagerhult, Jack Bell, Martha Aspegren, Louis B. Minter, Robert S. Feder and Alan C. Lisser, d/b as Helix Broadcasting Co., La Mesa, California, Docket No. 14701, File No. BP-14406, requests: 1520 kc, 500 w, 1 kw-LS, DA-2, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of July 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 and otherwise qualified to construct and operate the proposed stations, that the Helix Broadcasting Co. is financially qualified but that, as hereinafter indicated, it cannot be determined that the Cabrillo Broadcasting Co. is financially qualified; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. These co-channel proposals are mutually exclusive. Each proposal meets the criteria of § 1.351 of the Commission's rules as amended January 31, 1962.

2. Upon the basis of information submitted with the application, it cannot be determined that Cabrillo Broadcasting Co. is financially qualified to construct and operate its proposed station. It is noted that the financing plan is dependent on the partners securing the funds needed through the sale of real estate or other investments. However, the information as submitted is incomplete in that it fails to include a showing from the appraiser of the real estate indicating the appraised value of the property shown in the partners' balance sheets and its ready marketability and fails, additionally, with regard to stocks, etc., to include information showing the kind, amount of each, the stock exchange on which the securities are listed, and the basis for an assumption of ready marketability.

3. Apparent technical deficiencies with respect to proposal of Cabrillo Broadcasting Co.:

a. The proposal fails to provide protection to the nighttime secondary service area of Station KOMA, Oklahoma City, Oklahoma, in contravention of §3.182(v) of the Commission's rules.

b. The nighttime RSS limitation of 5.9 mv/m established by the applicant is apparently erroneous. The correct nighttime limitation appears to be approximately 14.5 mv/m. Although no data has been submitted to indicate the percentage of population loss within the normally protected nighttime contour of 2.5 mv/m, it apears that nighttime population loss will substantially exceed the ten percent limitation of § 3.28(d)(3) of the rules.

c. The applicant has not established that its proposal will provide satisfactory coverage of San Diego, daytime or nighttime, pursuant to § 3.188(b)(2) of the Commission's rules.

d. The directional antenna proposal submitted by the applicant is deficient in that the daytime radiation pattern and the nighttime vertical plane patterns are not accurately plotted; no tabulation of horizontal plane radiation values for the nighttime pattern was submitted; and, in areas of essential zero radiation for both the daytime and nighttime radiation patterns, the value, if any, of maximum expected operating values of radiation have not been clearly indicated.

e. The Commission has been unable to determine that the antenna system proposed by the applicant would comply with applicable FAA Regulations.

4. Apparent technical deficiencies with respect to proposal of Helix Broadcasting Co.:

a. The proposed nighttime operation will be limited approximately to the 14.5 mv/m contour. Population and area losses within the 2.5 mv/m contour will, according to the applicant's figures, approximate 62 percent and 75 percent respectively. Should it be determined that considerations relating to section 307(b) of the Communications Act provide a basis for decision between the Cabrillo and Helix proposals, it will be necessary to determine whether the interference received by the Helix proposal would reduce service to an unsatisfactory degree within the meaning of § 3.24(b) of the Commission's rules. Should it be determined that considerations relating to section 307(b) of the Act do not provide a basis for decision, it will be necessary to determine whether circumstances warrant a waiver of § 3.28(d)(3) with regard to the Helix proposal. Thus, if the Helix proposal is found to be, essentially, an application for San Diego, for purposes of section 307(b) of the Act, it will be subjected to the same standard regarding interference received as will the Cabrillo proposal.

b. On the basis of data submitted, it cannot be determined whether adequate coverage would obtain pursuant to § 3.188 (b)(2) of the rules.

c. It has not been determined that the antenna system proposed by the applicant complies with applicable FAA regulations.

It further appearing, that, by letter of May 19, 1961, counsel for the Cabrillo Broadcasting Co. contended (1) that an amendment filed February 9, 1961, by the Helix Broadcasting Co. requires the assignment of a new file number to the Helix application pursuant to § 1.354(h)(1) of the Commission's rules (now § 1.354(j)(1)) for failure to file an engineering study showing that the amendment specifying a transmitter site 500 feet removed from the site originally specified would not involve new or increased interference problems; (2) that Helix should be required to submit a field intensity survey pursuant to § 3.189(b)(7) of the rules because its proposed antenna does not meet the standards specified by § 3.189(b)(5) of the rules; and (3) that, in view of the interests of certain of the Helix Broadcasting Co. partners in Station KEZY, Anaheim, California, a determination should be made in hearing as to whether a grant of the application of the Cabrillo Broadcasting Co. would result in a greater diversification of ownership of mass communications media; and

It further appearing that the aforementioned Helix amendment involved no new or increased interference which would otherwise require a new file number under § 1.354(j)(1) of the Commission's rules, nor was the change in site sufficient in this particular case to require complete new engineering data; that, therefore, under the provisions of this section of our rules, it would not be appropriate to assign the application a new file number; and that, the Cabrillo Broadcasting Co. was so informed by telegram dated February 27, 1961; and

It further appearing that the Helix Broadcasting Co. proposal was further amended May 22, 1962 to change site and to specify a sufficient ground system pursuant to § 3.189(b)(5) of the rules. Moreover, this amendment appears to involve no new or increased interference problems, and no overlap is indicated with Station KEZY.

It further appearing that Station KEZY, Anaheim, California, is located some 100 miles north of the proposed Helix Broadcasting Co. site; that there will be no overlap of the primary service areas of KEZY and the Helix proposal; that, therefore, a specific issue concerning possible violation of § 3.35(a) of the Commission's rules would not be appropriate; that, however, the interests of certain of the Helix Broadcasting Co. partners in KEZY will become relevant in the event it is determined, pursuant to the issues specified below, that a choice between the instant proposals should be made on the basis of a comparative issue; and

It further appearing that counsel for Station KSDO, San Diego, California, advised the Commission by letter of October 6, 1961, that the antenna system proposed by the Cabrillo Broadcasting Co. would be located approximately 1,000 feet from the KSDO array; that, as a result, the proposed Cabrillo installation may adversely affect the operation of KSDO unless suitable filter circuits are installed; that, accordingly, KSDO requests that any authorization granted to the Cabrillo Broadcasting Co. be appropriately conditioned; and

It further appearing that the Commission is of the opinion that the condition requested by KSDO would be appropriate; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the instant 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 instant applicants and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Cabrillo Broadcasting Co. would cause objectionable interference to Station KOMA, Oklahoma City, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether Cabrillo Broadcasting Co. is financially qualified to construct and operate its proposed station.

4. To determine whether either of the instant proposals would provide coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the directional antenna radiation patterns proposed by Cabrillo Broadcasting Co. are consistent with the proposed antenna parameters.

6. To determine whether the radiation patterns proposed by Cabrillo Broadcasting Co. can be expected to be obtained in actual operation, owing to the essentially zero values of radiation proposed in null areas.

7. To determine whether there is a reasonable possibility that the tower heights and locations proposed by Cabrillo Broadcasting Co. and Helix Broadcasting Co. would constitute a menace to air navigation.

8. To determine whether the proposed operation of the Cabrillo Broadcasting Co. would receive interference from other existing stations affecting more than ten percent of the population within its normally protected primary service area, in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine (a) whether the proposed operation of the Helix Broadcasting Co. would receive interference from other existing stations affecting more than ten percent of the population within

its normally protected primary service area, in contravention of § 3.28(d)(3) of the Commission's rules if applicable, and, if so, whether circumstances exist which would warrant a waiver of said section; or (b) in the event it is determined the proposed operation of the Helix Broadcasting Co. comes within one of the exceptions stated in § 3.28(d)(3) of the rules, whether a grant of said proposal would be consistent with § 3.24(b) of the Commission's rules.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

12. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Storz Broadcasting Co., licensee of Station KOMA, and the FAA, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of either application herein, the construction permit shall include the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of either of these proposals, the construction permit shall include the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, in the event of favorable action on the application of the Cabrillo Broadcasting Co., the construction permit shall include the following conditions:

Permittee shall take appropriate steps to insure that second harmonic radiation is reduced to a value that no adverse affects will result to the operation of the San Diego Naval Air Station communication facility.

Permittee shall assume the responsibility for the installation and maintenance of such filter circuits or other equipment in its antenna system and in the antenna system of Station KSDO which may be necessary to prevent serious reradiation or cross-modulation products incident to the operation of the stations. Moreover, sufficient field intensity measurement data, made before and after installation of the proposed antenna towers, shall be submitted before issuance of license to show clearly that the KSDO directional antenna radiation patterns remain in adjustment essentially as authorized.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent 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's 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.

It is further ordered, That the aforementioned requests contained in the letter received from counsel for Cabrillo Broadcasting Co., dated May 19, 1961, are hereby denied.

It is further ordered, That the aforementioned request submitted by letter of October 6, 1961 by counsel for Gordon Broadcasting of San Diego, Inc. (KSDO), is hereby granted.

Released: July 9, 1962.

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

[F.R. Doc. 62-6794; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14691; FCC 62M-946]

GEOFFREY A. LAPPING

Order Scheduling Hearing and Prehearing Conference

In re application of Geoffrey A. Lapping, Blythe, California, Docket No. 14691, File No. BP-13609; for construction permit.

It is ordered, This 5th day of July 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 7, 1962.

Released: July 6, 1962.

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

[F.R. Doc. 62-6795; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14596; FCC 62M-954]

KDOK BROADCASTING CO.

Order Continuing Hearing

In re application of KDOK Broadcasting Company (KDOK), Tyler, Texas, Docket No. 14596, File No. BP-13815; for construction permit.

On July 5, 1962, counsel for KDOK filed a petition to continue hearing from July 9 to July 23, 1962, to obtain time to respond to a request on July 5 by the Broadcast Bureau for additional engineering information. The Bureau, the only other party, has no objection to the continuance. However, since the Hearing Examiner is scheduled to preside at a hearing in Saratoga Springs, N.Y., beginning July 16, which may run beyond July 23, it is preferable to continue the hearing to July 27.

Accordingly, it is ordered, This 6th day of July 1962, that the petition is granted to the extent that the hearing is rescheduled from July 9 to Friday, July 27, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 9, 1962.

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

[F.R. Doc. 62-6796; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14664, 14665; FCC 62M-955]

ALEXANDER BROADCASTING CO., INC., AND FARMERS BROADCASTING SERVICE, INC.

Order Advancing Hearing

In re applications of Alexander Broadcasting Company, Incorporated, Taylorsville, North Carolina, Docket No. 14664, File No. BP-13920; Farmers Broadcasting Service, Incorporated, Lenoir, North Carolina, Docket No. 14665, File No. BP-14990; for construction permits.

The Hearing Examiner having under consideration the informal request of Alexander Broadcasting Company, Incorporated to cancel the prehearing conference presently scheduled for July 24, 1962, and to advance the date of hearing; and the statement of counsel for Alexander that all of the other parties have consented to a grant of the request.

It is ordered, This 6th day of July 1962, That the request of Alexander Broadcasting Company, is granted; that the prehearing conference presently sched-

uled for July 24, 1962, is cancelled; and that the hearing presently scheduled to commence on September 7, 1962, is advanced to July 31, 1962, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

It is further ordered, That, in the event any party wishes to present any portion of its case in the form of written exhibits, such exhibits shall be under oath and copies thereof shall be served on all other parties, and on the Hearing Examiner, on or before July 24, 1962.

Released: July 9, 1962.

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

[F.R. Doc. 62-6797; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14693, 14694; FCC 62M-948]

JOHN A. EGLE AND KLFT RADIO INC.

Order Scheduling Hearing and Prehearing Conference

In re application of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

It is ordered, This 5th day of July 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 13, 1962.

Released: July 6, 1962.

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

[F.R. Doc. 62-6798; Filed, July 11, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 567, Amdt. 8]

REDELEGATION OF AUTHORITY WITH RESPECT TO CREDIT MATTERS

JULY 3, 1962.

Bureau Order 567 (20 F.R. 314), as amended (21 F.R. 545; 22 F.R. 10674; 23 F.R. 5397; 24 F.R. 272, 3162; 25 F.R. 10853; 26 F.R. 5473), is further amended as indicated below:

1. The heading and general delegation of authority for Part 3 are amended to read as follows:

PART 3—AUTHORITY OF SUPERINTENDENT OR OFFICER IN CHARGE OF SEMINOLE AGENCY AND ASSISTANT SUPERINTENDENT, MICCOSUKEE SUBAGENCY

Subject to the provisions of Part 1, the Superintendent or officer in charge of the Seminole Agency may, under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs as indicated in this Part. The Assistant Superintendent, Miccosukee Subagency may, under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs in relation to the Miccosukee Tribe of Indians of Florida as set forth in sections 3.120 and 3.127 of this Part.

2. Sections 3.120 and 3.127 are amended to read as follows:

SEC. 3.120. *Loan agreements.* The approval of applications for loans made pursuant to 25 CFR Part 91, subject to the availability of funds, except on loans to Federal employees, where the total indebtedness of the applicant to the Corporation or the Tribe does not exceed:

(a) $500 for a one-year course of studies or $2,000 for a four-year course of studies, in the case of educational loans.

(b) $200 in case of short-term loans by the Seminole Tribe of Florida, Inc., and $250 in case of short-term loans by the Miccosukee Tribe of Indians of Florida.

(c) $2,500 in the case of loans other than educational or short-term loans, exclusive of any indebtedness for short-term loans.

SEC. 3.127 *Modifications of loan agreements.* The approval of modifications of loan agreements pursuant to 25 CFR Part 91, except modifications of loans to Federal employees, where the total indebtedness of the borrower to the Corporation or the Tribe does not exceed:

(a) $500 for a one-year course of studies or $2,000 for a four-year course of studies, in the case of educational loans.

(b) $2,500 in the case of loans other than educational loans, exclusive of any indebtedness for short-term loans.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-6783; Filed, July 11, 1962; 8:46 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 6, 1962.

The Federal Aviation Agency has filed an application, Serial Number Los Angeles 0167250, for the withdrawal of the land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws.

The applicant desires the land for the establishment and operation of a remotely controlled air-to-ground radio communications facility. The full 160 acres are necessary to insure against mining or electronic activities within 1,000 feet of the proposed facility.

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, 1414 8th Street, Box 723, Riverside, 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 of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 41 E.,
Sec. 6: SE¼.

The above described area contains 160 acres of Federal lands. The land is located in Inyo County, California.

ROLLA E. CHANDLER,
Manager,
Land Office, Riverside.

[F.R. Doc. 62-6784; Filed, July 11, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 6, 1962.

In the matter of trading on the San Francisco Mining Exchange In the Common Stock, par value 15 cents a share of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) File No. 1-3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commissions' Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on

the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 8, 1962, to July 17, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6786; Filed, July 11, 1962; 8:47 a.m.]

[File No. 54-234]

C. E. BURLINGAME CORP.

Notice of Filing of Plan

JULY 3, 1962.

Notice is hereby given that C. E. Burlingame Corporation ("Burlingame Corp."), a registered holding company, has filed with this Commission an application for approval of an amended plan, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), for the stated purpose of simplifying the holding-company system of which Burlingame Corp. is the top company, effecting certain operating economies, and providing the estate of Clarence E. Burlingame (deceased) with funds with which to pay Federal and State estate taxes and the costs of administration of the estate, estimated at in excess of $1,000,000.

All interested persons are referred to the amended plan on file at the office of the Commission for a statement of the transactions proposed, which, together with certain related facts, are summarized as follows:

Burlingame Corp., a Delaware corporation, is solely a holding company, the outstanding capital stock of which is held by the executor under and subject to the terms of the will of Clarence E. Burlingame. The subsidiary companies of Burlingame Corp., their States of organization, the nature of their businesses, and the percentage of stock ownership by system companies are set forth below.

Name	State of organization	Nature of business	Percent owned
The American Gas Co	West Virginia	Gas utility	99.875
Vinita Fuel Co	Oklahoma	do	99.000
The Wellington Gas Co	Kansas	do	99.990
Ruth Fuel Co	Oklahoma	do	98.000
Carl Junction Gas Co	Missouri	do	99.330
The Baxter Springs Gas Co	Kansas	do	95.000
Bartlesville Hotel Co	Oklahoma	(1)	83.450
Baltic Operating Co	do	Gas utility, gas transmission, real estate.	99.980
United Gas Service Co	do	Gas utility	100.00
C. E. Burlingame Center, Inc	do	Real estate	100.00

[1] Formerly owned properties hereinafter described.

Bartlesville Hotel Company ("Bartlesville") formerly owned a hotel and an apartment building which have been sold, and its assets now consist of cash, investment securities, and notes receivable. It has outstanding 2,000 shares of common stock, of which 1,469 shares are held by Burlingame Corp., 200 shares are held by The American Gas Company ("American"), and 331 shares are held by Harry W. Burlingame, a nephew, as executor under the will of Clarence E. Burlingame. The executor also holds the indicated minority interests in the other subsidiary companies.

At December 31, 1961, the consolidated assets of Burlingame Corp. and its subsidiary companies, less reserves for depreciation, aggregated $3,808,968. For the year 1961, the consolidated revenues amounted to $2,196,383, and the consolidated net income was $168,858. Neither Burlingame Corp. nor any of its subsidiary companies has outstanding any debt securities or any other securities except common stock.

The plan provides for: (1) The payment by six of the subsidiary gas utility companies of cash dividends in various sums aggregating $250,000, of which $247,347 will be paid to Burlingame Corp.; (2) the contribution by the executor to Burlingame Corp. of the 331 shares of Bartlesville; (3) after payment of its debts and obligations, the transfer by Bartlesville of all of its remaining assets as a liquidating dividend, to Burlingame Corp. and American, in proportion to their respective ownership of Bartlesville stock, in exchange for all of Bartlesville's outstanding common stock, and the dissolution of Bartlesville; and (4) after the payment of its debts and obligations, the transfer by Burlingame Corp. of all of its remaining assets, as a liquidating dividend, to the executor, in exchange for all of Burlingame Corp.'s outstanding common stock, and the dissolution of Burlingame Corp. All of the subsidiary companies have consented to the proposed transactions by appropriate resolutions of their respective boards of directors; and the stockholders of Burlingame Corp. and Bartlesville have consented in writing to the dissolution of these companies.

Under the will of Clarence E. Burlingame, admitted to probate in August 1961, in Washington County, Oklahoma, the remainder of his estate, after payment of taxes, costs of administration, and certain cash bequests, is devised to the nephew, Harry W. Burlingame, as trustee, in trust for the benefit of himself, and the widow, the daughter, and two granddaughters of Clarence E. Burlingame (deceased). The trust is to terminate December 31, 1972, or on the date of the death of the survivor of the widow and daughter, whichever is the later date. Upon termination of the trust, the remainder of the trust is to be distributed among members of the family and their descendants as designated in the will: The will directs the trustee to dispose of, within ten years, any controlling interest in any gas public utility companies owned by Clarence E. Burlingame at the time of his death.

The executor, for the purposes of administration of the estate and the payment of bequests, and the trustee, for the purposes of the management and operation of the trust estate, are authorized to manage, operate and contract in respect of the property of the estate, including participating in any reorganization, in the same manner and to the same extent as the decedent could have done, limited only by good faith judgment and discretion, and, as to the trustee, by the provisions of the Oklahoma Trust Act now in force.

The application requests approval of the plan, and a finding that the executor shall not be required to register under the Act.

Notice is further given that any interested person may, not later than July 23, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interests, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request shall 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, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed contemporaneously with the request. At any time after said date the Commission may grant the application, as amended or as it may be further amended; or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6787; Filed, July 11, 1962; 8:47 a.m.]

[File No. 24D-2463]

COLORADO GENERAL LIFE INSURANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 6, 1962.

I. Colorado General Life Insurance Company (issuer), a Colorado corporation, 4710 West Colfax, Denver, Colorado, filed with the Commission on July 11, 1960, a notification on Form 1-A and an offering circular, relating to an offering of 300,000 shares of its 30 cents par value common stock at $1.00 per share for an aggregate of $300,000, and filed various amendments thereto, 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 reasonable cause to believe that:

A. The issuer has failed to comply with the terms and conditions of Regulation A in that:

1. Issuer filed a 2–A report which was materially false and misleading.

2. Issuer has failed to file further reports of sales on Form 2–A as required by Rule 260.

3. Issuer has failed to cooperate in connection with this filing in that it has failed to respond to the several requests from the staff with respect to the filing of revised reports of sales on Form 2–A.

III. *It is ordered,* Pursuant to Rule 261 of the General rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for 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] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62–6788; Filed, July 11, 1962; 8:47 a.m.]

[File No. 24A–1528]

NATIONAL INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 6, 1962.

I. National Industries, Incorporated, a Delaware corporation, with principal offices at 1622 Chestnut Street, Philadelphia, Pa., filed with the Commission on August 28, 1961, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 50,000 shares of 10¢ par value common stock at $6 per share for an aggregate amount of $300,000, 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 reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer filed a report of sales on Form 2–A which was not a true, complete and accurate report as required by Rule 260 of Regulation A.

B. The offering circular contains untrue statements of material facts and omits 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, concerning, among other things:

1. The failure to disclose that part of the offering proceeds was to be used for advances to officers, directors and other persons.

2. The failure to disclose that part of the offering proceeds was to be used for the payment of salaries to officers and directors.

3. The failure to disclose that the company intended to acquire a subsidiary.

C. The offering has been made and, if continued, would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with Secretary of the Commission a written request for hearing within thirty days herefrom; 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, the 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 said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62–6789; Filed, July 11, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–11294 etc.]

ARKANSAS LOUISIANA GAS CO.

Order Consolidating Proceedings, Fixing Date of Hearing, and Designating Procedure

JULY 5, 1962.

Arkansas Louisiana Gas Co., Docket Nos. G–11294, G–13459, G–16508, G–19657, and RP61–11.

The proceedings in the above-captioned dockets involve increased rates and charges filed by Arkansas Louisiana Gas Company (Ark La) for jurisdictional sales of natural gas to Texas Eastern Transmission Corporation under Ark La's Rate Schedule XFS–6 in Texas Railroad District No. 6 in the North Lansing Field, Harrison County, Texas. In each of these captioned proceedings, the Commission has heretofore issued orders providing for public hearing on the issue of the lawfulness of the rates and charges as proposed to be increased by the filings in each of the above-entitled dockets and suspending each of those proposed increased rate filings.[1] No hearing has been held in the above-entitled proceedings.

The Commission finds:

(1) Good cause exists for consolidating all of the above-entitled proceedings for the purposes of hearing and decision.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that a public hearing be held concerning the matters and issues involved in the proceedings consolidated herein.

(3) In order to expedite the hearing herein, Ark La should serve its prepared testimony and exhibits for its case-in-chief on or before July 27, 1962.

The Commission orders:

(A) Docket Nos. G–11294, G–13459, G–16508, G–19657, and RP61–11 are hereby consolidated for the purposes of a public hearing and decision on the matters and issues involved therein.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D.C., commencing at 10:00 a.m., e.d.t., on September 4, 1962, concerning the matters involved and the issues presented in the proceedings consolidated herein.

(C) Ark La shall serve its prepared testimony and exhibits for its case-in-chief upon all parties on or before July 27, 1962.

(D) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1962.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–6773; Filed, July 11, 1962; 8:46 a.m.]

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[1] By order issued May 2, 1960, the Commission terminated the proceedings in Docket Nos. G–11294, G–13459, G–16508, and G–19657 insofar as they related to Ark La's FPC Gas Rate Schedule No. XFS–2 without effecting those proceedings in relation to Ark La's FPC Gas Rate Schedule No. XFS–6.

[Docket No. RP60–14]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Postponement of Hearing and Extension of Time to File Data

JULY 5, 1962.

Upon consideration of the request filed July 3, 1962, by Counsel for Kansas-Nebraska Natural Gas Company, Inc., for an extension of time within which to file prepared testimony and exhibits in the above-designated matter;

An extension is hereby granted to and including July 27, 1962 within which Kansas-Nebraska shall serve its prepared testimony and exhibits for its case-in-chief as required by paragraph (C) of the Commission's order issued June 29, 1962; and the hearing now scheduled for July 16, 1962, by paragraph (B) of said order is hereby postponed to September 5, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 "G" Street NW., Washington, D.C. Paragraphs (B) and (C) are accordingly amended.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6774; Filed, July 11, 1962; 8:46 a.m.]

[Docket No. CP62–146]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

JULY 5, 1962.

Take notice that on December 13, 1961, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston, Texas, filed in Docket No. CP62–146 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon in place 5.26 miles of 4½-inch lateral pipeline known as the Shield Lateral, extending from the Petronilla Field to the Shield Field in Nueces County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject facilities originally served as a means of gathering the natural gas purchased by Applicant from the Shield gas unit in the Shield Field. The application states that deliveries of gas to Applicant from the Shield gas unit declined due to decreasing reserves until November 1959, when all deliveries ceased. Since that date the line has been inactive and the gas purchase contract has been terminated. Applicant has agreed to sell the line in place to an intrastate operator for $25,000.

The subject facilities were authorized by the Commision in its opinion and order of April 28, 1950, in Docket No. G–1277 (9 FPC 32).

This matter is one that should be 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 9, 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 30, 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. 62–6775; Filed, July 11, 1962; 8:46 a.m.]

[Docket No. CP62–300]

UNITED NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 5, 1962.

Take notice that on June 15, 1962, United Natural Gas Company (Applicant), 308 Seneca Street, Oil City, Pennsylvania, filed in Docket No. CP62–300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing interstate natural gas transmission facilities to serve the distribution system which Applicant proposes to construct and operate in Hartford, Vernon, and Kinsman Townships, Trumbull County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to use a tap and portions of a pipeline which have not been used previously in order to serve its distribution system. Part of Applicant's presently operating transmission system will also be utilized.

The estimated peak day and annual gas requirements in Mcf for the first three years of operation are as follows:

	1st year	2d year	3d year
Peak day	747	903	1,015
Annual	83,761	100,668	112,529

Applicant states that there is no additional capital cost associated with the operation of the existing facilities to serve the proposed distribution system. The Public Utilities Commission of Ohio has authorized Applicant to render the proposed distribution service.

This matter is one that should be 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 9, 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 30, 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. 62–6776; Filed, July 11, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 218]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 6, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation Nos. 2 and 3), (CORRECTION) RYDER SYSTEM, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla., filed June 14, 1962. Previous publication on page 6058 of the June 27, 1962, issue of the FEDERAL REGISTER showed the name of the subject notice in error. The correct name of the carrier is RYDER TRUCK LINES, INC.

No. MC 11740 (Deviation No. 1), BLUE & GRAY TRANSPORTATION CO., INCORPORATED, P.O. Box 4182, Richmond 24, Va., filed June 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Richmond and Petersburg, Va., over Interstate Highway 95, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richmond over U.S. Highway 1 to Petersburg, and return over the same route.

No. MC 75320 (Deviation No. 13), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed June 25, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Decatur, Ill., over U.S. Highway 51 to junction U.S. Highway 40, north of Vandalia, Ill., thence over U.S. Highway 40 to junction Illinois Highway 140, thence over Illinois Highway 140 to junction Illinois Highway 127, near Greenville, Ill., thence over Illinois Highway 127 to Murphysboro, Ill., thence over Illinois Highway 13 to junction U.S. Highway 51, at Carbondale, Ill., thence over U.S. Highway 51 to junction Illinois Highway 146, at Anna, Ill., thence over Illinois Highway 146 to junction Illinois Highway 3, at Ware, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Springfield, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 45, thence over U.S. Highway 45 to Kankakee, Ill., thence over Illinois Highway 49 to Chicago, Ill.; and from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., and thence across the Mississippi River to St. Louis, Mo., and return over the same route.

No. MC 105367 (Deviation No. 1), THE HALL TRUCK LINE, INC., P.O. Box 188, Olathe, Kans., filed June 28, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Olathe, Kans., over Kansas Highway 150 to the Kansas-Missouri State line, thence over Missouri Highway 150 to the Kansas City, Kans. Commercial Zone, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over U.S. Highway 50 to junction Kansas Highway 58, thence over Kansas Highway 58, via Overland Park, Kans., to junction U.S. Highway 169, thence over U.S. Highway 169 to Olathe; and from Kansas City over city streets to Kansas City, Kans., thence over U.S. Highway 169 to Olathe, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 55312 (Deviation No. 1), CONTINENTAL TENNESSEE LINES, INC., P.O. Box 4407, Alexandria, La., filed July 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Midtown Junction, Tenn., over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Knoxville, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Nashville over U.S. Highway 70N to Crossville, Tenn., thence over U.S. Highway 70, via Rockwood, Tenn., to junction U.S. Highway 27, at Harriman Junction, Tenn., thence over U.S. Highway 27 to Harriman, Tenn., thence over Tennessee Highway 61 to Oliver Springs, Tenn.; and from Oliver Springs, Tenn., over Tennessee Highway 62 to Oak Ridge, Tenn., thence via the Solway Gate and over the New Solway Road to Knoxville, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6743; Filed, July 10, 1962; 8:45 a.m.]

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