Pages 5845–5896

FEDERAL REGISTER

VOLUME 27 NUMBER 120

Washington, Thursday, June 21, 1962

Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
Mar. 21, 1917 (see F.R. Doc. 62-6049) 5878
759 (see F.R. Doc. 62-6049) 5878
8578 (see F.R. Doc. 62-6051) 5878
10006 (superseded by EO 11030) 5847
11030 5847

7 CFR

354 5849
725 5849
728 5860
917 5860
PROPOSED RULES:
1045 5874

9 CFR

77 5861

14 CFR

507 5861
600 (3 documents) 5861, 5862
601 (4 documents) 5861-5863
602 5863
PROPOSED RULES:
600 (2 documents) 5876
601 (2 documents) 5876

16 CFR

13 (2 documents) 5863, 5864

21 CFR

PROPOSED RULES:
121 (3 documents) 5875, 5876

22 CFR

41 5865
42 5865

25 CFR

PROPOSED RULES:
183 5871

43 CFR

PROPOSED RULES:
115 5873
259 5873
PUBLIC LAND ORDERS:
606 (revoked in part by PLO 2704) 5866
1878 (see F.R. Doc. 62-6051) 5878
2568 (see F.R. Doc. 62-6051) 5878
2704 5866
2705 5866
2706 5866

47 CFR

2 5867
9 5867
31 5868

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11030

PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of the authority vested in me by the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. 301 *et seq.*), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and publication of Executive orders and proclamations:

SECTION 1. *Form.* Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by Section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, and descriptions of land may be single-spaced.

SEC. 2. *Routing and approval of drafts.* (a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Bureau of the Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, that in cases involving sufficient urgency the Attorney General may transmit it directly to the President; and *provided further*, that the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of Section 1 of this order and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

SEC. 3. *Routing and certification of originals and copies.* (a) If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER: *Provided*, that prior to such forwarding the Seal of the United States shall be affixed to the originals of proclamations to the extent required by statute or Executive order.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in subsection (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

SEC. 4. *Proclamations calling for the observance of special days or events.* Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least sixty days before the date of the specified observance.

SEC. 5. *Proclamations of treaties excluded.* Consonant with the provisions of Section 12 of the Federal Register Act (49 Stat. 503; 44 U.S.C. 312), nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

SEC. 6. *Definition.* The term "Presidential proclamations and Executive orders," as used in Section 5(a) of the Federal Register Act (44 U.S.C. 305(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

SEC. 7. *Prior order.* Upon its publication in the FEDERAL REGISTER, this order shall supersede Executive Order No. 10006 of October 9, 1948.

The regulations prescribed by this order shall be codified under Title 1 of the Code of Federal Regulations.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 19, 1962.

[F.R. Doc. 62-6111; Filed, June 19, 1962; 4:41 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961, February 2, 1962, March 9, 1962, and April 27, 1962 (26 F.R. 3671, 6833, 27 F.R. 964, 2267, 4011), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by deleting "Harlingen Air Force Base, Tex. (served from Brownsville, Tex.)" and "Moore Air Field (served from Hidalgo, Tex.)" from the "Two-Hour" list therein; by deleting "Foster Air Force Base, Victoria, Tex. (served from Corpus Christi, Tex.)" from the "Three-Hour" list therein; by adding "Geismar, La. (served from Baton Rouge, La.)" to the "Two-Hour" list therein; and by adding "Pascagoula, Miss." to the "Three-Hour" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective June 21, 1962.

Done at Washington, D.C., this 15th day of June 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62-6075; Filed, June 20, 1962; 8:50 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—TOBACCO

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

GENERAL

Sec.
725.1330 Basis and purpose.
725.1331 Definitions.
725.1332 Instructions and forms.
725.1333 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS, DETERMINATION OF ACREAGE AND FLUE-CURED TOBACCO SEED VARIETIES

725.1334 Identification and location of farms.
725.1335 Determination of tobacco acreage and seed varieties.

FARM MARKETING QUOTAS AND MARKETING CARDS

725.1336 Amount of farm marketing quota.
725.1337 Transfer of farm marketing quota.
725.1338 Issuance of marketing cards.
725.1339 Persons authorized to issue marketing cards.
725.1340 Rights of producers in marketing cards.
725.1341 Successors in interest.
725.1342 Invalid cards.
725.1343 Report of misuse of marketing card.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

725.1344 Extent to which marketings from a farm are subject to penalty.
725.1345 Disposition of excess tobacco.
725.1346 Identification of marketings.
725.1347 Rate of penalty.
725.1348 Persons to pay penalty.
725.1349 Penalties considered to be due from warehousemen, dealers, and other persons excluding the producer.
725.1349a Producers penalties; false identification, failure to account, incorrectly determined acreage.
725.1350 Payment of penalty.
725.1351 Request for return of penalty.

RECORDS AND REPORTS

725.1352 Producer's records and reports.
725.1353 Warehouseman's records and reports.
725.1354 Dealer's records and reports.
725.1355 Dealers exempt from regular records and reports.
725.1356 Records and reports of truckers and persons redrying, prizing or stemming tobacco.
725.1357 Separate records and reports from persons engaged in more than one business.
725.1358 Failure to keep records or make reports or making false report or record.
725.1359 Examination of records and reports.
725.1360 Length of time records and reports are to be kept.
725.1361 Information confidential.

AUTHORITY: §§ 725.1330 through 725.1361 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

§ 725.1330 Basis and purpose.

Sections 725.1330 through 725.1361 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 burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1962–63 marketing year. Prior to preparing §§ 725.1330 through 725.1361, 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 §§ 725.1330 through 725.1361, 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 county committees are now determining the acreage of tobacco on farms, and since some farmers are disposing of excess tobacco, it is hereby determined that compliance with the provision of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 725.1330 through 725.1361 shall therefore become effective upon filing with the Director, Office of the Federal Register.

§ 725.1331 Definitions.

As used in §§ 725.1330 through 725.1361, 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 engages 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 duly authorized employee of an Agricultural Stabilization and Conservation Service (ASCS) county office, whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(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 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 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 by warehouse sale: *Provided,* That if a basket of burley or flue-cured farm tobacco exceeds the established basket weight limitation (700 pound basket in the case of burley tobacco and 300 pound in the case of flue-cured tobacco) any overage of not more than 10 percent which is recorded on the same floor sheet as the parent basket of which the overage would otherwise be a part, shall be considered and reported as a warehouse sale of tobacco when the parent basket is sold at auction.

(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 has 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 preson 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 each one or all, as indicated by the context, of the kinds of tobacco listed in this paragraph comprising the type specified, as classified in 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.

Burley tobacco, comprising type 31;
Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

(1) "Discount Variety" or "Limited Support Variety" means any of the flue-cured tobacco seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244, or a mixture or strain of such seed varieties, or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244: *Provided,* That where there is growing in a field off-type plants of not more than two percent, such off-type plants shall not be considered in determining the flue-cured tobacco variety being produced. Flue-cured tobacco which is not determined to be discount variety, shall be considered as "acceptable variety." For the purpose of these regulations, any breeding line of flue-cured tobacco identified as having appearance and growth characteristics similar to Coker 139, Coker 140, or Dixie Bright 244, shall be considered to have the quality characteristics of Coker 139, Coker 140, or Dixie Bright 244.

(2) Any tobacco (i) that has similar appearance and growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths of either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, shall be considered, respectively, either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (2) of this paragraph, all or a part of such acreage should not be considered as either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured 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.

(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 § 725.1345.

(v) "Tobacco subject to marketing quotas" means:

(1) Any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco marketed during the period October 1, 1962 to September 30, 1963, inclusive, and any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco produced in the calendar year 1962 and marketed prior to October 1, 1962.

(2) Any flue-cured tobacco marketed during the period July 1, 1962 to June 30, 1963 inclusive, and any flue-cured tobacco produced in the calendar year 1962 and marketed prior to July 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.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers, warehousemen, 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 of tobacco marketed by sale at public auction in sequence at a given time.

§ 725.1332 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.

§ 725.1333 Extent of calculations and rule of fractions.

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

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8; and expressions in hundredths calculated as 0.0536 would be 0.05; 0.0550 would be 0.05; 0.0551 would be 0.06; and 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

Identification and Location of Farms, Determination of Acreage and Flue-Cured Tobacco Seed Varieties

§ 725.1334 Identification and location of farms.

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

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

§ 725.1335 Determination of tobacco acreage and seed varieties.

(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 §§ 725.1330 through 725.1361 and subject to the rule of fractions heretofore provided in § 725.1333 (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 § 725.1331 (t)(3) that tobacco (harvested or unharvested) is of a kind not subject to marketing quotas, the county office manager, or an employee of the county office on behalf of the county office manager, shall so notify the farm operator.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 725.1338 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 § 725.1345 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.

(f) *Identification and determination of flue-cured tobacco seed varieties and producer's right of appeal.* (1) For each farm on which flue-cured tobacco is produced in 1962, the farm operator or any producer on a farm shall, under § 725.1352(b), file with the county office a report on Form MQ–32—Tobacco, Certification of Flue-Cured Tobacco Varieties Planted, showing whether or not discount variety tobacco was planted on the

farm or on another farm in which he has an interest.

(2) If the farm operator or any producer on a farm certifies on Form MQ–32—Tobacco that there was not planted on the farm or on another farm in which he has an interest any of the discount varieties of flue-cured tobacco, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be acceptable variety tobacco, unless a subsequent determination is made by the county committee or State committee that the tobacco produced on the farm is discount variety tobacco.

(3) If the farm operator or any producer on a farm certifies on Form MQ–32—Tobacco that there was planted on the farm or on another farm in which he has an interest any of the discount varieties of flue-cured tobacco, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco, unless a subsequent determination is made by the county committee or State committee that the tobacco produced on the farm is acceptable variety tobacco.

(4) If any of the flue-cured tobacco being produced on a farm has the appearance, growth and chemical characteristics similar to a discount variety, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco. To assist in making a determination under this subparagraph (4), the farm operator or any producer on the farm shall allow any member of the county committee or State committee, or any employee of the ASCS State office or any employee of the Department of Agriculture designated by the State Executive Director as a person qualified to examine and identify seed varieties of flue-cured tobacco to enter upon the farm (i) to examine the appearance and growth characteristics of flue-cured tobacco plants on the farm, or (ii) to take and remove from the farm samples of flue-cured tobacco growing or harvested on the farm, or (iii) to designate representative flue-cured tobacco plants on the farm to be allowed to go to flower, or (iv) to take photographs of representative flue-cured tobacco plants.

(5) If the operator of a farm on which flue-cured tobacco is being produced in 1962 fails or refuses, within 7 days after the request of the county committee on Form MQ–34–1—Tobacco, Notice of Action Required Regarding Determination of Seed Varieties of Flue-Cured Tobacco, (i) to file a report on MQ–32—Tobacco, showing whether or not there was planted any of the discount varieties of flue-cured tobacco on such farm or on another farm in which he has an interest or (ii) to permit examination of flue-cured tobacco plants in each field or area on the farm, or (iii) to permit not to exceed 50 representative plants to go to flower in each field or area on the farm, or (iv) to permit the taking of photographs of flue-cured tobacco in each field or area on the farm, or (v) to permit the taking and removal of green or cured leaf samples of flue-cured tobacco from the farm, all flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco, unless the county committee finds that failure to comply with the request was due to circumstances beyond the control of the farm operator.

(6) In any case where the county committee determines that discount variety tobacco is being or was produced on a farm in 1962, the farm operator shall be given written notice by certified mail of such determination on Form MQ–34–2—Tobacco, Notice of Determination of Discount Variety Flue-Cured Tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(7) Any producer on a farm who believes that the discount variety determination for his farm by the county committee under subparagraph (4) of this paragraph is not correct may file an appeal with the county committee asking it to reconsider such determination. The request for appeal and facts constituting a basis for such reconsideration must be submitted in writing and postmarked or delivered to the county committee within 7 days after the date of mailing the notice on Form MQ–34–2—Tobacco. The request for appeal must be signed by the person making the appeal. If the appellant believes that the county committee determination on his appeal is not correct, he may appeal to the State committee within 7 days after the date of mailing of the notice of the decision of the county committee. The decision of the State committee shall be final.

(8) Any discount variety determination by the county committee may be reviewed by the State committee, whose decision shall be final.

Farm Marketing Quotas and Marketing Cards

§ 725.1336 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 Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year (26 F.R. 6419, 6581, 7694, 9505, 10152). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the farm acreage allotment.

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

§ 725.1337 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 725.1328 and § 719.12 of this chapter.

§ 725.1338 Issuance of marketing cards.

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 (a) through (g) of this section. Cards shall be issued in the name of the farm operator, except that cards issued for tobacco grown for experimental purposes only shall be issued in the name of the Experiment Station, cards issued under § 725.1341 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.

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

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 725.1347(b) shall be issued for a farm in any case:

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

(ii) Where tobacco is harvested in 1962 from a farm and the farm operator or any producer on the farm, as provided in § 725.1335(e), prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on the farm; or

(iii) Where tobacco is harvested in 1962 from a farm for which, under § 725.1352(g), the 1962 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 725.1344 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply) shall be issued in any case:

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

(ii) Where tobacco is to be marketed from a farm in 1962 having carry-over tobacco available for marketing and the percent excess determined pursuant to § 725.1344(b) exceeds zero percent; or

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

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

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

is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1962 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to notify the county ASCS 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 (seven days in the case of flue-cured tobacco grown in the State of North Carolina) 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 § 725.1345, 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 § 725.1345(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the farm operator acted in good faith, that the acreage of tobacco was not measured or remeasured, as the case may be, and the farm operator notified, in sufficient time to afford him an opportunity to dispose of the excess acreage prior to harvest; or

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

(b) *Excess marketing cards for flue-cured tobacco stamped or marked "acceptable varieties" or "discount varieties."* (1) If an excess marketing card is issued for a farm on which flue-cured tobacco is harvested in 1962 and the operator of such farm establishes to the satisfaction of the county committee or State committee that no discount variety tobacco was or will be harvested from such farm or any other farm operated by the farm operator, the excess marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "acceptable varieties."

(2) If an excess marketing card is issued for a farm on which flue-cured tobacco is harvested in 1962 and the operator of such farm fails to establish to the satisfaction of the county committee or State committee that no discount variety tobacco was or will be harvested from such farm or any other farm operated by the farm operator, the excess marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "discount varieties."

(c) *Within Quota Limited Support Flue-Cured Marketing Card (MQ–76–D—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (a) of this section and where flue-cured tobacco is harvested in 1962 from such farm, a within quota limited support flue-cured marketing card (eligible for limited price support loan and marketing without penalty) shall be issued for such farm if the operator of such farm fails to establish to the satisfaction of the county committee or State committee, that no discount variety tobacco was or will be harvested in 1962 from such farm or from any other farm operated by the farm operator, unless a zero penalty excess marketing card is required to be issued as provided in paragraph (a)(iv) of this section to identify tobacco grown for experimental purposes only.

(d) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card or a within quota limited support flue-cured marketing card is not required to be issued for a farm under paragraph (a) or (c) of this section, a within quota marketing card shall be issued for such farm under the following conditions.

(1) If the harvested acreage of tobacco for the farm in 1962 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 725.1344(b).

(2) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASCS State office, prior to the beginning of the harvesting of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and 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 harvesting of tobacco from a farm, an excess marketing card showing zero penalty shall be issued under paragraph (a)(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 or MQ–76–D) 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 or MQ–76–D) 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.* (1) Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm. Upon the return to the ASCS issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the 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.

(2) Upon advance notice by the farm operator to the county committee and with prior approval of the county committee, (i) where an excess flue-cured marketing card (MQ–77) which has been stamped or marked "discount varieties" is issued for any farm it may be exchanged at the county office for an excess flue-cured marketing card (MQ–77) which has been stamped or marked "acceptable varieties" for flue-cured tobacco, or (ii) where a within quota limited support flue-cured marketing card (MQ–76–D) is issued for any farm it may be exchanged at the county office for a within quota marketing card (MQ–76) for flue-cured tobacco, when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety flue-cured tobacco with any other flue-cured tobacco produced on the farm or any other farm operated by him, and that all discount variety flue-cured tobacco has been marketed

or satisfactorily disposed of or accounted for, including any carry-over discount variety of flue-cured tobacco.

(g) *Issuance of marketing cards (MQ–76–D or MQ–76) to identify flue-cured tobacco produced by a publicly-owned agricultural experiment station.* If under the provisions of paragraph (c) or (d) of this section a farm on which tobacco is grown for experimental purposes only is eligible for the issuance of both a within quota limited support flue-cured marketing card (MQ–76–D) and a within quota flue-cured marketing card (MQ–76), notwithstanding the provisions of paragraph (f)(2) of this section, an MQ–76–D marketing card may be issued prior to or simultaneous with the issuance of an MQ–76 marketing card for flue-cured tobacco if the Director of the publicly-owned Agricultural Experiment Station furnishes, in addition to the information and certification required under paragraph (d)(2) of this section, the following:

(1) A list by counties, showing for each farm on which tobacco is grown for experimental purposes only, the acreage of discount varieties grown;

(2) A certification that all discount varieties of tobacco grown have been kept separate by varieties from tobacco of any other varieties during harvest and preparation for market and that each discount variety of tobacco will be marketed separately by use of a within quota limited support flue-cured marketing card (MQ–76–D); and

(3) An agreement to notify the ASCS State Executive Director as to the place and date of sale of discount varieties of flue-cured tobacco.

§ 725.1339 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 issued the card. The facsimile signature may be affixed by an employee of the ASCS county office.

§ 725.1340 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.

§ 725.1341 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.

§ 725.1342 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;

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

(5) It is either an MQ–76—Within Quota Marketing Card or an MQ–77—Excess Marketing Card Marked "acceptable varieties" issued and delivered with respect to flue-cured tobacco, and the county committee determines, on the basis of information subsequent to issuance but prior to completion of marketings from the farm, that in lieu of such card either an MQ–76–D—Within Quota Limited Support Marketing Card, or an MQ–77—Excess Marketing Card marked "discount varieties" should have been issued and delivered.

(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.

§ 725.1343 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

§ 725.1344 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.1345 by the total acreage of tobacco harvested from the farm.

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

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

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 725.1345, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

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

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

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

§ 725.1345 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 subparagraphs (2) and (3) 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.

(3) Acreage of partially harvested (cropped) flue-cured tobacco may not be disposed of unless: (i) The farm operator was not notified by the county office manager of the amount of excess flue-cured tobacco acreage on the farm before the harvesting of the flue-cured tobacco was begun, and (ii) the county committee or its representative, in agreement with the farm operator or his representative, determines (*a*) by field observation that not more than 50 percent of the tobacco produced on the area to be disposed of has been harvested, and (*b*) the percentage, by field observation, of unharvested flue-cured tobacco remaining on such area. Credit for excess acreage disposed of in the field under this paragraph shall be equal to the acreage in the area from which disposition is to be made divided by the agreed upon percent of unharvested tobacco in the area. For example, the excess flue-cured tobacco acreage on the farm is 1.42 acres and the tobacco un-

harvested is 80 percent. To liquidate the total excess acreage would require disposition from 1.77 (1.42÷80%) acres. In disposing of excess tobacco, nothing in this subparagraph shall be construed to prevent the farm operator from disposing of an unharvested area (patches, fields or parts of fields) of tobacco from which no tobacco has been harvested.

(b) *Where harvested acreage does not exceed allotment and there is excess carry-over tobacco.* If the 1962 harvested acreage is less than the 1962 allotment, an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1962 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.1344(b) is less than the 1962 allotment may be marketed penalty free.

§ 725.1346 Identification of marketings.

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, MQ–76–D—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) *Memorandum of sale and sale without marketing card.* (1) 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 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 Officer 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 warehouse 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 verification with the warehouse records.

(ii) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a regular receiving point for scrap tobacco at a redrying plant, at an auction warehouse, or elsewhere, who keeps records showing the information specified in § 725.1354, and who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

(iii) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 725.1354 and who has been authorized on MQ–78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

(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 §§ 725.1330 through 725–1361.

(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 memoranda of sale.

(2) Each bill of nonwarehouse sale covering any marketing of tobacco, shall be presented to a person who is authorized to issue a memorandum of sale and shall be recorded on MQ–79—Tobacco.

(c) *Separate display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the warehouse floor.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

§ 725.1347 Rate of penalty.

Marketings of each kind of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the kind of tobacco for the 1961–62 marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture, for the 1961–62 marketing year was 66.5 cents per pound for burley tobacco, 64.3 cents per pound for flue-cured tobacco, 38.8 cents per pound for fire-cured (type 21) tobacco, 40.2 cents per pound for fire-cured (types 22, 23 and 24) tobacco, 37.8 cents per pound for dark air-cured tobacco, and 39.8 cents per pound for Virginia sun-cured tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1962–63 marketing year shall be 50 cents per pound for burley tobacco, 48 cents per pound for flue-cured tobacco, 29 cents per pound for fire-cured (type 21) tobacco, 30 cents per pound for fire-cured (types 22, 23 and 24) tobacco, 28 cents per pound for dark air-cured tobacco, and 30 cents per pound for Virginia sun-cured tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 725.1344.

§ 725.1348 Persons to pay penalty.

The persons 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 at public auction through a warehouse, 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.

§ 725.1349 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) If purchased prior to the opening of the local auction market, is not identified 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 §§ 725.1330 through 725.1361 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the maner required by §§ 725.1330 through 725.1361 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.

§ 725.1349a 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 § 725.1352(e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for 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 § 725.1335 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 § 725.1352(g), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 725.1326, 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.

§ 725.1350 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that (1) in the case of tobacco removed from storage under bond, penalty shall be due on the date of such removal from storage, or (2) in the case of false identification or failure to account for disposition of tobacco, penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASCS State office not later than the end of the calendar week in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale—net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.1330 through 725.1361 is in excess of the net proceeds of such 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 an auction 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.

§ 725.1351 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 §§ 725.1330 through 725.1361 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASCS county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee subject to the approval of the State Executive Director.

RECORDS AND REPORTS

§ 725.1352 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASCS county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1962. If any producer on a farm files or aids or

acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report of flue-cured tobacco varieties planted.* The operator of each farm, or any producer thereon, on which flue-cured tobacco is planted in 1962 shall execute and file a report with the county office on Form MQ–32–Tobacco, Certification of Flue-Cured Tobacco Varieties Planted, which shall clearly state whether a discount variety was planted on the farm in 1962 or on any other farm in which he has an interest. If the farm operator or any producer thereon has executed and filed a report with the county office on Form MQ–32 which shows there was not planted on such farm(s) in 1962 any of the discount varieties of flue-cured tobacco and the operator or a producer on the farm wishes to change the Form MQ–32 to show there was planted on such farm(s) a discount variety, he may, at any time prior to the issuance of a marketing card for the farm, be permitted to file a new Form MQ–32 which shall supersede and replace the first Form MQ–32.

(c) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1962 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 thirty (30) days after the close of the tobacco auction markets for the locality in which the farm is located. 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 (e) of this section.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 725.1330 through 725.1361, 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 filling 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 same 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, or 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.

(f) *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.

(g) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 725.1311 through 725.1328 (26 F.R. 6419, 6581, 7694, 9505, 10152) 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.

§ 725.1353 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 § 725.1331(b). Where the warehousemen 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 a 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 warehouse floor sheet covering a sale of tobacco by a producer, and, in the case of flue-cured tobacco such entry shall be recorded prior to the time the tobacco is offered for sale.

(2) *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 a sale of tobacco by a producer.

(3) *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 first marketing of 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" and write thereon the serial number of the suspended sale, and 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.* Each warehouseman shall record, or have the dealer record, on MQ–79—Tobacco, the total purchases and resales made by each such 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).

(2) All purchases and resales 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 § 725.1331.

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 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.

(g) *Identification of flue-cured leaf account tobacco as acceptable variety and reports on MQ–79–1 (Flue-Cured).* (1) Each warehouseman who offers for auction sale any leaf account flue-cured tobacco on a warehouse floor other than his own and who requests the other warehousemen to identify such tobacco as being "acceptable variety" shall either (i) execute Form MQ–79–1 (Flue-Cured), Dealers Certification—Resale Tobacco, or (ii) have the eligibility of such tobacco to be so identified determined by the Director or his representative.

(2) Each warehouseman who is participating in the Commodity Credit Corporation price support program and who identifies resale tobacco with a "certified" basket ticket indicating that such tobacco by virtue of an executed Form MQ–79–1 (Flue-Cured) Dealers Certification—Resale Tobacco is of an acceptable variety, shall at the time the tobacco is weighed in have such tobacco covered by an executed Form MQ–79–1 unless the eligibility of such tobacco to be identified as being of an acceptable variety is determined by the Director or his representative.

(3) Each executed MQ–79–1 (Flue-Cured), Dealers Certification—Resale Tobacco, shall show the following information with respect to each lot of resale tobacco:

(i) Crop year.

(ii) Name and address of warehouse where the tobacco is being offered for sale.

(iii) Floor sheet number and date.

(iv) Date and signature of dealer and current address.

(v) Dealer's Record book number where the resale will be recorded.

The requirements of this paragraph need not be met upon the Director determining no discount variety of flue-cured tobacco remains available for sale during the 1962–63 marketing season and upon the warehouse being so notified by the State Executive Director or his representative.

(h) *Daily report of warehouse business.* Each 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) The (i) warehouse gross sales for the day, pounds and amount, as billed to buyers (sum of 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 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 §§ 725.1346(a) and 725.1353(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.

§ 725.1354 Dealer's records and reports.

Each dealer except as provided in § 725.1355 and any dealer or any other person as provided in paragraph (e) of this section 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 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 marketing.* 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 § 725.1353 (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 so bought and carried over.

(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 § 725.1353 (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.* (1) 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 purchase or reasale 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.

(2) 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, 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) *Identification of flue-cured resale tobacco as acceptable variety and reports on MQ–79–1 (Flue-Cured).* (1) Each dealer or any other person who offers for auction sale any resale flue-cured tobacco on a warehouse floor which is participating in the Commodity Credit Corporation price support program and on which floor eligible resale flue-cured tobacco is identified with a "certified" basket ticket, and who requests the warehouseman to identify his tobacco as being of an "acceptable variety" shall either (i) execute Form MQ–79–1 (Flue-Cured), Dealers Certification-Resale Tobacco, or (ii) have the eligibility of such tobacco to be so identified determined by the Director or his representative.

(2) Each executed MQ–79–1 (Flue-Cured), Dealers Certification-Resale Tobacco, shall show the following information with respect to resale tobacco:

(i) Crop year.

(ii) Name and address of warehouse where the tobacco is being offered for sale.

(iii) Floor sheet number and date.

(iv) Date and signature of dealer and correct address.

(v) Dealer's record book number where the resale will be recorded.

(3) Each dealer or any other person who acquires acceptable variety tobacco in a manner which would make it ineligible for certification of Form MQ–79–1, or who has on hand both discount variety tobacco and acceptable variety tobacco and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the Director for a special authorization to have the acceptable variety tobacco certified when offered for auction sale.

(4) (i) If any dealer fails to timely file Form MQ–79, Dealer's Record, or if there is substantial indication that a dealer has executed a false certification on Form MQ–79–1, the Director may notify such dealer and all auction warehouses participating in the Commodity Credit Corporation price support program that certification by such dealer on Form MQ–79–1 shall not be accepted for the purpose of identifying tobacco offered for auction sale by such dealer as being of acceptable variety until further notice.

(ii) The requirements of this paragraph (e) need not be met upon the Director determining no discount variety of flue-cured tobacco remains available for sale during the 1962–63 marketing season and upon the dealer being so notified by the State Executive Director or his representative.

(f) *Report to warehousemen for Buyers Corrections Account of tobacco received.* Notwithstanding the provisions of § 725.1355, 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 warehouseman 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.

§ 725.1355 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, except for reports under § 725.1354(e), shall not be subject to the other provisions of § 725.1354: *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 § 725.1354 with respect to such purchases.

§ 725.1356 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 tobacco.

§ 725.1357 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.

§ 725.1358 Failure to keep records and make reports or making false report or record.

(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 fail to make any report or keep any record as required under §§ 725.1330 through 725.1361, 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 penalties prescribed by other 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.

§ 725.1359 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, U.S. 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 registers, 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.

§ 725.1360 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 §§ 725.1330 through 725.1361 for the 1962–63 marketing year shall be kept by him until June 30, 1965, in the case of flue-cured tobacco and September 30, 1965, in the case of burley, fire-cured, dark air-cured and Virginia sun-cured tobacco. Records shall be kept for such longer period of time as may be requested in writing by the State Executive Director or the Director.

§ 725.1361 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.1330 through 725.1361 shall be kept confidential by all officers and employees of the U.S. 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 Director, Office of the Federal Register.

Signed at Washington, D.C., on June 18, 1962.

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

[F.R. Doc. 62-6065; Filed, June 20, 1962; 8:49 a.m.]

[Amdt. 12]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in Box Butte, Dawes and Sheridan Counties, Nebraska. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon filing with the Director, Office of the Federal Register.

Paragraph (b) of § 728.1145 is amended to change the date of June 20 to July 1 for Box Butte, Dawes and Sheridan Counties, Nebraska.

(Secs. 374, 375, 52 Stat. 65, 66 as amended; 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 19, 1962.

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

[F.R. Doc. 62-6139; Filed, June 20, 1962; 11:13 a.m.]

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

[Elberta Peach Reg. 1, Amdt. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 917 (7 CFR Part 917), as amended, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the amendment to the regulation by grades and sizes in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became avail-

able and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh Elberta peaches grown in California.

Order. In § 917.307 (Peach Regulation 1, 27 F.R. 5329) delete subdivision (iii) of subparagraph (1) of paragraph (b) and subparagraph (2) of paragraph (b) and substitute in lieu thereof a new subdivision (iii) and subparagraph (2) as set forth below.

§ 917.307 Elberta Peach Regulation 1.

* * * * *

(b) * * *

(1) * * *

(iii) Any lot of packages or containers of Elberta peaches if more than three (3) percent, by count, of the peaches in such lot are immature; or

* * * * *

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) have shoulders and sutures well filled out and smooth; (ii) have skin which is at least very light green to yellowish green in color; (iii) have flesh that is yellow or straw color with only a small portion usually next to the skin being greenish yellow or greenish straw color; (iv) have flesh which shows some juiciness; and (v) yield very slightly to moderate pressure at the suture or tip.

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

Dated, June 20, 1962, to be effective on and after 12:01 a.m., P.s.t., June 22, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6144; Filed, June 20, 1962; 11:27 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Modified Accredited Areas

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment restores Grand Traverse, Kent, Ogemaw, and Sanilac Counties in the State of Michigan to the areas designated as modified accredited areas because such counties now meet the qualifications of such an area as set out in § 77.3.

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

Done at Washington, D.C., this 11th day of June 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62–6076; Filed, June 20, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1249; Amdt. 455]

PART 507—AIRWORTHINESS DIRECTIVES

Hughes Model 269A Helicopter

Failure of the bond between the rib and the blade skin of a tail rotor blade on a Hughes Model 269A helicopter caused loss of the tip rib and produced severe tail rotor unbalance and vibration. As this condition is likely to occur in other such helicopters, an airworthiness directive is being issued to require inspection of the tail rotor blade and replacement of any blades with bond separation.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

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:

HUGHES. Applies to Model 269A helicopter Serial Numbers 0011 to 0059 inclusive. Compliance required as indicated.

(a) To prevent failure of the tail rotor blade, within the next 10 hours time in service after the effective date of this AD, and each day thereafter, conduct a visual inspection of the tip of the Hughes P/N 269A6124 tail rotor blade for separation of the rib and the blade skin. This will appear as a crack in the bond line between the blade tip rib and the blade skin.

(b) If no separation is detected, the tail rotor blades may continue to be used in service for the remainder of their service life subject to the inspection specified in paragraph (a).

(c) If separation is detected, remove the tail rotor assembly and replace prior to further flight with an assembly incorporating tail rotor blades P/N 269A6124 Change E or later. After installation of P/N 269A6124 Change E or later, the normal inspection procedures may be followed.

(Hughes Tool Company, Aircraft Division, Hughes-O-Gram to operators dated May 2, 1962, covers the same subject.)

This amendment shall become effective June 26, 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 June 14, 1962.

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

[F.R. Doc. 62–6028; Filed, June 20, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–LA–49]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation of Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Area Extension

On February 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1773) stating that the Federal Aviation Agency proposed to revoke Green Federal airway No. 10, its associated control areas and reporting points from Everett, Wash., to Denver, Colo. It was also proposed to alter the description of the Whidbey Island, Wash., control area extension (§ 601.1106). Subsequent to publication of the notice, it has been determined that the southern portion of the Whidbey Island control area extension which overlaps the Seattle, Wash., control area extension (§ 601.1133) is a dual designation of airspace. Accordingly, action is taken herein to bound the Whidbey Island control area extension on the south by the Seattle control area extension.

The Air Transport Association of America offered no objection to the proposed amendments. However, Frontier Airlines stated that if Green 10 is re-

voked, they would require direct route authorization between Laramie, Wyo., Medicine Bow, Wyo., Sinclair, Wyo., and Rock Springs, Wyo., via low frequency facilities to protect their routes for dependable scheduling, especially where one of the VOR facilities is inoperative. Direct route authorization was granted to Frontier Airlines on May 10, 1962.

The Airline Pilots Association in commenting on the proposed amendments stated that the segment of Green 10 between Seattle and Vancouver was shorter than the route via Victor 23 and that they preferred to retain this airway segment for more simple flight planning procedures and clearance transmissions. If this were not possible, they requested retention of the segment of Green 10 between Bellingham and Vancouver to retain the shorter mileage and proximity to the marine surface to avoid frequent adverse weather conditions in the vicinity of Bellingham and the mouth of the Fraser River.

A review of these comments has disclosed the following:

1. The distance between the Seattle VOR and the Vancouver VOR via Victor 23 is only 4 nautical miles further than between the Seattle L/F radio range and the Vancouver L/F radio range via Green 10.

2. The latest IFR Peak day airway traffic survey for the route between Seattle and Vancouver shows a maximum of three air carrier aircraft movements between Seattle and Vancouver on any two segments of Green 10. However, it shows a maximum of 15 air carrier aircraft movements on any two segments of Victor 23.

3. It is realized that the weather in the Bellingham area could be a factor. However, at its farthest point inland, the centerline of Victor 23 is only 5 miles further inland than the centerline of Green 10. In addition, both airways traverse the mouth of the Fraser River.

In view of the above facts, it appears that the retention of Green 10 is unjustified as an assignment of airspace. Accordingly, action is taken herein to revoke Green 10, its associated control areas and reporting points.

No other comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator, (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 600.20 [Revocation]

1. In part 600 (14 CFR Part 600) § 600.20 *Green Federal airway No. 10 (United States-Canadian Border to Denver, Colo.)*. is revoked.

§ 601.20 [Revocation]

2. In Part 601 (14 CFR Part 601) § 601.20 *Green Federal airway No. 10 control areas (United States-Canadian Border to Denver, Colo.)*. is revoked.

§ 601.4020 [Revocation]

3. In Part 601 (14 CFR Part 601) § 601.4020 *Green Federal airway No. 10 (United States-Canadian Border to Denver, Colo.)*. is revoked.

4. The text of § 601.1106 (26 F.R. 1717) is amended to read:

§ 601.1106 Control area extension (Whidbey Island, Wash.).

The area bounded on the north by lines connecting points at latitude 48°-42'48'' N., longitude 123°11'57'' W., and latitude 48°51'45'' N., longitude 122°40'-00'' W.; bounded on the east by low altitude VOR Federal airway No. 23; bounded on the south by the Seattle, Wash., control area extension (§ 601.-1133); bounded on the southwest by low altitude VOR Federal airway No. 4 and bounded on the west by lines connecting points at latitude 48°10'00'' N., longitude 123°01'00'' W.; latitude 48°38'30'' N., longitude 123°13'00'' W.; and latitude 48°42'48'' N., longitude 123°11'57'' W., excluding the portion within Canada. The airspace within Restricted Areas R–6701, R–6708, and R–6713 shall be used only after obtaining prior approval from the appropriate authority.

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

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

Issued in Washington, D.C., on June 15, 1962.

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

[F.R. Doc. 62–6029; Filed, June 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WE–73]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Control Area Extension and Federal Airway

The purpose of these amendments to §§ 600.6202 and 601.1186 of the regulations of the Administrator is to alter the description of the Tucson, Ariz., control area extension and VOR Federal airway No. 202 which extends from Tucson to Truth or Consequences, N. Mex.

The Tucson control area extension and VOR Federal airway No. 202 are designated, in part, with reference to the Tucson radio range. The Federal Aviation Agency is converting this facility to a radio beacon. Therefore, action is taken herein to substitute the Tucson radio beacon for the Tucson radio range in the description of the Tucson control area extension and VOR Federal airway No. 202.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments 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), the following actions are taken:

1. Section 600.6202 (14 CFR 600.6202) is amended to read:

§ 600.6202 VOR Federal airway No. 202 (Tucson, Ariz., to Truth or Consequences, N. Mex.).

From the Tucson, Ariz., RBN via the INT of the Tucson RBN 157° bearing and the Cochise, Ariz., VOR 257° radial; Cochise, VOR; San Simon, Ariz., VOR; to the Truth or Consequences, N. Mex., VOR.

§ 601.1186 [Amendment]

2. In the text of § 601.1186 (14 CFR 601.1186, 27 F.R. 5086) "Tucson RR" is deleted wherever it appears and "Tucson RBN" is substituted therefor.

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

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

Issued in Washington, D.C., on June 15, 1962.

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

[F.R. Doc. 62–6030; Filed, June 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WA–65]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway and Reporting Point

The purpose of these amendments to the regulations of the Administrator is to change the name of the Hassayampa, Ariz., VOR to the Buckeye, Ariz., VOR wherever it appears in §§ 600.6016 and 601.7001. The name of the Hassayampa VOR has been changed to the Buckeye VOR. This name change is reflected on aeronautical charts but has not been incorporated in the description of VOR Federal airway No. 16 nor in the list of reporting points. Corrective action is taken herein.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary and they may be made effective immediately.

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

1. In the text of § 600.6016 (14 CFR 600.6016, 26 F.R. 3521, 3852, 27 F.R. 467, 4244) "Blythe, Calif., omnirange station; Hassayampa, Ariz., omnirange station, including a north alternate via the intersection of the Blythe omnirange 079° True and the Hassayampa omni-

range 291° True radials;" is deleted and "Blythe, Calif., VORTAC; Buckeye, Ariz., VOR, including a north alternate via the INT of the Blythe VORTAC 079° and the Buckeye VOR 291° radials;" is substituted therefor.

2. In the text of § 601.7001 (14 CFR 601.7001) "Hassayampa, Ariz., omnirange station." is deleted and "Buckeye, Ariz., VOR." is substituted therefor.

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

Issued in Washington, D.C., on June 15, 1962.

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

[F.R. Doc. 62-6031; Filed, June 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WE-75]

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

Alteration and Designation of Control Zones

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the Oxnard, Calif., control zone and to designate a control zone at the Ventura County Airport, Oxnard, Calif.

The Oxnard control zone is presently designated within a 5-mile radius of Oxnard-Ventura County Airport, and within a 5-mile radius of Oxnard AFB. The portion of this control zone which coincides with R-2527 shall be used only after obtaining prior approval from appropriate authority.

As designated, the operations for both airports are based on the weather report at Oxnard AFB. Weather, communications and control tower services are available at both airports and the Federal Aviation Agency has deemed it advisable to designate separate control zones to obtain the maximum operational capability at Ventura County Airport and Oxnard AFB. Accordingly, action is taken herein to alter the Oxnard control zone by deleting reference to the 5-mile radius of Ventura County Airport and designating a separate control zone for the Ventura County Airport. This action will not alter the extent of the presently designated controlled airspace in this area.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

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

1. Section 601.2321 (14 CFR 601.2321) is amended to read:

§ 601.2321 Oxnard, Calif., (Oxnard AFB) control zone.

Within a 5-mile radius of Oxnard AFB, Calif. (latitude 34°12'50" N., longitude 119°05'15" W.), excluding the portion W of a line from latitude 34°-15'35" N., longitude 119°09'15" W. to latitude 34°09'10" N., longitude 119°-08'05" W.

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

§ 601.2511 Oxnard, Calif. (Ventura County Airport), control zone.

Within a 5-mile radius of Ventura County Airport, Calif. (latitude 34°-12'02" N., longitude 119°12'10" W.), excluding the portion E of a line from latitude 34°15'35" N., longitude 119°-09'15" W. to latitude 34°09'10" N., longitude 119°08'05" W. The portion of this control zone which coincides with R-2527 shall be used only after obtaining prior approval from appropriate authority.

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

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

Issued in Washington, D.C. on June 15, 1962.

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

[F.R. Doc. 62-6032; Filed, June 20, 1962; 8:46 a.m.]

[Airspace Docket Nos. 62-WE-29, 62-WE-50]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Areas

On May 9, 1962, a notice of proposed rule making, Airspace Docket No. 62-WE-29, was published in the FEDERAL REGISTER (27 F.R. 4431) stating that the Federal Aviation Agency (FAA) proposed to alter the jet advisory areas associated with Jet Routes Nos. 30, 60, 84, and 94, with a comment period of 30 days after publication.

On May 29, 1962, a notice of proposed rule making, Airspace Docket No. 62-WE-50, was published in the FEDERAL REGISTER (27 F.R. 5004) stating that the FAA proposed to alter the jet advisory areas associated with Jet Routes Nos. 32, 84, 94, and 107, with a comment period of 15 days after publication.

Since the secondary radars associated with the North Platte, Nebr., and the Wheatland, Wyo., air route surveillance radars, which will provide the additional jet advisory service, are to be commissioned in June 1962, the above dockets are being combined in this rule-making action to obtain the earliest effective date practicable.

No comments were received regarding the proposed amendments.

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

The substance of the proposed amendments 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 notices, in § 602.200 *En route advisory areas* (14 CFR 602.200, 27 F.R. 338, 2279, 4553) the following changes are made:

1. Jet Route No. 30 is amended to read:

Jet Route No. 30 jet advisory area. Radar—Denver, Colo., to Joliet, Ill.

2. In Jet Route No. 32 Radar and Non Radar where "10 nmi NE" appears, substitute "72 nmi SW".

3. Jet Route No. 60 is amended to read:

Jet Route No. 60 jet advisory area. Radar—Los Angeles, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to Idlewild, N.Y. Nonradar—From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.

4. Jet Route No. 84 is amended to read:

Jet Route No. 84 jet advisory area. Radar—Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 85 nmi E of Rock Springs to Northbrook, Ill. Nonradar—From 50 nmi E of Rock Springs, Wyo., to 85 nmi E of Rock Springs.

5. Jet Route No. 94 is amended to read:

Jet Route No. 94 jet advisory area. Radar—Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 85 nmi E of Rock Springs to Boston, Mass. Nonradar—From 50 nmi E of Rock Springs, Wyo., to 85 nmi E of Rock Springs.

6. In Jet Route No. 107 Radar and Nonradar where "10 nmi NE" appears, substitute "105 nmi SW".

These amendments shall become effective 0001 e.s.t., July 26, 1962.

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

Issued in Washington, D.C., on June 18, 1962.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6033; Filed, June 20, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-61]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Kusin et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30-75 *Textile Fiber Products Identification Act;* § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile*

fiber products tags or identification.[1] Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods. § 13.2280 *Composition:* § 13.2280–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Joseph Kusin et al. trading as Dixie Bedding & Furniture Co., Monroe, La., Docket C–61, Jan. 5, 1962]

In the Matter of Joseph Kusin, Louis M. Kusin, and Mrs. Irving Bloom, Individually and as Copartners Trading as Dixie Bedding & Furniture Co.

Consent order requiring a Monroe, La., co-partnership to cease violating the Textile Fiber Products Identification Act by labeling and advertising as "70% virgin wool and 30% nylon", floor coverings which contained substantially less nylon than thus represented; failing to indicate on labels and in advertising that the fiber content information did not apply to the exempted backings, fillings, or paddings; using the name of the fur-bearing animal nutria deceptively in advertising in that the products concerned did not contain hair of the nutria; removing the required labels or other means of identification from textile products prior to delivery to the consumer; and using fictitious prices preceded by the term "Orig." in advertising carpeting.

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

It is ordered, That respondents Joseph Kusin, Louis M. Kusin and Mrs. Irving Bloom, individually and as co-partners trading as Dixie Bedding & Furniture Co., 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 product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products:

1. As to the name or amount of constituent fibers contained therein.

2. By failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling, or padding when such is the case.

B. Misbranding textile fiber products by failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

C. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication of the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth that the disclosure of the fiber content of floor coverings relates only to the face, pile or outer surface and not to the exempted backing, filling or padding of such products where such is the case.

3. Using any names, words, depictions, descriptive matter or other symbols, which connote or signify a fur bearing animal, unless such products or parts thereof in connection with which the names, words, depictions, descriptive matter or other symbols are used, are furs or fur products within the meaning of the Fur Products Labeling Act; *Provided, however,* That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

D. Failing to set forth that the disclosure of the required fiber content information as to floor coverings containing exempted backings fillings, or paddings, relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

E. Removing, causing or participating in the removal or multilation of any stamp, tag, label, or other identification required to be affixed to textile fiber products, after shipment of such textile fiber products in commerce and prior to the time such textile fiber products are sold and delivered to the ultimate consumer, except as permitted by the Textile Fiber Products Identification Act.

It is further ordered, That respondents Joseph Kusin, Louis M. Kusin and Mrs. Irving Bloom, individually and as copartners trading as Dixie Bedding & Furniture Co., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of their floor coverings or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

2. Misrepresenting in any manner, the savings available to purchasers of respondents' products.

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: January 5, 1962.

By the Commission.

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

[F.R. Doc. 62–6043; Filed, June 20, 1962; 8:47 a.m.]

[Docket C–60]

PART 13—PROHIBITED TRADE PRACTICES

Joseph J. Ramia and United Forwarding Service

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name—vendor: § 13.2425 *Nature, in general.*

(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, Joseph J. Ramia doing business as United Forwarding Service, Concord, Calif., Docket C–60, Jan. 5, 1962]

In the Matter of Joseph J. Ramia, an Individual, Trading and Doing Business as United Forwarding Service

Consent order requiring an individual in Concord, Calif., engaged in selling a printed mailing form for use by collection agencies and merchants in tracing delinquent debtors, to cease representing falsely, through use of his trade name, the statement on the cards "We are holding a package consigned to you", and the general format, that a package of value was being held for the addressee and would be forwarded upon return of the filled-in form.

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

It is ordered, That the respondent, Joseph J. Ramia, an individual, trading and doing business as United Forwarding Service, or trading and doing business under any other name or names and respondent's representatives, agents and

[1] New.

employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms, or other material, for use in obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect, delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any form, questionnaire or other material, printed or written, which does not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect, delinquent accounts.

2. Representing, or placing in the hands of others, any means by which they may represent, directly or by implication, that a package, or other thing of value, is being held for the persons from whom information is sought, unless respondent then has in his possession such package, or other thing of value, intended for such person and then only when the contents of the package, or other thing of value, is clearly and expressly disclosed and described.

3. Using the name United Forwarding Service or any other name of similar import to designate, describe or refer to respondent's business.

It is further ordered, That the respondent herein, Joseph J. Ramia, an individual trading and doing business as United Forwarding Service, 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 the order to cease and desist.

Issued: January 5, 1962.

By the Commission.

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

[F.R. Doc. 62-6042; Filed, June 20, 1962; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.481]

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

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

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are being amended to delete requirements relating to the entry of fee receipt notations and to enable the Department to authorize consular officers to place nonimmigrant visa stamps on a prescribed form rather than in the alien's passport in appropriate cases. Minor amendments of an editorial nature are being made to correct references to statutory provisions which have been repealed and to delete certain nonquota immigrant visa classification symbols which are now obsolete.

1. Section 41.124 (b) and (g) is amended to read as follows:

§ 41.124 Procedure in issuing visas.

* * * * *

(b) *Cases in which visa may not be stamped in passport.* In the following cases the visa stamp shall be placed on such form as shall be prescribed by the Department to which a photograph of the alien shall be attached under seal: (1) The alien's passport was issued by a government with which the United States has not entered into formal diplomatic relations, unless the Department has specifically authorized the insertion of the visa stamp in such passport; (2) the alien's passport does not provide sufficient space for the visa stamp; (3) the passport requirement has been waived; or (4) in other cases as authorized by the Department. In issuing a visa in such cases a notation shall be made on the form prescribed by the Department on which the visa is placed specifying the pertinent subparagraph of this paragraph under which the action is taken.

* * * * *

(g) *Notation regarding issuance of visa without fee.* If no fee is prescribed for the issuance of a nonimmigrant visa, the word "Gratis" shall be stamped or written in the lower left corner of the visa stamp.

2. Section 41.127 (c) and (e)(5) is amended to read as follows:

§ 41.127 Crew-list visas.

* * * * *

(c) *Fee.* A fee of two dollars shall be charged for the visaing of any crew list (Tariff of Fees, Foreign Service of the United States of America), except that no fees shall be charged for a crew-list visa issued in the case of an American vessel (§ 22.1 of this chapter) or for the issuance of a supplemental crew-list visa in the case of any vessel or aircraft.

* * * * *

(e) *Procedure in issuing.* * * *

(5) In issuing a crew-list visa, the consular officer shall deliver the original of the crew list to the master of the vessel or commanding officer of the aircraft or to the authorized agent of such master or officer for presentation to the immigration officer at the first port of arrival in the United States. The duplicate copy of the crew list shall be retained for the consular files and shall show the date of issuance of the crew-list visa. (For regulations regarding exclusion from and refusal of crew-list visas see § 41.132(a).)

3. Section 42.12(a) is amended to read as follows:

§ 42.12 Classification symbols.

* * * * *

(a) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the Law	Symbol to be inserted in visa
Azores natural calamity victim.	1(a), Act of Sept. 2, 1958, as amended.	K-11
Accompanying spouse or unmarried minor son or daughter of alien classified K-11.	1, Act of Sept. 2, 1958, as amended.	K-12
Netherlands national displaced from Indonesia.	1(B), Act of Sept. 2, 1958, as amended.	K-13
Accompanying spouse or unmarried minor son or daughter of alien classified K-13.	1, Act of Sept. 2, 1958, as amended.	K-14
Beneficiary of second preference petition filed prior to July 1, 1961.	25(a), Act of Sept. 26, 1961.	K-21
Beneficiary of third preference petition filed prior to July 1, 1961.	-----do-----	K-22
Spouse of U.S. citizen	101(a)(27)(A) of the Act.	M-1
Child of U.S. citizen	-----do-----	M-2
Eligible orphan adopted abroad.	-----do-----	M-3
Eligible orphan to be adopted	-----do-----	M-4
Returning resident	101(a)(27)(B) of the Act.	N
Native of certain Western Hemisphere countries.	101(a)(27)(C) of the Act.	O-1
Spouse of alien classified O-1 (unless O-1 in own right).	-----do-----	O-2
Child of alien classified O-1 (unless O-1 in own right).	-----do-----	O-3
Person who lost U.S. citizenship by marriage.	101(a)(27)(D) and 324(a) of the Act.	P-1
Person who lost U.S. citizenship by serving in foreign armed forces.	101(a)(27)(D) and 327 of the Act.	P-2
Minister of religion	101(a)(27)(F) of the Act.	Q-1
Spouse of alien classified Q-1	-----do-----	Q-2
Child of alien classified Q-1	-----do-----	Q-3
Certain employees or former employees of U.S. Government abroad.	101(a)(27)(G) of the Act.	R-1
Accompanying spouse of alien classified R-1.	-----do-----	R-2
Accompanying child of alien classified R-1.	-----do-----	R-3

4. Section 42.66(a)(6) is amended to read as follows:

§ 42.66 Cancellation of registration.

(a) Except as provided in paragraph (b) of this section, the registration of a quota immigrant shall be canceled under any of the following circumstances:

* * * * *

(6) The registrant is issued an exchange-visitor visa or obtains a change of status in the United States to that of an exchange visitor under the provisions of section 101(a)(15)(J) of the Act;

5. The cross reference appearing at the end of § 42.95 is amended to read as follows:

§ 42.95 Relief for certain ineligible aliens.

* * * * *

CROSS REFERENCE: For waiver of certain grounds of ineligibility under the provisions of section 212 (f), (g), or (h) of the Act, as amended, see § 42.91(a) (1-6), (9), (10), (12), and (19).

6. Section 42.117(a) is amended to read as follows:

§ 42.117 Execution of visa application.

(a) *Application fee.* The fee of $5.00 prescribed by section 281 of the Act for the furnishing and verification of each application for an immigrant visa shall be collected and a fee receipt shall be issued. The application fee shall not be

refunded without specific authorization from the Department.

7. Section 42.121 is amended to read as follows:

§ 42.121 Visa fees.

The prescribed fee of $20.00 for the issuance of an immigrant visa shall be collected after the execution of the application and completion of the visa interview, and a fee receipt shall be issued. The fee shall not be refunded without specific authorization from the Department.

(Sec. 281, 66 Stat. 230; 6 U.S.C. 1351)

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

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

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs.

JUNE 11, 1962.

[F.R. Doc. 62-6056; Filed, June 20, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2704]

[Washington 04193]

WASHINGTON

Partly Revoking Public Land Order No. 606 of September 13, 1949

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 606 of September 13, 1949, so far as it withdrew the following described lands under supervision of the Department of the Army for use in connection with the McNary (Umatilla) Lock and Dam Project, is hereby revoked:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and NE¼SW¼.
T. 5N., R 29 E.,
Sec. 4, SW¼.
T. 5 N., R. 30 E.,
Sec. 6, lots 2, 3, and 4, SW¼NW¼.
T. 6 N., R. 30 E.,
Sec. 13, SW¼NE¼ and SE¼SW¼;
Sec. 28, NE¼SE¼.

The areas described aggregate approximately 880 acres.

2. The lands are arid grazing lands supporting a sparse cover of native grasses and weeds. Some of them are also withdrawn for power purposes in Power Site Reserve No. 742 of June 2, 1920.

3. Until 10:00 a.m. on December 14, 1962, the State of Washington shall have a preferred right to apply to select the lands in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). Beginning at 10:00 a.m. on December 14, 1962, the lands shall be open to disposition generally under the public land laws, including the mining laws, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals.

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

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

JUNE 15, 1962.

[F.R. Doc. 62-6044; Filed, June 20, 1962; 8:47 a.m.]

[Public Land Order 2705]

[Sacramento 062537]

CALIFORNIA

Withdrawing Public Lands for the Protection of Recreation Values; Weitchpec Fishing Access

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for the preservation of recreation values and access to the waters of the Klamath River:

HUMBOLDT MERIDIAN

T. 9 N., R. 4 E.,
Sec. 1, lot 1.

Containing approximately 40 acres.

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

JUNE 15, 1962.

[F.R. Doc. 62-6045; Filed, June 20, 1962; 8:47 a.m.]

[Public Land Order 2706]

CALIFORNIA

Reclamation Withdrawal and Revocation (Solano Project); Water Power Restoration

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, for use of the Bureau of Reclamation in connection with the Solano Project:

[Sacramento 067221]

MOUNT DIABLO MERIDIAN

T. 8 N., R. 3 W.,
Sec. 26, SE¼NE¼.

Containing 40 acres.

2. The orders of the Bureau of Reclamation of September 9, 1947, and February 19, 1952, concurred in by the Bureau of Land Management on October 2, 1947, and February 27, 1952, respectively, reserving lands for reclamation purposes in connection with the Solano Project, and any other order or orders withdrawing lands under authority of the Reclamation Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 2 W.,
Sec. 5, lots 3, 4, S½NW¼ and NW¼SW¼;
Sec. 6, lot 1, SE¼NE¼, SW¼SE¼, and E½SE¼.
T. 8 N., R. 2 W.,
Sec. 7, S½SE¼;
Sec. 17, W½SW¼;
Sec. 18, N½NE¼;
Sec. 19, N½NE¼;
Sec. 20, SE¼SW¼, W½NW¼, and N½SW¼.
T. 7 N., R. 3 W.,
Sec. 1, W½ lot 1 of the NE¼; W½ lot 2 of the NE¼.
T. 8 N., R. 3 W.,
Sec. 19, lots 2 and 3;
Sec. 25, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 31, NW¼SE¼.
T. 8 N., R. 4 W.,
Sec. 1, lots 3 and 4, SW¼SW¼, and E½SW¼;
Sec. 2, lots 2, 3, 4, 5, 6, 8, SW¼NE¼, and SE¼SE.
T. 9 N., R. 4 W.,
Sec. 6, lots 8 to 14, incl. (originally withdrawn as lots 3 to 7, incl., SE¼NW¼ and NE¼SW¼);
Sec. 7, lot 1;
Sec. 17, E½NE¼ and W½SW¼;
Sec. 20, NW¼NW¼, S½NW¼, NW¼SW¼, and E½SW¼;
Sec. 27, NE¼NW¼, W½NW¼, and NE¼SE¼;
Sec. 35, NE¼NW¼, W½SW¼, and SE¼SW¼.
T. 10 N., R. 4 W.,
Sec. 19, N½ of lot 7, E½NE¼, NW¼NE¼, and E½SE¼;
Sec. 28, N½SE¼;
Sec. 31, lots 4 and 5;
Sec. 33, SW¼NE¼, NE¼SW¼, S½SW¼, and SE¼.
T. 10 N., R. 5 W.,
Sec. 2, lots 5, 6, E½ lot 7, E½ lot 8, and E½SE¼;
Sec. 11, NE¼NE¼;
Sec. 13, lots 1 and 2, NW¼NE¼;
Sec. 23, SW¼;
Sec. 25, lot 4, E½SW¼ and W½SE¼;
Sec. 26, E½NE¼ and NW¼NE¼.
T. 11 N., R. 5 W.,
Sec. 28, NE¼SE¼.
T. 11 N., R. 6 W.,
Sec. 10, NE¼SE¼.
T. 12 N., R. 6 W.,
Sec. 28, SE¼SE¼.

Containing 4,710.68 acres.

3. In determination docketed DA-947-California, issued May 4, 1959, the Federal Power Commission determined that the power value of the following-described lands, among others, would not be materially injured or destroyed by restoration to location, entry, or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

[Sacramento 061435]

MOUNT DIABLO MERIDIAN

T. 9 N., R. 4 W.,
Sec. 4, lot 8;
Sec. 5, lots 7, 11, 12, 13, and 14.
T. 10 N., R. 4 W.,
Sec. 31, S½ lot 7, S½ lot 8, and SW¼SE¼.
T. 10 N., R. 5 W.,
Sec. 23, SW¼NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 25, lots 3, 4, and NE¼SW¼;
Sec. 26, SE¼NE¼.
T. 11 N., R. 5 W.,
Sec. 28, NE¼SE¼.
T. 11 N., R. 6 W.,
Sec. 10, NE¼SE¼.
T. 12 N., R. 6 W.,
Sec. 28, SE¼SE¼.

The areas described aggregate 732.71 acres.

4. Until 10:00 a.m. on December 14, 1962, the lands described in paragraphs 2 and 3 of this order will be open only to application for selection by the State of California in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

5. Beginning at 10:00 a.m. on December 14, 1962, the lands shall be open to disposition generally under the public land laws, subject to valid existing rights, the provilsions of existing withdrawals, and the requirements of applicable law, rules, and regulations, any disposals of the lands described in paragraph 3 of this order to be subject to the provisions of section 24 of the Federal Power Act.

6. The lands have been open to applications and offers under the mineral leasing laws. Those in power withdrawals only have been open to location under the mining laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands released from reclamation withdrawal shall be open to mining location beginning 10:00 a.m. on December 14, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

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

JUNE 15, 1962.

[F.R. Doc. 62-6046; Filed, June 20, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-617]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of June, 1962;

The Commission having under consideration the amendment of Part 2 to reallocate nationally the 135–136 Mc/s band to the Aeronautical Mobile (R) Service on a shared Government/Non-Government basis; and the amendment of Part 9 to provide for assignment of frequencies in this band to aircraft radio stations and airdrome control stations for air traffic control operations, and to delete footnote A of § 9.312(h) and footnote A of § 9.411(a); and

It appearing that interested Government agencies have concurred in a proposal to reallocate nationally the band 135–136 Mc/s from exclusive Government use to the Aeronautical Mobile (R) Service on a shared Government/Non-Government basis; and

It further appearing that there has been a very rapid rate of growth of aviation in recent years which has occasioned a need for additional spectrum for air traffic control operations, and a requirement for positive control of all aircraft above 24,000 feet by July 1, 1963; and

It further appearing that a number of transmitters capable of operation in the band 135–136 Mc/s are in use and have been type accepted by the Commission; therefore, the band may be used for ATC immediately upon implementation of ground facilities; and

It further appearing that it was clearly the intent of the Administrative Radio Conference (Geneva, 1959) that the frequency band 135–136 Mc/s should be made available ultimately on a world-wide basis to the Aeronautical Mobile (R) Service; and

It further appearing that in view of the immediate need for frequencies in the band 135–136 Mc/s, the ever increasing difficulty of obtaining assignments in the currently available VHF Aeronautical (R) band, and the planned implementation date of July 1, 1962, it is impracticable to comply with the requirements contained in section 4 of the Administrative Procedure Act relative to notice, public procedure and effective dates; and

It further appearing that footnote A, § 9.312(h) and footnote A, § 9.411(a) are no longer necessary in view of the recent amendment to Part 2 which lowered the band limit; and,

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, That Parts 2 and 9 of the Commission's rules are amended, effective June 25, 1962, as set forth below.

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

Released: June 15, 1962.

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

1. In § 2.106, the following entry is substituted for entries for the frequency bands 132–135 and 135–136 Mc/s in columns 5 through 11; footnote US3 is amended to read as set forth below; footnote US4 is deleted:

§ 2.106 Table of Frequency Allocations.

5	6	7	8	9	10	11
*	*	*	*	*	*	*
132.0–136.0 (US2).	G, NG (US3).	132.0–136.0	AERONAUTICAL MOBILE (R).	Aeronautical Aircraft.	132.05–135.95 (NG34).	AERONAUTICAL MOBILE.
*	*	*	*	*	*	*

US3 The Government fixed, mobile except aeronautical mobile (R), and radiolocation services may be authorized in the band 132.0–136.0 Mc/s on condition that harmful interference is not caused to the aeronautical mobile (R) service.

2. Section 9.312(h) is amended to read as follows:

§ 9.312 Frequencies available.

* * * * *

(h) These frequencies are available for air traffic control operations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
118.00	118.55	119.10	119.65
118.05	118.60	119.15	119.70
118.10	118.65	119.20	119.75
118.15	118.70	119.25	119.80
118.20	118.75	119.30	119.85
118.25	118.80	119.35	119.90
118.30	118.85	119.40	119.95
118.35	118.90	119.45	120.00
118.40	118.95	119.50	120.05
118.45	119.00	119.55	120.10
118.50	119.05	119.60	120.15
120.20	121.20	124.05	125.05
120.25	121.25	124.10	125.10
120.30	121.30	124.15	125.15
120.35	121.35	124.20	125.20
120.40	121.40	124.25	125.25
120.45	121.65A	124.30	125.30
120.50	121.70A	124.35	125.35
120.55	121.75A	124.40	125.40
120.60	121.80A	124.45	125.45
120.65	121.85A	124.50	125.50
120.70	121.95A	124.55	125.55
120.75	123.60	124.60	125.60
120.80	123.65	124.65	125.65
120.85	123.70	124.70	125.70
120.90	123.75	124.75	125.75
120.95	123.80	124.80	125.80
121.00	123.85	124.85	125.85
121.05	123.90	124.90	125.90
121.10	123.95	124.95	125.95
121.15	124.00	125.00	126.00

Mc/s	Mc/s	Mc/s	Mc/s
126.05	127.75	132.65	134.35
126.10B	127.80	132.70	134.40
126.15B	127.85	132.75	134.45
126.20B	127.90	132.80	134.50
126.25B	127.95	132.85	134.55
126.30B	128.00	132.90	134.60
126.35	128.05	132.95	134.65
126.40	128.10	133.00	134.70
126.45	128.15	133.05	134.75
126.50	128.20	133.10	134.80
126.55	128.25	133.15	134.85
126.60	128.30	133.20D	134.90
126.65	128.35	133.25	134.95
126.70C	128.40	133.30	135.00
126.75	128.45	133.35	135.05
126.80	128.50	133.40	135.10
126.85	128.55	133.45	135.15
126.90	128.60	133.50	135.20
126.95	128.65	133.55	135.25
127.00	128.70	133.60	135.30
127.05	128.75	133.65	135.35
127.10	128.80	133.70	135.40
127.15	132.05	133.75	135.45
127.20	132.10	133.80	135.50
127.25	132.15	133.85	135.55
127.30	132.20	133.90	135.60
127.35	132.25	133.95	135.65
127.40	132.30	134.00	135.70
127.45	132.35	134.05	135.75
127.50	132.40	134.10	135.80
127.55	132.45	134.15	135.85
127.60	132.50	134.20	135.90
127.65	132.55	134.25	135.95
127.70	132.60	134.30	

A—Available on a secondary basis to its primary use as an airport utility frequency.

B—Available on a noninterference basis to government use of 126.18 Mc/s.

C—For communication with Air Traffic Communication Stations.

D—The frequency 133.20 Mc/s is available to aircraft for communication with USAF radar facilities for the purpose of obtaining weather advisory service.

3. Section 9.411(a) is amended to read as follows:

§ 9.411 **Frequencies available.**

* * * * *

(a)

Mc/s	Mc/s	Mc/s	Mc/s
118.00	119.80	121.80A	125.25
118.05	119.85	121.85A	125.30
118.10	119.90	121.95A	125.35
118.15	119.95	123.60	125.40
118.20	120.00	123.65	125.45
118.25	120.05	123.70	125.50
118.30	120.10	123.75	125.55
118.35	120.15	123.80	125.60
118.40	120.20	123.85	125.65
118.45	120.25	123.90	125.70
118.50	120.30	123.95	125.75
118.55	120.35	124.00	125.80
118.60	120.40	124.05	125.85
118.65	120.45	124.10	125.90
118.70	120.50	124.15	125.95
118.75	120.55	124.20	126.00
118.80	120.60	124.25	126.05
118.85	120.65	124.30	126.10B
118.90	120.70	124.35	126.15B
118.95	120.75	124.40	126.20B
119.00	120.80	124.45	126.25B
119.05	120.85	124.50	126.30B
119.10	120.90	124.55	126.35
119.15	120.95	124.60	126.40
119.20	121.00	124.65	126.45
119.25	121.05	124.70	126.50
119.30	121.10	124.75	126.55
119.35	121.15	124.80	126.60
119.40	121.20	124.85	126.65
119.45	121.25	124.90	126.75
119.50	121.30	124.95	126.80
119.55	121.35	125.00	126.85
119.60	121.40	125.05	126.90
119.65	121.65A	125.10	126.95
119.70	121.70A	125.15	127.00
119.75	121.75A	125.20	127.05
127.10	128.55	133.20C	134.65
127.15	128.60	133.25	134.70
127.20	128.65	133.30	134.75
127.25	128.70	133.35	134.80
127.30	128.75	133.40	134.85
127.35	128.80	133.45	134.90
127.40	132.05	133.50	134.95
127.45	132.10	133.55	135.00
127.50	132.15	133.60	135.05
127.55	132.20	133.65	135.10
127.60	132.25	133.70	135.15
127.65	132.30	133.75	135.20
127.70	132.35	133.80	135.25
127.75	132.40	133.85	135.30
127.80	132.45	133.90	135.35
127.85	132.50	133.95	135.40
127.90	132.55	134.00	135.45
127.95	132.60	134.05	135.50
128.00	132.65	134.10	135.55
128.05	132.70	134.15	135.60
128.10	132.75	134.20	135.65
128.15	132.80	134.25	135.70
128.20	132.85	134.30	135.75
128.25	132.90	134.35	135.80
128.30	132.95	134.40	135.85
128.35	133.00	134.45	135.90
128.40	133.05	134.50	135.95
128.45	133.10	134.55	
128.50	133.15	134.60	

A—Available on a secondary basis to its primary use as an airport utility frequency.

B—Available on a noninterference basis to government use of 126.18 Mc/s.

C—The frequency of 133.20 Mc/s is available to aircraft for communications with USAF radar facilities for the purpose of obtaining weather advisory service.

[F.R. Doc. 62-6079; Filed, June 20, 1962; 8:50 a.m.]

[Docket No. 14310 (RM-220); FCC 62-615]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

Miscellaneous Amendments

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations to establish a new revenue account to include revenues from wide area toll service; amendment of Schedule 34 of telephone Annual Report Form M to insert certain new revenue classifications and substitution in this Schedule of a requirement that interstate revenues be shown for the present requirement that telegraph revenues be shown; and amendment of telephone monthly report Form 901 to provide for the new revenue account; Docket No. 14310 (RM-220).

1. On October 18, 1961, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER on October 26, 1961 (26 F.R. 10077) in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment, on or before November 24, 1961 (with allowance for reply comments on or before December 8, 1961), a proposal of the American Telephone and Telegraph Company (AT&T) made on behalf of itself and its associated Bell telephone operating companies that Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules be amended to establish a new revenue account (numbered 511) to include revenues from wide area service. However, in the notice of proposed rule making, the Commission proposed a revision of AT&T's suggested language for new account 511 for purposes of clarification and expansion of the provisions so that they would cover not only wide area telephone service and wide area data service but also any other similar types of service which may be offered in the future. In connection with establishing the proposed new account, certain clarifying changes were also proposed in the text of account 510, "Message tolls," and in Note B to account 512, "Toll private line services." The Commission also proposed that Schedule 34, Operating Revenues, of telephone Annual Report Form M be amended by inserting therein new lines for showing the revenues included in proposed new account 511 separately for Wide Area Telephone Service (WATS), Wide Area Data Service (WADS), and Other Wide Area Services. The Commission also proposed to insert new lines in this schedule under accounts 504, "Local private line services," and 512, "Toll private line services," for reporting revenues received from Telpak services and channels. The Commission further proposed an unrelated amendment of Schedule 34 of Form M which would delete present column (d) that requires showing amounts of revenues assignable to telegraph service, and substitute therefor a new column (d) in which to report the amounts of interstate revenues included in column (b), "Amount for the year." It was also proposed that telephone monthly report Form 901 be amended to include a new line for proposed new account 511, to remove line 26 relating to Federal excess profits taxes as being obsolete, and to make certain minor editorial changes.

2. Comments were received from AT&T and General Telephone & Electronics Corporation (General). No replies to the original comments were filed.

3. AT&T, in its comments on the changes in the revenue accounts, refers to what it terms "out-of-band" messages in connection with WADS and WATS. AT&T suggests the use of the term "out-of-band" in the texts of the prescribed revenue accounts. Even if we had gone along with the AT&T suggestion concerning revenues from "out-of-band" WADS messages we doubt that we would have found it desirable to use that term in the accounting rules. Since we do not adopt the AT&T suggestion the question of possible use of the term becomes moot; however, we believe we must discuss what these messages are as a basis for our reasons for requiring the revenues from them to be included in account 510 rather than account 511. As we understand it, "out-of-hand" messages are those which are charged to WADS stations or WATS access lines on a per-message basis because they are not eligible for treatment as coming within the unlimited calls permitted without per-message charge under the service paid for by the monthly flat charge. Usually, they would be calls originating at a WADS station or a WATS access

line and destined to a station situated outside any of the service zones subscribed for on behalf of that station or access line. Conceivably, they could also be collect calls to a WADS station from a non-WADS station. We understand that it is contemplated that WADS stations shall be available to "double" as conventional teletypewriter exchange service (TWX) stations. In contrast, it is not intended that WATS access lines shall be used for anything but outgoing calls qualified for WATS rate treatment.

4. AT&T urges that because out-of-band messages originating at WADS stations are an integral part of the WADS offering and the rates for such messages are covered by the WADS tariff, these message revenues should be included in account 511. It points out, in further support of its position, that account 510 now includes certain fixed monthly charges such as guarantees for toll stations and flat charges for interexchange teletypewriter service furnished on a message charge basis. The thrust of this last argument evidently is that since account 510 is not "pure" (i.e., while designed for message charges it contains some incidental non-message charges), there is no reason to strive for purity in the new account 511. With respect to WATS out-of-band messages, AT&T suggests that the revenues from them should be included in account 510 because the rates for such messages are covered in the Message Toll Telephone Service tariff rather than the WATS tariff.

5. We are not impressed with the reasons advanced for using account 511 for the revenues from WADS out-of-band messages. We are not called upon to decide whether, everything else being equal, we would let tariffs govern revenue accounting classification for the simple reason that everything else is not equal. It would seem that a small advantage of putting the WADS out-of-band message revenue in account 511 is that the entire amounts billed to WADS customers would go to one revenue account rather than to two. We believe, on the other hand, that there is a definite and substantial advantage in putting the WADS out-of-band revenue in account 510. By keeping the WADS credits to account 511 confined strictly to the monthly flat rate charges and by keeping all the teletypewriter exchange message charges in account 510, more accurate data will be readily available at all times to (1) measure the growth trends in both WADS and TWX message revenues and (2) determine the effect of WADS on TWX message revenues. The foregoing assumes that there will be subaccounts or their equivalent maintained in account 510 for teletypewriter service and in account 511 for data service since separate data are required to meet the annual reporting requirements adopted herein.

6. We had proposed referring to "messages" in paragraph (a) of account 510 and to "communications" in account 511. AT&T proposes in its comments the term "communications" in both accounts. We believe our original distinction serves to emphasize the fact that account 511 is to include no revenues from charges made on a per-message basis and that paragraph (a) of account 510 pertains only to revenues from messages. Restricting paragraph (a) of account 510 to messages would have been appropriate even if we had accepted AT&T's proposal with respect to WADS out-of-band messages. We had proposed to use the clause "over the general toll switching network" in account 511 but not in account 510. AT&T proposes it for both accounts and we believe this is a good suggestion. It emphasizes the difference in each of these two accounts from account 512, "Toll private line services," which does not involve the general toll switching network. AT&T proposes that the wording of account 510 should be revised to specifically provide for the inclusion in that account of fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis. We believe this suggestion is appropriate. Accordingly, paragraph (b) of account 510 is being revised to include this language. We had proposed the term "measured rate" for account 511 while AT&T in its comments proposed the use of the term "measured time." Our reason for proposing "measured rate" was because that term appears in account 500, "Subscribers' station revenues," and we feared some confusion might result from a change in terminology. We adhere to our original proposal in this respect. We believe, since we are retaining the substance of the content of both accounts 510 and 511 as proposed in the notice of proposed rule making, that it is desirable to retain also the proposed revision of Note B to account 512 rather than delete this note entirely as proposed by AT&T.

7. AT&T has no objection to the proposed changes in Schedule 34 of telephone Annual Report Form M. However, with respect to the Commission's proposal to require the reporting in column (d) of the amount of interstate revenues included in column (b), AT&T recommends that the intructions for the schedule or the caption of the column indicate that this column includes, for Bell regional exchange operating companies who are parties to the standard intra-Bell System Division of Revenues Contracts, only the amounts received under those contracts with the Long Lines Department of AT&T. AT&T states that these revenues, of course, include revenues from overseas and foreign communications. On this basis, AT&T would report in column (d) all the revenues included in column (b) applicable to the Long Lines Department and each of the associated companies would report the portion of their revenues derived from the division of interstate and foreign revenues pool. The associated companies would exclude some revenues which might by interpretation and separation be considered to be interstate in character but which are not readily available or are not uniformly considered as interstate for rate making purposes. Examples cited of such items which would thus be excluded are sales of directories, revenues from a telephone exchange located across a state line, rentals of plant, and loadings on custom work labor. Similarly, the license contract revenues of the General Department would be excluded as it would require a special analysis to determine the amount of such revenues estimated to be applicable to the interstate and foreign revenues reported in column (d) by the associated companies and, if such revenues were reported by the General Department, it would result in a duplication since the license contract payments made by the associated companies are included in the division of revenue calculations. AT&T agrees with the proposed changes in telephone monthly report Form 901.

8. General states in its comments that it has no objection to the proposals, it being understood that with respect to the proposed reporting of interstate revenues in Annual Report Form M, settlement arrangements generally do not directly classify settlement amounts between state and interstate and that settlements may not provide segregation of wide area service from message toll. However, General believes that it will be possible to develop a reasonable basis upon which settlement amounts can be allocated to state and interstate and to accounts 510 and 511 for report purposes.

9. Regarding proposed column (d) of Schedule 34 of telephone Annual Report Form M, the Commission agrees with AT&T that the amount of interstate revenues included in certain accounts might be difficult to determine and such revenues are not uniformly considered as interstate for rate making purposes. The Commission recognizes that no apparent purpose would be served by requiring such allocations with respect to local service and miscellaneous revenues not received under the Division of Revenues Contracts. It therefore has no objection to AT&T's proposal that Bell System companies report only the amounts received under the Division of Revenues Contracts. With respect to other companies, the Commission feels that it will be satisfactory if those companies report only the interstate and foreign portion of toll service revenues included in accounts 510 to 516, inclusive. It is realized that for the independent companies some allocations will be necessary even with respect to accounts 510 to 516. In accordance with the foregoing views, a new instruction is being added to Schedule 34 reading as follows:

> In column (d), those Bell telephone companies who are parties to the standard intra-Bell System Division of Revenues Contracts covering all interstate and foreign toll revenues shall report the revenues received under such contracts; other companies shall report their interstate and foreign revenues included on lines 16 to 33, inclusive. Each non-Bell company shall show in a note how amounts reported in column (d) were determined.

AT&T's comments with respect to column (d) of Schedule 34 indicate that foreign as well as interstate revenues would be reported. Although it was not so stated in the proposed rule making, the Commission intended that foreign revenues should be so included. Therefore, the heading of column (d) is being

revised to read as follows: "Interstate and Foreign Revenues Included in Col. (b)."

10. We did not state in the notice of proposed rule making where, among the existing sub-items under accounts 504 and 512 in Schedule 34 of Form M, we proposed to insert the new line for Telpak revenues. It had not occurred to us at the time that the order of listing mattered and usually, it does not. It appears now in this instance that there is some reason to think that order of listing does matter, to a minor degree at least. The sub-items under each account now are telephone, teletypewriter, other telegraph, program transmission-audio, program transmission-video, and other services, in that order. Telpak, as defined in the tariffs presently in effect, is a very broad service. It can be used for telephone, teletypewriter and for telegraph services other than teletypewriter and conceivably might cover services which if purchased separately might be classified as other service revenues. Its use, however, for program transmission, either audio or video, is specifically forbidden. These facts lead us to conclude that the best order of listing for Telpak is as a new fourth item, just above program transmission. This location will avoid any inference that program transmission might be included in Telpak, which is a possibility if it were to be inserted below those two items. There seems no feasible way to convey the thought in order of listing that Telpak might include some services that would be classified under other services if purchased separately since it is always a good idea to leave the "catch all" grouping at the very end. As to the new account 511 listing in Schedule 34 of Form M, there seems to be no problem of order of listing of sub-items. They will be inserted in the order mentioned in paragraph 1, hereinabove.

11. Since there were no objections to the proposed changes in telephone monthly Report Form 901, it is being amended as proposed in the notice of proposed rule making. One editorial change not specifically mentioned in the notice of proposed rule making which is being adopted herein is the amendment of Form 901 by deleting the words "class A" from the title of the form. This change is being made because only those class A companies that have annual operating revenues in excess of $1,000,000 are required to file this report.

12. It was stated in the notice of proposed rule making that it was not proposed to add a new account to Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules to include revenue from wide area services. The only comment received regarding amendment of Part 33 was from AT&T agreeing that such an account should not be provided in Part 33 because it would unduly complicate both the settlement and accounting procedures. Accordingly, Part 33 is not being amended.

13. The issuance of this Report and Order in this matter is without prejudice to any actions the Commission may take with respect to Docket No. 13914, In the Matter of American Telephone and Telegraph Company Regulations and Charges for Wide Area Telephone Service (WATS); Docket No. 14154, In the Matter of American Telephone and Telegraph Company Regulations and Charges for Developmental Line Switched Service; and Docket No. 14251, In the Matter of American Telephone and Telegraph Company Regulations and Charges for TELPAK Services and Channels.

14. In view of the foregoing: *It is ordered,* Under authority contained in sections 4(i), 219, and 220 of the Communications Act of 1934, as amended, that Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules is amended as set forth below, effective January 1, 1963: *Provided, however,* That any company may at its option adopt these changes at any earlier date; that Schedule 34, Operating Revenues, of telephone Annual Report Form M is amended as set forth below, first effective for the 1962 reports; and that telephone monthly report Form 901 is amended as set forth below, first effective with the reports for January 1963.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 219, 220, 48 Stat. 1077, 1078, 47 U.S.C. 219, 220)

Attachments: Appendices A and B.

Adopted: June 13, 1962.

Released: June 15, 1962.

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

A. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. § 31.510 is amended to read as follows:

§ 31.510 Message tolls.

(a) This account shall include toll service revenues from the transmission of messages over the general toll switching network charged for on a per-message basis, including such revenues from messages transmitted entirely over the company's own lines, and amounts representing divisions of toll service revenues received (1) from messages transmitted partly over the company's lines and partly over lines of other companies, (2) as compensation for originating or terminating toll messages of other companies, and (3) as compensation for switching toll messages between lines of other companies.

(b) This account shall also include revenues from guarantees at toll stations, from messenger service in notifying persons of toll calls, and from fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis.

2. New § 31.511 is added as follows:

§ 31.511 Wide area toll services.

This account shall include toll service revenues from the transmission of communications over the general toll switching network charged for on either a flat or measured rate basis without regard to the number of communications, including (a) revenues from services involving only the use of the company's own lines, and (b) amounts representing divisions of wide area toll service revenues when such service involves the use of lines of other companies.

3. Note B to § 31.512 is amended to read as follows:

§ 31.512 Toll private line services.

* * * * *

NOTE B: Toll service revenues from the transmission of messages charged for on a per-message basis shall be included in account 510. Certain other toll service revenues from the transmission of communications shall be included in account 511.

B. Schedule 34, Operating Revenues, of Annual Report Form M for Class A and Class B telephone companies is amended as follows:

1. By inserting four new lines preceding account 512, "Toll private line services," for showing revenues included in new account 511, "Wide area toll services," separately for Wide Area Telephone Service (WATS), Wide Area Data Service (WADS), Other Wide Area Services, and Subtotal (account 511), in that order.

2. By inserting new lines following "Other telegraph" under accounts 504, "Local private line services," and 512, "Toll private line services," for reporting revenues received from Telpak services and channels.

3. By deleting present column (d) and substituting therefor a new column (d) captioned "Interstate and Foreign Revenues Included in Col. (b)" and inserting a new instruction at the top of the schedule reading: "In column (d), those Bell telephone companies who are parties to the standard intra-Bell System Division of Revenues Contracts covering all interstate and foreign toll revenues shall report the revenues received under such contracts; other companies shall report their interstate and foreign revenues included on lines 16 to 33, inclusive. Each non-Bell company shall show in a note how amounts reported in column (d) were determined."

C. Form 901, Monthly Report of Revenues, Expenses and Other Items—Class A Telephone Companies, is amended as follows:

1. By amending the title to read "Monthly Report of Revenues, Expenses and Other Items—Telephone Companies."

2. By inserting a new line following "Message tolls (510)" for showing revenues included in new account 511, "Wide area toll services."

3. By deleting present line 26 relating to Federal excess profits taxes.

4. Minor editorial changes are also being made.

* * * * *

[F.R. Doc. 62-6078; Filed, June 20, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 183]

LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by section 3 of the Act of June 28, 1906 (34 Stat. 539–543), it is proposed to amend Part 183 as set forth below. The purpose of these amendments is to make minor changes and to clarify some of the language of Part 183.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit such written data, views, or arguments as they may desire to the Commissioner of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraphs (a) and (b) of § 183.2 are amended to read as follows:

§ 183.2 Royalty payments.

(a) *Royalty on oil produced by primary or gas injection methods.* The lessee shall pay or cause to be paid to the Superintendent, for the lessor as a royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used by the lessee for development and operation purposes on the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided,* That when the quantity of oil taken from all the producing wells on any quarter-section according to the public survey, or fractional quarter-section if the land covered by the lease does not include the full quarter-section, during any calendar month is sufficient to average one hundred or more barrels per well per day, the royalty on such oil shall be 20 percent.

(b) *Royalty on oil produced by secondary recovery processes other than gas injection.* When the estimated reserves of oil recoverable by primary and/or gas injection methods from a specified formation or formations have been depleted or partially depleted, the lessee and the Tribal Council may agree upon a new royalty rate to be approved by the Superintendent, the sum to be not less than 12½ percent of the gross proceeds from sales of oil produced by secondary recovery processes, other than gas injection, after deducting the oil used by the lessee for development and operation purposes on the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at the time of sale or removal of the oil, except where payments are made on division orders and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal.

2. Paragraph (a) of § 183.4 is amended to read as follows:

§ 183.4 Drilling obligations.

(a) Lessee shall drill at least one well to the Mississippi Lime unless oil or gas is found in paying quantities at a lesser depth, on the land covered by his lease, within 12 months from the date of approval of the lease, or the lease may be held for the full five-year primary term without drilling, upon payment to the Superintendent for the lessor of rental at the rate of one dollar per acre per annum, payable annually in advance, beginning one year after the date of approval of the lease. This lease shall terminate as to both parties unless such advance rental shall be received at the Osage Agency or shall have been mailed as indicated by postmark, on or before the due date: *Provided,* That the time within which a well shall be drilled shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given, nor shall advance rental become due until the next anniversary date of the lease following the date of such consent: *Provided further,* That the Superintendent in his discretion may order the drilling of any lease, if in his opinion the interests of the Osage Tribe warrant: *Provided further,* That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct suspension of drilling operations on this lease. The completion of a well to the Mississippi Lime, or production of oil or gas in paying quantities from a lesser depth than the Mississippi Lime, for such time as production shall continue, after the lease has entered a rental status, shall relieve the lessee from any further payment of rentals for the balance of the primary term of the lease for which rental has not been paid. Should such production cease, rental shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year, and no refund will be made of advance rental paid in compliance with the regulations in this part.

3. Paragraph (a) of § 183.5 is amended to read as follows:

§ 183.5 Use of surface lands; settlement of damages to lands and crops.

(a) Lessee shall have the right to use so much of the surface of the land within the Osage Reservation as may be reasonable for operations, including the right to lay and maintain pipelines, telephone and telegraph lines, pull rods and other appliances necessary for the operation of the wells, also the right of ingress and egress, and the right-of-way to any point of operations. Lessee may use water from streams and natural water courses for lease operations as set out in § 183.57. Before commencing operations for the drilling of any well the lessee shall pay to the surface owner the sum of $200 for each well located on culitvated land (tilled or cultivated within the immediately preceding three years, and including hay-meadow land), $150 for open pasture land, and $100 for such location on brush or wooded lands, and other lands not suitable for cultivation. Upon payment of such location site money, lessee shall be entitled to possession. Location sites shall be held to the minimum area essential for operations, and in no event shall exceed one and one-half acres in area. Lessee shall also pay tank site fees at the rate of $20 per tank of not exceeding 1,000 barrels capacity: *Provided, however,* That no tank site fee shall be paid for a tank temporarily set on a well location site for testing purposes during the completion of the well. Tank sites shall be held to the minimum area essential to efficient operations, and in no event shall exceed an area of 50 feet square per tank. The sum to be paid for an oil tank site of larger capacity and occupying a greater area shall be agreed upon between the surface owner and the lessee and on failure to agree, the same shall be fixed by arbitration.

4. Paragraph (a) of § 183.24 is amended to read as follows:

§ 183.24 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas, drip gasoline, or other natural condensate.

(a) A royalty of 16⅔ percent of the gross proceeds of sales shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The royalty shall be computed on the sale price received by the manufacturers of such products, or such higher price the lessee may receive, the same to be reported under oath and remitted to the Superintendent not later than the 25th of the succeeding month for all such products sold during the

previous month. If the manufacturer of any product extracted from casing-head gas produced from an Osage leasehold should sell his product at a price below that obtained by other manufacturers selling such product in the open market during a particular month, the Superintendent shall notify said manufacturer of such discrepancy and require settlement for royalty upon the average price obtained by manufacturers selling such product in the open market during the same period. The place of sale of liquid hydrocarbon extracted from gas, for royalty purposes, shall be at the plant where manufactured.

5. The caption of § 183.39 and paragraph (b) thereof are amended to read as follows:

§ 183.39 Sale of oil leases and gas leases.

* * * * *

(b) The Superintendent, with the consent of the Osage Tribal Council, may at such times and in such manner as shall be deemed appropriate, publish and distribute notices that oil leases and/or gas leases on specific tracts of unleased tribal lands, each of which shall be a compact body, will be offered for sale to the highest responsible bidder: *Provided*, That not less than 25,000 acres of the unleased portion of the Osage mineral reserve shall be offered for lease during any one year. Successful bidders must deposit with the Superintendent on day of sale, a check, or bank draft on a solvent bank in an amount equal to 25 percent of the bonus as a guaranty of good faith. The balance of the bonus, together with a $10 filing fee for each lease, shall be paid, and the lease in completed form with necessary accompanying papers shall be filed with the Superintendent within 20 days after the lease is forwarded by the Superintendent, to the lessee for execution, unless such period has been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or to pay the full consideration within 20 days or an authorized extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, the amount deposited as a guaranty of good faith shall be forfeited for the use and benefit of the lessor. Any and all bids shall be subject to acceptance by the Osage Tribal Council. The Superintendent may disapprove a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud or other irregularity in connection with the sale of the lease. At a public auction sale the Superintendent may require any bidder to submit satisfactory evidence of good faith, that he has the cash in hand or at his command, and to furnish whenever called upon by the Superintendent during the progress of the sale, authenticated statement of a solvent bank to the effect the bidder has the means to purchase the lease.

6. Section 183.40 is amended to read as follows:

§ 183.40 Corporation and corporate information.

(a) If a successful bidder for a lease is a corporation, it shall file a statement showing:

(1) The state of incorporation and that the corporation is authorized to do business in the state where the land to be leased is situate;

(2) That it has power to hold and operate mining leases;

(3) That the officer executing the lease is authorized to act on behalf of the corporation in such matters.

(b) Whenever deemed advisable in any case the Area Director or Superintendent may require a corporation to file any additional information necessary to carry out the purposes and intent of the regulations in this part and such information shall be furnished within a reasonable time.

7. Section 183.45 is amended to read as follows:

§ 183.45 Reports and time of royalty payments.

Royalties on all oil and gas, including casing-head gas or on gasoline manufactured therefrom, produced in any month, shall be paid on or before the 25th of the month next succeeding by either purchaser or lessee. Failure to so remit will subject the lessee to fines as hereinafter indicated, and also subject division order to cancellation. Lessees shall also furnish monthly reports covering all operations whether there has been production or not, indicating therein the total amount of oil, gas, or gasoline sold and not merely their working interest, and also dates of discovery and beginning of utilization of gas from gas wells. The lessee may include in one statement all leases upon which dry holes have been drilled or the wells have ceased to produce.

8. Paragraphs (b) and (c) of § 183.46 are amended to read as follows:

§ 183.46 Approval of lease instruments.

* * * * *

(b) *Utilization of oil leases.* As a consideration for further development by a secondary recovery process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 20 of Osage oil lease Form B: *Provided*, That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease may be modified and/or supplemented by the parties, with the approval of the Superintendent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall before commencing secondary recovery operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year. Upon a finding by him that such action would be in the best interest of the Osage Tribe, the Superintendent may also approve an agreement between the lessor and the lessee(s) rescinding a unit (blanket lease) and restoring to their original status the Form B leases theretofore merged in the unit lease: *Provided*, That if oil is being produced in paying quantities on a particular quarter-section tract on the date of approval of such agreement, the lessee shall be entitled to hold such tract under terms of the original Form B lease so long as oil is produced on said tract in paying quantities.

(c) *Assignments.* Approved leases or any interest therein may be assigned with the approval of the Superintendent, and not otherwise. Assignments, when approved, shall be subject to the terms and conditions of the original leases, and the regulations under which such leases were approved. In order for an assignment to receive favorable consideration, the lessee shall assign either his whole interest in a legal subdivision or an undivided interest in the whole lease. If a lease is divided by the assignment of an entire interest in any part of it, each part shall be considered a separate lease under all the terms and conditions of the original lease. The assignee shall furnish with his assignment a satisfactory bond as provided in § 183.20(c). Any attempt to assign an approved lease or any interest therein without the consent and approval of the Superintendent shall be absolutely void and shall subject the original lease to cancellation in the discretion of the Superintendent.

9. Section 183.49 is amended to read as follows:

§ 183.49 Commencement of operations.

No drilling or development operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent or such operations specifically authorized by him: *Provided*, That the Superintendent may grant authority to any party, under such rules (consistent with the regulations in this part) that he deems proper, to conduct geophysical and geological exploration work in any portion, or all of the Osage Reservation.

10. Paragraph (b) of § 183.51 is amended to read as follows:

§ 183.51 Well location fees.

* * * * *

(b) Where the surface owner is a restricted Indian, adult or minor, the well location fee shall be paid to the Superintendent of the Osage Agency for such Indian. All other surface owners, whether Indians or non-Indians shall be paid or tendered such fees direct, and where such surface owners are not resi-

dents of Osage County nor have a representative located therein, such payments shall be made or tendered by check, postage prepaid, to last known address of said surface owner at least 5 days before commencing drilling operations on any well: *Provided,* That should the lessee be unable to reach the owner of the surface of the land for the purpose of tendering the location fee, or if owner of the surface of the land upon being tendered the location fee by the lessee, shall refuse to accept the same, the lessee may tender the location fee to the Superintendent of the Osage Agency, and if the lessee and the Superintendent shall agree upon the amount of the location fee, the lessee shall deposit such amount with the Superintendent for payment to the owner of the surface of the land upon demand, and the Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address, that the location fee is being held for payment to him upon his written request.

(Sec. 3, 34 Stat. 543)

11. Section 183.62 is changed to read as follows:

§ 183.62 Permission to start operations.

Written permission must be secured from the Superintendent before operations are started on the leased premises. Lessee shall submit application for such permission, on forms to be furnished by the Superintendent.

12. Section 183.73 is changed to read as follows:

§ 183.73 Determining cost of well.

The term "cost price of a well" as applied where one lessee takes over a well drilled by another, shall include all reasonable, usual, necessary and proper expenditures including the following expenditures made by the lessee drilling the well.

(a) All location, or other surface damages occasioned by the drilling of such well.

(b) All expenses of laying, taking up, repairing, operating and maintaining gas and water lines where such lines including amount paid for water privilege or constructing dam, are used for the exclusive purpose of drilling the particular well.

(c) Customary charge for furnishing water where purchased shall be the price prevailing in the particular locality: *Provided,* Where the parties cannot agree upon the charge made under this paragraph such charge shall be determined by the Superintendent.

(d) Amounts expended in spudding or drilling a water well: *Provided,* That where any or all of the facilities referred to in this paragraph and in paragraphs (b) and (c) of this section are not employed exclusively in connection with the drilling of the well to be taken over, or are also used in connection with the drilling or operation of other wells by the lessee drilling the well to be taken over by the other lessee, then a fair proportion of the charges covered by this paragraph and paragraphs (b) and (c) of this section shall be assessed against each well, including the well to be taken over, and in the event of a disagreement between the parties as to the charges assessed against the well that is to be taken over, such charge shall be fixed by the Superintendent.

(e) Customary charge for drilling and reaming, except where reaming is done for the sole benefit of party drilling well. If price charged for drilling is above the average drilling price in the field, the price to be paid shall be determined by the Superintendent. *Provided,* That where the well to be taken over is drilled below the stratum in which the lessee taking over the well is interested, that is, the gas stratum in the case of a well taken over by a gas lessee, and the oil stratum in a well taken over by the oil lessee, then the lessee doing such further drilling shall sustain the cost of drilling and reaming where such drilling and reaming are done below such stratum.

(f) All expenses of mudding, except where mudding is done for the sole benefit of the lessee drilling the well.

(g) Settlement for casing or other pipe left in the well to be made at the prevailing market price for the character and kind of casing when placed in the well.

(h) All expenses of placing and removing all casing or other pipe used in drilling said well.

(i) A reasonable charge to cover supervision and overhead expenses: *Provided,* Where the parties cannot agree upon the charge made under this paragraph, such charge shall be determined by the Superintendent.

(j) Any additional charges which cannot be mutually agreed upon shall be submitted to and determined by the Superintendent. An approximate list of expenses mentioned in this section shall be presented to proposed purchasing lessee within 10 days after the completion of the well.

13. Section 183.81 is amended to read as follows:

§ 183.81 Abandonment of wells.

Lessee shall not abandon any well for the purpose of drilling deeper for oil or gas unless the producing stratum is properly protected and shall not abandon any well producing oil or gas except with the approval of the Superintendent or where it can be demonstrated that the further operation of such well is commercially unprofitable. When any well is plugged and abandoned lessee shall, within ninety (90) days, clean up the premises around such well to the satisfaction of the Superintendent or his authorized representative: *Provided,* That the ninety (90) day period may be extended a reasonable time in the discretion of the Superintendent.

14. Section 183.88 is amended to read as follows:

§ 183.88 Division orders.

(a) The lessee may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due. No oil shall be run to any purchaser or delivered to the pipeline or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved by the Superintendent, showing that the lessee has a regularly approved lease in effect, and the conditions under which the oil may be run: (*Provided,* That the Superintendent may grant temporary permission to run oil from a lease pending the execution, filing, and approval by him of a division order.) lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

(b) The lessee shall also authorize the pipeline company or the purchaser of oil to furnish the Superintendent with a monthly statement, not later than the 20th day of the following calendar month, of the gross barrels run as a common-carrier shipment or purchased from his lease or leases.

15. Paragraph (b) of § 183.93 is amended to read as follows:

§ 183.93 Forms.

* * * * *

(b) All sums received from sale of forms and fines shall be placed in Tribal Funds.

16. Section 183.94 is amended to read as follows:

§ 183.94 Amount of fee.

A fee of $10 will be charged for each lease, each sublease, each drilling contract affecting oil and gas mining leases, and each assignment of lease, such amount to be paid by the lessee, sublessee or assignee upon notice of approval of the contract, as provided by the act of February 14, 1920.

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

JUNE 15, 1962.

[F.R. Doc. 62-6047; Filed, June 20, 1962; 8:47 a.m.]

Bureau of Land Management

[43 CFR Parts 115, 259]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Disposal of Timber and Mineral Resources

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) and the Act of July 31, 1947 (61 Stat. 681) as amended, it is proposed to amend 43 CFR 115.22 and 259.9 as set

forth below. The purpose of this amendment is to provide for an access road loan program for small concerns.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 115.22 is amended by designating the existing language as paragraph (a) and changing the letters in the first sentence to numbers in chronological order. A new paragraph, designated (b), is added. As so amended § 115.22 reads as follows:

§ 115.22 Qualifications of bidders.

(a) A bidder for the sale of timber must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the State of Oregon. A bidder must also have submitted a deposit in advance of sale as required by § 115.23. To purchase set-aside timber, the bidder must accompany his deposit with a self certification statement that he is qualified as a small business concern as defined by the Small Business Administration in its regulations (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

2. Section 259.9 is amended by designating the existing language as paragraph (a) and changing the letters in the first sentence to numbers in chronological order. A new paragraph, designated (b), is added. As so amended § 259.9 reads as follows:

§ 259.9 Qualification of bidders and purchasers.

(a) A bidder or purchaser for the sale of timber must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 259.10. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

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

JUNE 15, 1962.

[F.R. Doc. 62-6048; Filed, June 20, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1045]

[Docket No. AO-334-A5]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendment to the tentative marketing agreement and order regulating the handling of milk in the Northeastern Wisconsin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order, was formulated, was conducted at Appleton, Wisconsin, May 16, 1962, pursuant to notice thereof which was issued May 1, 1962 (27 F.R. 4339).

The material issue on the record of the hearing relates to pool plant performance standards for distributing plants and supply plants.

Findings and conclusions. The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

Pool plant performance standards for distributing plants and supply plants. The pool plant requirement of route disposition from a distributing plant should be changed from 50 to 40 percent of its Grade A milk receipts and the shipping requirement percentage of Grade A receipts from dairy farmers for a supply plant to pool should likewise be changed from 50 to 40 percent.

The principal producer associations and a major handler in the market proposed changing the pool plant performance standards in this manner. Increased production of individual producers now serving the market was pointed to as increasing receipts at pool plants so that difficulty has been experienced in maintaining such plants pooled under the present percentage requirements for distributing plants and supply plants. Consequently, dairy farmers who are established producers under the order are threatened with loss of a market for their milk.

Deliveries to pool plants during the past year have increased substantially over those of the preceding year. The 432 million pounds of milk pooled in the year ending April 30, 1962 is 15 percent above the 375 million pounds a year earlier, an average monthly increase of 4.7 million pounds. The average daily production per producer during this same period was 850 pounds compared to 793 pounds for the preceding 12 months.

The increased production for the market has not been absorbed by increased Class I sales. As a result, plants are having difficulty in meeting the percentage requirements for pool plant status and uneconomic transportation and handling charges have been incurred by handlers to maintain pooling eligibility for milk customarily delivered to such plants.

Lowering the percentage requirements for distributing pool plants is necessary to maintain orderly marketing of producer milk and maintain the association of present producers with this market. By requiring that 20 percent of total receipts be disposed of in the marketing area on routes, reduction of the total Class I route distribution requirement from 50 to 40 percent will not result in the association of additional distributing plants with this market. Only plants primarily engaged in route distribution of fluid milk products in this marketing area would be expected to qualify for pool status under this provision. There are limited manufacturing operations (primarily ice cream and cottage cheese) at pool plants which distribute in this marketing area.

The order should specify that the route distribution percentage requirements for a distributing plant to pool be based on total Grade A receipts at the plant. The order now provides that the 20 percent requirement of route distribution in the marketing area be based on receipts from dairy farmers. It would be impracticable to continue this basis because a number of plants receive their Grade A supplies other than directly from dairy farmers.

Reducing shipping qualifications for supply plants will assist in keeping associated with this market producer milk presently delivered to such plants without incurring uneconomic transportation and handling charges otherwise necessary to retain pool plant status. Shipments to distributing plants qualified as pool plants of 40 percent of Grade A receipts from dairy farmers will demonstrate substantial association of supply plants with this market.

Definitions of "distributing plant" and "supply plant" should be incorporated in the order in recognition of the difference in marketing practices and functions between distributing plants and supply plants and to facilitate references throughout the order to these two types of plants which may become pool plants by meeting the specified requirements. A "distributing plant" would be defined as a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be 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; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Northeastern Wisconsin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as these contained in the order, as hereby proposed to be amended:

Sections 1045.9, 1045.10, 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16 and 1045.17 are redesignated §§ 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16, 1045.17, 1045.18 and 1045.19, respectively, and § 1045.8 is replaced by the following:

§ 1045.8 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1045.9 Supply plant.

"Supply plant" means plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1045.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section, except as provided in §§ 1045.80 through 1045.82.

(a) A distributing plant from which not less than 40 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 20 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 40 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of July through November shall be a pool plant for the months of December through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June in which it would not otherwise qualify as a pool plant.

Signed at Washington, D.C., on June 15, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6064; Filed, June 20, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 790) has been filed by Eugene Fruit Growers Association, Post Office Box 1266, Eugene, Oregon, proposing the issuance of a regulation to provide for the safe use of not to exceed 0.003 percent of polysorbate 80 in canned spiced green beans as a solubilizing and dispersing agent for dill oil.

Dated: June 14, 1962.

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

[F.R. Doc. 62-6057; Filed, June 20, 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 788) has been filed by National Association of Glue Manufacturers, 55 West Forty-second Street, New York 36, New York, proposing the issuance of a regulation to amend the food additive regulations as follows:

1. By adding to paragraph (d)(3) of § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* the following new items:

Butoxy polyethylene polypropylene glycol (molecular weight 900–4,200).
Isopropylamine salt of dodecylbenzene sulfonic acid.

2. By adding to paragraph (c)(5) of § 121.2520 *Adhesives* the item "Defoaming agents as described in § 121.2519."

3. By amending § 121.2534 *Animal glue* to provide for the use of chromium potassium sulfate (chrome alum) as an activator to improve the flocculating efficiency of animal glue used as a colloidal flocculant added to the pulp suspension prior to the sheet-forming operation in the manufacture of paper and paperboard.

Dated: June 14, 1962.

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

[F.R. Doc. 62-6058; Filed, June 20, 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 849) has been filed by The Zonolite Company, 135 South LaSalle Street, Chicago 3, Illinois, proposing the amendment of § 121.222 of the food additive regulations to provide for additional uses of exfoliated hydrobiotite as a nutritive carrier and blending agent in poultry feed.

Dated: June 14, 1962.

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

[F.R. Doc. 62-6059; Filed, June 20, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-NY-4]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Amber Federal airway No. 7 extends from Augusta, Maine, to the United States/Canadian Border. The Federal Aviation Agency is considering the revocation of Amber 7. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that this route from Augusta to the United States/Canadian Border is adequately served by low altitude VOR Federal airway No. 39. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Amber 7, its associated control areas and reporting points from Augusta to the United States/Canadian Border. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on June 15, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6035; Filed, June 20, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-73]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 8 extends from Red Bluff, Calif., to Redmond, Oreg. The Federal Aviation Agency (FAA) is considering the revocation of this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR Federal airways are available, and it appears that the route from Red Bluff to Redmond is adequately served by low altitude VOR Federal airway No. 25. In addition, the FAA's latest IFR peak-day airway traffic survey shows a maximum of two aircraft movements on any segment of Amber 8. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the FAA proposes to revoke Amber 8, its associated control areas and reporting points. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with Amber 8. Any proposals to discontinue one or more of these aids would be circularized separately and persons would be afforded an opportunity to comment.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6036; Filed, June 20, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 12, 1962.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number A. 051615 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws. The applicant desires the land for public recreation purposes.

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, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

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

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

The lands involved in the application are:

Kenai Lake—Ptarmigan Creek Area

Beginning at a point on the left bank of Ptarmigan Creek, from which USLM 608 bears approximately N. 86°15′ W., approximately 9.75 chains, and the centerline of the Alaska Railroad bears easterly 1.52 chains at right angles to said centerline, thence: southerly parallel to and 1.52 chains westerly of the centerline of the said Alaska Railroad approximately 21.00 chains to Corner No. 2, U.S. Survey No. 608; northwesterly along the east shore of Kenai Lake approximately 23.90 chains to the left bank of Ptarmigan Creek; easterly along the left bank of Ptarmigan Creek approximately 9.50 chains to the point of beginning.

Containing 8.6 acres, more or less.

WALTER F. HOLMES,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6060; Filed, June 20, 1962; 8:49 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 12, 1962.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number A. 054076 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws. The applicant desires the land for an administrative site for marine warehouse, dock, and related facilities.

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, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

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

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

The lands involved in the application are:

Yakutat Area

Those parts of U.S. Survey No. 3590 designated as Lots, D, J, K, L, and L–1,

Containing 2.04 acres, more or less.

WALTER F. HOLMES,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6061; Filed, June 20, 1962; 8:49 a.m.]

[Anchorage 056958; Classification No. 117, No. 16–ALD]

ALASKA

Small Tract Classification and Opening Order and Public Sale

JUNE 15, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, I hereby classify and open the lands listed below and, together with other parcels of land previously classified and opened as noted below, offer them for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended.

2. All of the tracts involved are located north and east of Kodiak, Alaska. The majority of the tracts are located on the shores of Dark and Island Lakes, which are situated approximately two miles northeasterly of Kodiak. The lakes provide a desirable recreation area, however, they are sufficiently close to Kodiak to be desirable for year-around residential use. At this time, the lake sites do not have access by road. They are accessible principally by boat. Five of the tracts listed below are located along the Mill Bay and Mission Roads. They have highway access and the areas, generally, are suitable for residential use.

Most of the tracts listed below contain stands of commercially valuable Sitka spruce. Stumpage values were incorporated in the appraisal of the fair market value of the tracts.

3. The tracts listed below will be offered for sale at a public auction to be held in the Elks Hall at Kodiak, Alaska, beginning at 1:00 p.m. on Thursday, July 5, 1962. If all of the tracts are not sold on that day, the sale will be adjourned until 11:00 a.m. on Friday, July 13, 1962, when and thereafter it will be resumed in the Anchorage Land Office on the third floor of the Cordova Building for another one-hour period or until adjourned for resumption at 11:00 a.m. on succeeding Fridays for additional one-hour periods until all tracts are sold or until the sale is otherwise terminated.

Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered at a sale session only if received at the Anchorage Land Office prior to 3:00 p.m. of day preceding the particular sale session. At each sale session, those tracts will be offered for which timely filed sealed bids have been received or for which nominations are made by oral bidders present at the sale. Late filed sealed bids will be held for consideration at succeeding scheduled sessions if the lands for which the bid was submitted remain unsold. Sealed bids will be opened in the presence of the public during the progress of the sale. No sealed bid will be accepted if it is less than the appraised price listed for the tract. No oral bid will be accepted unless it is at least $10.00 greater than the highest sealed bid, or if there be none, if it is less than the appraised value listed for the tract. Sealed bids must be in units of $10.00, and oral bidding will be in increments of $10.00 unless otherwise specified at the sale.

Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the initial sale or any continuance thereof.

4. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Small Tract Public Sale No. 16—ALD, and (c) the legal description of the land for which the bid is made, described in accordance with the descriptions listed below. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order(s), or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need accompany only the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse side the following information and nothing else: (a) "Small Tract Public Sale No. 16—ALD" (b) the legal description of the tract for which the bid is made, in accordance with the list below.

Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to

make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

5. The individual tracts vary in size as shown in the listing below. Right-of-way easements for roads and public utilities will be reserved if so shown in this or the original classification order and all minerals in the lands will be reserved to the United States. Desirability of these tracts varies greatly with some being excellent throughout, while others contain wet, steep, inaccessible, or other undesirable characteristics. Prospective bidders are cautioned to carefully inspect the tract before offering to buy, as all sales are final.

6. Notice is hereby given to the right of the undersigned or his delegate to reappraise the tracts or to adjourn, postpone or vacate this sale or continuances thereof in whole or in part at any time prior to, during, or after completion of any sale session where such action appears to be necessary to protect the government's interest in the land.

A qualified purchaser of each tract in this sale will, upon tendering full payment thereof, receive a receipt as evidence of the sale. Patent will be issued to the purchaser at a later date without any further compliance or action upon the purchaser's part. There are no building requirements upon these tracts.

7. Inquiries concerning these lands should be addresesd to the Manager, Anchorage Land Office, Cordova Building, Anchorage, Alaska.

8. The following tracts of land are offered for sale at public auction as noted above:

U.S. Survey No. 3464 (STC 117)

Lot	50' easement	Acres	Appraised price
1	E side	0.74	$970
2	do	.91	980
3	NE side	.89	980
4	do	.87	980
5	E side	.79	820
6	do	.73	820
7	do	.74	820
8	do	.81	820
9	do	.79	690
12	NE side	.98	710
13	NE and NW side	.94	700
14	NW side	.77	690

U.S. Survey No. 3466 (STC 117)

1	SE side	0.90	$1,000
2	do	.82	1,000
3	do	.90	1,000
4	do	.92	1,000
5	do	.85	960
6	do	.87	1,000
7	do	.74	770
8	S side	1.36	950
9	do	1.12	830
10	S and SW side	1.09	890
12	SW side	1.10	640
13	NW side	1.71	890
14	do	.85	550
15	do	1.13	700
16	do	1.10	750
17	do	.93	730
18	do	.73	710

U.S. Survey No. 3103 (STC 76)

3	W side	1.47	$920
4	do	1.43	910
5	do	1.15	750
15	do	.70	450

U.S. Survey No. 3104 (STC 76)

Lot	50' easement	Acres	Appraised price
5	S side	1.66	$540
6	do	1.33	470
7	S and W side	1.52	360
8	W side	2.08	360
9	N side	2.00	360

U.S. Survey No. 3098 (STC 76)

15	None	1.25	$1,320
21	do	1.25	170
22	do	1.25	170

U.S. Survey No. 3099 (STC 76)

28	E side	.61	$200

U.S. Survey No. 3101 (STC 76)

4	None	1.40	$800

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6062; Filed, June 20, 1962; 8:49 a.m.]

[Group 319]

ARIZONA

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

JUNE 15, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., on July 21, 1962:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 28 E.,
Sec. 21;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, and E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, and E½W½, E½;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36, lots 1, 2, and W½SE¼, W½, NE¼.

The areas described aggregate 8,256.62 acres.

2. Available data indicate that the topography is mountainous and the soils are rocky.

3. All secs. 32 and 36 have been used as base by the State of Arizona.

4. The S½ sec. 25, E½ sec. 35 and all sec. 36 were withdrawn by Executive Order 759 of November 22, 1924, for a power site reserve. The E½E½ sec. 25, E½NE¼ and the SE¼ sec. 36 were withdrawn by Secretary's Order of September 2, 1927, for Power Project 837. Lots 1 and 2, and the W½SE¼ sec. 36 were withdrawn by Executive Order of March 21, 1917, for Power Site Reserve No. 590, and on February 1, 1917, for Water Power Designation No. 4, Arizona No. 1.

5. The SE¼ sec. 36 is embraced in application for withdrawal Arizona 030451 of the United States Army, Corps of Engineers, for a dam and reservoir. A strip of land 20 rods wide on each side of the center line thread of Bonita Creek, in the SW¼ and the W½SE¼ sec. 31, is embraced in application for withdrawal Arizona 017298 for the Safford municipal water supply system. Any applications filed on these lands would be suspended pending final action on the cases.

6. All of the public lands affected by this order except the E½E½, SW¼, W½SE¼ sec. 25, E½ sec. 35, and all sec. 36, are hereby restored to the operation of the public land laws subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-6049; Filed, June 20, 1962; 8:48 a.m.]

[Arizona 030565]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

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

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 28: SW¼SW¼, W½SE¼SW¼, W½E½SE¼SW¼.

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

The area described totals approximately 60 acres.

The entire area comprises 1,546.00 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

JUNE 13, 1962.

[F.R. Doc. 62-6050; Filed, June 20, 1962; 8:48 a.m.]

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

JUNE 13, 1962.

Plats of survey of lands described below will be officially filed at the Land Office, Reno, Nevada effective at 10:00 a.m. on July 13, 1962.

1.

MOUNT DIABLO MERIDAN, NEVADA

T. 27 N., R. 57 E. (group 377),
Sec. 25, lots 1, 2, 3, NW¼NE¼, S½SE¼.

The area described aggregates 247.84 acres. The plat was accepted January 17, 1956.

a. Available data indicates the land in this plat are meadow land of black heavy loam.

b. The following lands are withdrawn by Public Land Order 1878, dated June 17, 1959 from all forms of application under the public land laws including mining but not mining leasing as part of the Ruby Lake National Wildlife Refuge,

and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 27 N., R. 57 E.,
Sec. 25, lot 2, SE¼SE¼.

2.

T. 15 S., R. 49 E. (group 386),
Secs. 1 through 36.

The area described aggregates 22,274.84 acres. The plat was accepted January 17, 1962.

a. Available data indicates the land in this plat vary from nearly level to rolling with soils of fine sandy texture and volcanic loam.

b. The following lands were withdrawn by Executive Order 8578, dated October 29, 1940 from all form of appropriation under the public land laws, including the mining laws. They were transferred to the jurisdiction of the Atomic Energy Commission in connection with its Nevada Test Site by Public Land Order 2568, dated December 19, 1961 and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 15 S., R. 49 E.,
Secs. 1, 2; sec. 3, E½.

3.

T. 15 S., R. 50 E. (group 386),
Secs. 1 through 17; secs. 19 through 36.

The area described aggregates 22,460.35 acres. The plat was accepted January 18, 1962.

a. Available data indicates the land in this plat vary from nearly level to rolling with soils of sandy and gravelly loam.

b. The following lands were withdrawn by Executive Order 8578, dated October 29, 1940 from all forms of appropriation under the public land laws, including the mining laws. They were transferred to the jurisdiction of the Atomic Energy Commission in connection with its Nevada Test Site by Public Land Order 2568, dated December 19, 1961 and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 15 S., R. 50 E.,
Secs. 1 through 6.

4.

T 29 N., R. 43 E. (group 380),
Sec. 7;
Secs. 16, 17, 18, 19, 20, 21, 22;
Secs. 27, 28, 29, 30, 31, 32, 33;
Sec. 34, N½, SW¼.

The area described aggregates 11,503.49 acres. The plat was accepted January 10, 1962.

a. Available data indicates the lands in this plat vary from nearly level to rolling hills, with soils of loam and gravel.

5. The lands described above in paragraphs 1 through 4 inclusive have been subject to operation of the United States mining laws and mineral leasing laws at all times, except as noted above.

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

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

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on July 13, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

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

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

R. M. ZUNDEL,
Acting Manager.

[F.R. Doc. 62-6051; Filed, June 20, 1962; 8:48 a.m.]

NEVADA

Notice of Filing of Nevada Protraction Diagrams

JUNE 15, 1962.

Notice is hereby given that effective July 13, 1962, the following protraction diagrams, approved March 23, 1962 are officially filed of record in the Nevada Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS NOS. 1 THROUGH 14

MOUNT DIABLO MERIDIAN

No. 1

T. 20 S., R. 66½ E.
T. 20 S., R. 67 E.
T. 21 S., R. 69 E.

No. 2

T. 18 S., R. 70 E.
T. 19 S., R. 70 E.
T. 17 S., R. 71 E.
T. 18 S., R. 71 E.
T. 19 S., R. 71 E.

No. 3

T. 22 S., R. 69 E.
T. 20 S., R. 70 E.
T. 22 S., R. 70 E.
T. 20 S., R. 71 E.
T. 21 S., R. 71 E.

No. 4

T. 15 S., R. 71 E.

No. 5

T. 20 S., R. 63 E.
T. 21 S., R. 63½ E.
T. 21 S., R. 64 E.

No. 6

T. 23 S., R. 65 E.
T. 23½ S., R. 65 E.
T. 24 S., R. 65 E.
T. 25 S., R. 65 E.

No. 7

T. 13 N., R. 35 E.
T. 14 N., R. 35 E.
T. 15 N., R. 35 E.
T. 13 N., R. 36 E.
T. 14 N., R. 36 E.
T. 15 N., R. 36 E.

No. 8

T. 15 N., R. 37 E.

No. 9

T. 13 N., R. 33 E.
T. 14 N., R. 33 E.
T. 15 N., R. 33 E.
T. 13 N., R. 34 E.
T. 14 N., R. 34 E.
T. 15 N., R. 34 E.

No. 10

T. 15 N., R. 31 E.
T. 15 N., R. 31½ E.
T. 14 N., R. 32 E.
T. 15 N., R. 32 E.

No. 11

T. 17 N., R. 32 E.
T. 18 N., R. 32 E.
T. 18 N., R. 33 E.

No. 12

T. 19 N., R. 33½ E.
T. 20 N., R. 33½ E.
T. 19 N., R. 34 E.
T. 20 N., R. 34 E.
T. 20 N., R. 35 E.

No. 13

T. 19 N., R. 31 E.
T. 19 N., R. 32 E.
T. 20 N., R. 32 E.
T. 19 N., R. 33 E.
T. 20 N., R. 33 E.

No. 14

T. 16 N., R. 33½ E.
T. 17 N., R. 33½ E.
T. 18 N., R. 33½ E.
T. 16 N., R. 34 E.
T. 17 N., R. 34 E.
T. 18 N., R. 34 E.
T. 16 N., R. 35 E.
T. 18 N., R. 35 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nevada.

R. M. ZUNDEL,
Acting Manager.

[F.R. Doc. 62-6074; Filed, June 20, 1962; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Pursuant to the Housing and Home Finance Administrator's delegation of

authority to Regional Administrators, effective as of May 4, 1962 (27 F.R. 4319, May 4, 1962), the following officers of Region I are hereby designated to act in the place and stead of the Regional Administrator for Region I, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness or other cause:

1. Deputy Regional Administrator
2. Regional Director of Urban Renewal
3. Regional Director of Community Facilities.
4. Regional Counsel
5. Deputy Regional Director of Urban Renewal.

The designations made herein supersede those made in designation document effective May 26, 1962 (27 F.R. 4975, May 26, 1962), which is hereby revoked.

Effective as of the 15th day of June 1962.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 62-6080; Filed, June 20, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Humane Slaughterers

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 May 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 May 1, as using humane methods on May 1 or a later date in May, will be listed in a supplemental list. Previously published lists represented establishments reported in April or May 1962 as humanely slaughtering and handling the designated species of livestock on April 1 or some later date in April 1962 (27 F.R. 4212, 4598 and 4792). 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]

MAY 1962.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do	2AT	(*)		(*)		(*)	
Do	2AU	(*)		(*)			
Do	2B	(*)	(*)			(*)	
Do	2C	(*)		(*)		(*)	
Do	2E	(*)		(*)		(*)	
Do	2F	(*)	(*)	(*)			
Do	2H	(*)	(*)	(*)		(*)	
Do	2HT	(*)	(*)				
Do	2LT	(*)					
Do	2SD	(*)		(*)	(*)	(*)	
Do	2WN	(*)	(*)				
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do	3AC	(*)				(*)	
Do	3AE	(*)	(*)			(*)	
Do	3AF	(*)	(*)				
Do	3AN	(*)	(*)			(*)	
Do	3AW	(*)				(*)	
Do	3B	(*)	(*)	(*)		(*)	
Do	3C	(*)	(*)	(*)		(*)	
Do	3D	(*)	(*)	(*)		(*)	
Do	3E	(*)	(*)	(*)		(*)	
Do	3F	(*)	(*)	(*)	(*)	(*)	
Do	3FF	(*)	(*)	(*)		(*)	
Do	3H	(*)				(*)	
Do	3K	(*)	(*)				
Do	3L	(*)				(*)	
Do	3N	(*)	(*)	(*)		(*)	
Do	3R	(*)	(*)			(*)	
Do	3S					(*)	
Do	3T	(*)	(*)				
Do	3UU	(*)	(*)	(*)		(*)	
Do	3W	(*)	(*)			(*)	
Do	3Z	(*)	(*)				
Lykes Bros., Inc.	8B	(*)					
Panly Packing Co., Inc.	10	(*)	(*)				
Hygrade Food Products Corp.	12	(*)	(*)	(*)		(*)	
Do	12A	(*)				(*)	
Do	12C	(*)	(*)	(*)		(*)	
Do	12D	(*)					
Do	12G	(*)	(*)			(*)	
Do	12P	(*)					
Mickelberrys Food Prodnets 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	(*)	(*)	(*)		(*)	
Swift and Co.	23	(*)		(*)			
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	(*)	(*)	(*)		(*)	
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	(*)					
Glover Packing Co.	60A	(*)	(*)	(*)	(*)	(*)	
Welland Packing Co., Inc.	61					(*)	
Selkirk Realty Co.	65					(*)	
Somerville Packing Co.	66					(*)	
The Quaker Oats Co.	67E						(*)
Minehs 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	(*)	(*)			(*)	
The Cudahy Packing Co.	81	(*)	(*)			(*)	
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	(*)	(*)	(*)			
Liberty Packing Co.	101	(*)	(*)				
H. Graver & Co.	103	(*)	(*)	(*)			
Swift and Co.	104	(*)	(*)	(*)		(*)	
J. Lynn Cornwell, Inc.	107					(*)	

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Wilson and Co., Inc	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc	112	(*)					
Morris Packing Co	113	(*)					
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	(*)					
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	(*)					
Cornland Dressed Beef, Inc	157	(*)					
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	(*)	(*)	(*)	(*)	(*)	
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	(*)	(*)				
United Fryer and Stillman, Inc	198	(*)					
George A. Hormel and Co	199	(*)				(*)	
Do	199A	(*)					
Do	1991D					(*)	
Do	1991					(*)	
Do	199N	(*)				(*)	
Mid Valley Beef Co., Inc	201	(*)					
Cudahy Packing Co	202	(*)				(*)	
Emge Packing Co., Inc	205	(*)	(*)			(*)	
Heinzs Riverside Abattoir, Inc	210	(*)					
S. Adams Packing Co	211	(*)	(*)				
Penn Packing Co	212					(*)	
Eiburn Packing Co	213	(*)					
Kneip Packing Co	213C		(*)				
Fred Dold and Sons Packing Co	214	(*)					
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
Gwaltney, Inc	221A					(*)	
Armour and Co	222	(*)				(*)	
De Jong Packing Co	223	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
Do	224B	(*)	(*)	(*)		(*)	
Gold Merit Packing Co., Inc	232	(*)					
Waltl 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	(*)				(*)	
Sellers, 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	(*)					
American Stores Co	279	(*)		(*)			
Bookey Packing Co	281	(*)					
Agar Packing Co., Inc	282					(*)	
Figge and Hutwelker Co	283					(*)	
Solano Meat Co	285	(*)	(*)	(*)			
Western Packing Co	288	(*)					

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
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	(*)					
Do	305A	(*)					
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	(*)					
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	(*)					
Hell 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	(*)					
Liebmann Packing Co	388	(*)	(*)				
Dugdale Packing Co	390	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Roth Packing Co	394	(*)					
Robert L. Runtz, Inc	395	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)	(*)		(*)	
Logan Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Neuhoff Bros	406	(*)	(*)			(*)	
Endlich Packing Co., Inc	410	(*)					
Alpine Packing Co	412	(*)	(*)	(*)		(*)	
The Lundy Packing Co	413					(*)	
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	(*)					

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Litvak Packing Co	465	(*)					
Becwar 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	(*)				(*)	
Greenlee Pack Co	501	(*)					
Swift and Co	505	(*)					
B. Rothschild and Co	506	(*)					
Frosty Morn Meats	507	(*)	(*)				
Gruensfelder Packing Co	508	(*)	(*)	(*)			
Armour and Co	509	(*)	(*)			(*)	
The Hull and Dillon Packing Co	510	(*)	(*)			(*)	
Shen Valley Meat Packers, Inc	511	(*)				(*)	
Capitol Packing Co	513	(*)	(*)	(*)			
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	(*)	(*)	(*)	(*)		
Pepper Packing Co	536	(*)				(*)	
Oscar Mayer and Co., Inc	537A	(*)	(*)	(*)		(*)	
Do	537C					(*)	
Midwest Packing Co	538	(*)					
Greendell Packing Corp	542	(*)	(*)				
United Dressed Meats, Inc	546	(*)	(*)			(*)	
Swift and Co	548	(*)	(*)			(*)	
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	(*)					
Packerland Packing Co., Inc	562	(*)	(*)				
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 Company, Inc	586	(*)					
City of Austin Municipal Abattoir	590	(*)	(*)				
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)	(*)				
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	623F						(*)
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	(*)					
Wilson and Co., Inc	655	(*)		(*)			

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Baums Bologna, Inc	657	(*)					
St. Louis Dressed Beef Co	659	(*)					
McCook Packing Co	660	(*)					
Quality Meat Packing Co	661	(*)	(*)				
Globe Packing Co	663	(*)					
Crown Packing Co	666					(*)	
Scottsbluff Packing Company	667	(*)		(*)			
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	(*)	(*)	(*)		(*)	
Haas Davis Packing Co., Inc	682	(*)	(*)	(*)	(*)	(*)	
Nations Brothers Packing Co	684	(*)	(*)			(*)	
The William Fockes Sons Co	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co	689	(*)	(*)	(*)		(*)	
Pierce Packing Co	691	(*)				(*)	
Marco Packing Co	692	(*)	(*)				
Bryan Meat Co	693	(*)	(*)				
Kramer Beef Co	695	(*)					
Carter Packing Co	698	(*)	(*)				
Central Nebraska Packing Co	713E						(*)
Davenport Packing Co., Inc	716	(*)					
Farmbest, Inc	717					(*)	
The Joseph N. Rice Co	719	(*)	(*)				
Coast Packing Co	724					(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
Decker and Son	727					(*)	
The Quaker Oats Co	734E						(*)
Mid State Meat Co	741	(*)	(*)				
Pioneer Provision Co	742	(*)				(*)	
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	(*)					
Sheridan Meat Co., Inc	768	(*)				(*)	
Earl C. Gibbs, Inc	770	(*)					
Cadwell Martin Meat Co	773	(*)					
Modern Meat Packing Co	774	(*)		(*)			
Atlas Packing Co	775	(*)					
Dale Packing Co., Inc	777	(*)					
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	(*)					
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 Company	867	(*)					
Genesee Packing Co	868	(*)					

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
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	(*)	(*)				
Sambol Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Vernon Calhoun Packing Co	897	(*)	(*)				
Meats, Inc	899	(*)	(*)				
Sigman Meat Co., Inc	901	(*)	(*)				
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	(*)					
Volz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Wilson and Co., Inc	940	(*)	(*)			(*)	
Gentner Packing Co., Inc	941	(*)					
Deirich Meat Packers, Inc	944			(*)		(*)	
Whitehall Packing Co	946	(*)	(*)				
M. Brizer & Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959					(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)	(*)				
T. L. Lay Packing Co	967	(*)				(*)	
Monfort Packing Co	969	(*)		(*)			
Hawaii Meat Co., Ltd	970	(*)	(*)				
Perlin Packing Co., Inc	974	(*)	(*)	(*)			
National Food Stores, Inc	981	(*)					
Reitz Meat Products Co	983	(*)				(*)	
Hospers Packing Company	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
Johnson Meat Products Co., Inc	994					(*)	
The Klarer Co	995	(*)	(*)				
Do	995A					(*)	
Do	995C	(*)				(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
Armour and Co	1085	(*)	(*)				
Landy Packing Co	1171	(*)					
The Harris Packing Co	1175					(*)	
Nebraska Meat Packers, Inc	1307	(*)					
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	(*)					

483 establishments reported.

Done at Washington, D.C., this 15th day of June 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-6026; Filed, June 20, 1962; 8:45 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Searcy County, Arkansas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6066; Filed, June 20, 1962; 8:49 a.m.]

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Harvey County, Kansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6067; Filed, June 20, 1962; 8:49 a.m.]

SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of South Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Charles Mix. Douglas.
Davison.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6068; Filed, June 20, 1962; 8:49 a.m.]

TEXAS

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Cameron, Hidalgo, and Willacy Counties, Texas, a recent natural disaster has occurred since said counties were designated (26 F.R. 8222) and has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6069; Filed, June 20, 1962; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-m]

RAYON GARMENT LABELS FROM JAPAN

Fair Value Determination

JUNE 13, 1962.

A complaint was received that rayon garment labels from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon garment labels from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The divergency of home market and export sales policies of the Japanese manufacturers and sellers under consideration necessitated that comparison, for fair value purposes, be made in accordance with the conditions prevalent in each situation.

In several instances, it was found that home market sales and sales for export to countries other than the United States were minimal and therefore not sufficient to form a basis for fair value comparison. In those cases, fair value comparison was made between constructed value and exporter's sales price or purchase price depending upon the existence or nonexistence of a financial relationship between purchaser and seller.

Constructed value in all cases was calculated in accordance with the statutory requirements of the Antidumping Act of 1921, as amended.

Purchase price was computed on the basis of the f.o.b. selling price for export to the United States. Deductions were made for f.o.b. charges and a commission where applicable.

The following costs and charges were deducted from the delivered United States destination selling price in arriving at exporter's sales price: Delivery costs in the United States where applicable, costs of delivery to the United States, United States import duty, and selling expense.

The appropriate comparison showed purchase price or exporter's sales price, whichever applied, to be not lower than constructed value.

In one instance, it was found that home market sales price, adjusted for certain intrinsic differences in the home market merchandise, was properly a basis for fair value comparison.

The resultant comparison disclosed that purchase price was not lower than the adjusted home market price.

A potential dumping margin was found to exist in only one instance. However, the margin and the volume of sales involved were deemed not more than insignificant and the Japanese exporter revised his selling price for export to the United States thereby eliminating the existing margin. In addition assurances were received that all future sales would be at not less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6070; Filed, June 20, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 31, 1962 the latest completion date specified in Construction Permit No. CPRR-64 for the construction of the pool-type nuclear reactor to be located in West Lafayette, Indiana.

Copies of the Commission's order and of the application by Purdue University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of June 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-5989; Filed, June 20, 1962; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 1, 1962 the latest completion date specified in Construction Permit No. CPRR-48 for the construction of the homogeneous solution type, Atomics International Model L-54 nuclear reactor to be located on the Walter Reed Army Medical Center site in Washington, D.C.

Copies of the Commission's order and of the application by Walter Reed Army Medical Center are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of June 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-6027; Filed, June 20, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Agreements CAB 11937, 11937-A2; Order E-18466]

AIR FREIGHT FORWARDERS ASSOCIATION

Agreements; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of June 1962.

There have been filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958, as amended, the Articles of Association of the Air Freight Forwarders Association (AFFA), and two amendments thereto.[1] AFFA's objectives as stated in the agreements are, among others, to consider and deal with common intra-industry problems of management; to secure cooperative action in advancing the common purposes of its members; to promote activities enabling the industry[2] to operate with the greatest economy and efficiency; to consider and express opinions on questions affecting the industry; and to cooperate with other industries and organizations. In furtherance of these objectives, AFFA is empowered to establish and promote adherence to a code of ethics, to promote

---

[1] The first amendment (CAB 11937-A1), pertaining to participation by AFFA in Board proceedings, was approved by Order E-14993, dated March 10, 1960.

[2] Article II defines the term "industry" to include:

"A. Any person, firm, or corporation regularly engaged in business as a Domestic and/or International Air Freight Forwarder, and having the requisite operating authority from the Civil Aeronautics Board to conduct such a domestic and/or international air freight forwarder operation.

"B. Any person, firm, or corporation regularly engaged in business as an IATA Air Cargo Sales Agent."

As an IATA Cargo Sales Agent is not authorized to consolidate shipments unless it is also an IATA Registered International Air Cargo Consolidator, the latter term would appear to be the correct reference in paragraph B, of the definition. If so, the agreement should be amended.

Although all present AFFA members are domestic and/or international air freight forwarders, paragraph B above does provide for a different class of members not subject directly to the Board's regulation. And admittance to membership of IATA consolidators which are not domestic and/or international air freight forwarders could substantially alter the character of AFFA. Therefore, to be informed on this matter, the Board will condition its approval herein to require notification of any such admission to AFFA membership.

an educational and public relations program, to participate in regulatory and legislative matters, to promote arbitration of disputes, and to promote closer cooperation and better understanding between segments of the industry and with other related industries and groups.

Membership is open to any person, firm or corporation engaged in the industry upon written application and payment of an initiation fee of $100.00.[3] However, a majority vote of the board of directors is required for election to membership. Members may be suspended or expelled for violation of the Articles of Association or any rule or practice properly adopted by AFFA, or for any conduct prejudicial to the interest of AFFA or the industry as a whole. Suspension or expulsion must be recommended by at least three-fourths of the board of directors and adopted by two-thirds of the entire membership, subject to the right of the member concerned to present his defense prior to action by either body.

The Articles of Association provide for a sliding scale of monthly dues predicated upon revenue from air freight consolidation.[4] Notices for all annual or special meetings of AFFA are to be mailed at least five days in advance. Special meetings may be called by the president or a majority of the board of directors. A majority of the total membership constitutes a quorum, and all members are entitled to one vote.

The management and control of AFFA is vested in a board of directors consisting of seven AFFA officers elected annually, and eight members elected for rotating four-year terms. Except as elsewhere provided in the agreements, a majority of the board constitutes a quorum for the nomination of officers and other purposes. The agreements provide for the following standing committees, appointed by the president immediately following the annual election: Membership; Public Relations and Publicity; Regulatory and Legislative; Ethics, Complaints and Grievances; and Articles of Association.

The Board, upon consideration of the agreements, finds that they constitute a cooperative working arrangement affecting air transportation and, accordingly, are subject to section 412 of the Act. The objectives and purposes of the organization as set forth in the Articles of Association appear to be those which are recognized as proper and lawful for trade associations, and with certain exceptions, discussed infra, the detailed implementing provisions of the agreements appear to be fair and reasonable. Accordingly, the Board has tentatively decided to approve the agreements subject to conditions, but before acting finally will provide an opportunity for interested persons to submit comments on the matter.

The conditions proposed herein reflect the Board's view that any association subject to its jurisdiction should be governed by rules and procedures which are objective. This consideration applies regardless of whether the association represents all companies in its particular field, or some lesser number. Thus, while a number of authorized air freight forwarders currently operate without maintaining membership in AFFA, such membership could in the future assume increased economic importance. In any event, the requirement for fair, impartial and unambiguous rules for operation of AFFA is an essential one.

Turning to specific provisions in the agreements meriting comment in connection with the foregoing, the Board notes the requirement of a majority vote of the board of directors for the election of members to AFFA. Such a provision is inherently susceptible to arbitrary administration and the Board will accordingly require that membership in AFFA be open as a matter of right to otherwise qualified applicants.

The Board also notes the provision empowering AFFA to establish a code of ethics, to promote adherence thereto, and to proceed against offenders, and understands that such a code is currently under active development. The Board wishes to be fully apprised with respect to, and will require the filing of such code upon adoption, as well as any detailed procedures for its implementation. The Board also believes that any action on the part of AFFA resulting from implementation of this code, or from any other source, which results in the suspension or expulsion of a member should, at the latter's election, be submitted to binding arbitration. Detailed procedures governing this matter should be promptly adopted and submitted to the Board.

In addition to the foregoing, and in order that the Board may be currently informed of the manner in which AFFA is conducting its affairs, we will require the submission of minutes of meetings, statements of disciplinary action and/or arbitration relating thereto, and a report of any public relations program adopted. In this connection, the Board's experience has been that claims by an air carrier association of attorney-client privilege restrict the Board's access to documents in the possession of the association, thereby delaying the Board's consideration of matters involving the organization. The Board does not believe that such a claim is appropriate, particularly where the members of an association enjoy relief from the antitrust laws by virtue of action by the Board under section 412 of the Act.[5] In brief, it is the Board's intention that an association will conduct its affairs in such a manner as to preclude any claim of confidentiality, based on attorney-client privilege, which would inhibit the Board's inspection of records of the association. And the Board will so condition its approval herein. Finally, since the objectives and powers of AFFA, heretofore described, cover a broad range of activities with few specific limitations, the Board will provide that approval of the instant agreements does not constitute approval of any action taken pursuant thereto.

Upon consideration of the foregoing, the Board tentatively finds that the agreements are not adverse to the public interest or in violation of the Act, and should be approved if such approval is made subject to the following conditions:

1. That, upon the filing of an appropriate application accompanied by the requisite initiation fee, any person within the term "industry" as defined in the agreements[6] shall be admitted to membership in AFFA;

2. That, in the event of admission to membership in AFFA of any person, firm or corporation not a domestic or international air freight forwarder, AFFA shall notify the Board, within thirty (30) days, of such admission;

3. That AFFA shall file with the Board, within fifteen (15) days of adoption, a copy of its code of ethics together with any detailed procedures for securing compliance of its members or others therewith;

4. That action on the part of AFFA resulting in the suspension or expulsion of a member shall, at the election of such member, be submitted to binding arbitration;

5. That AFFA shall file with the Board within fifteen (15) days of adoption, a copy of detailed procedures adopted for handling the arbitration of matters mentioned in (4) above;

6. That AFFA shall file with the Board, within thirty (30) days of preparation, copies of written opinions and reports submitted by its Ethics, Complaints and Grievances Committee, or actions of its board of directors, or decisions of arbitrators which result in the suspension or expulsion of a member, or other disciplinary action. The names of the carrier parties to the proceedings which are the subject to such opinions, reports and decisions may be deleted therefrom for the purpose of this paragraph;

7. That AFFA shall maintain full and complete minutes of meetings of its board of directors and of its general membership;[7]

8. That AFFA shall file the agenda for such meetings and the minutes thereof with the Board within thirty (30) days after the meeting;[8]

9. That AFFA shall file with the Board a true copy, or if oral, a true and complete memorandum, of any public relations program authorized or adopted by AFFA's board of directors or members,

---

[3] The current membership, shown in Appendix A, comprises 22 domestic and/or international air freight forwarders.

[4] Annual revenue from air freight consolidations:

	Monthly dues
Under $25,000	$25
$25,000 under $250,000	55
$250,000 under $500,000	75
$500,000 under $1,000,000	95
$1,000,000 or over	150

[5] See Docket 10281, *In the matter of the inspection and review of the activities of the Air Transport Association of America and its instrumentalities*, particularly Order E–15360 denying motion to quash subpena and Order E–15486 denying reconsideration.

[6] See footnote 2, supra.

[7] Such minutes shall contain, inter alia, a summary of the discussion identifying each participant on each matter, regardless of the action, or lack of action taken thereon.

[8] The filing of minutes will not relieve AFFA from the requirement for filing separately contracts and agreements subject to section 412 of the Act.

within thirty (30) days after such adoption;

10. That the AFFA will so conduct its affairs as to preclude the Association, its officers or employees from engaging in the practice of law in such a manner as to create a claim of confidentiality based upon an alleged attorney-client relationship for documents or papers in its possession or control; [9] the AFFA will undertake not to maintain in its possession or control documents or papers prepared by members of the bar under color of an alleged attorney-client privilege; and accordingly, will undertake not to assert any such claim in any inspection by the Board of the records and affairs of the Association;

11. That the action of the Board herein shall not be construed as an approval or disapproval of any contract, agreement, or resolution entered into or any action taken pursuant to the instant agreements, as currently or hereafter constituted; and

12. That, within fifteen (15) days after issuance of the final order herein, AFFA and its members, shall submit to the Board a written statement indicating their acceptance of the foregoing conditions: *Accordingly, it is ordered:*

1. That final action on Agreements CAB 11937 and 11937–A2, be and it hereby is deferred for a period of thirty (30) days to permit the filing of comments by interested persons [10] relative to the Board's tentative decision herein;

2. That a copy of this order be served on all domestic and international air freight forwarders and AFFA; and

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

MEMBERS OF AIR FREIGHT FORWARDERS ASSOCIATION [11]

ABC Air Freight Co., Inc.
Acme Air Cargo, Inc.
Add Airfreight Corp.
Air Express International Corp.
Air-Land Freight Consolidators, Inc.
Airborne Freight Corp.
Allied Air Freight, Inc.
American Express Co.
Barnett Aircargo, Inc.
Peter A. Bernacki, Inc.
Frank P. Dow Co., Inc.
Emery Air Freight Corp.
Flying Cargo, Inc.
4–A Air Freight Corp.
General Air Freight, Inc.
Hensel, Bruckmann & Lorbacher, Inc.
New England Air Lift, Inc.
H. G. Ollendorff, Inc.
Panalpina Air Freight, Inc., d/b/a Panalpina Airfreight System.
J. D. Smith Inter-Ocean, Inc.
Western Transportation Co., Inc., d/b/a W. T. C. Air Freight.
World-Wide Services, Inc.

[9] Such restriction is not intended to prohibit the participation of an association in a Board proceeding pursuant to the provisions of Part 263 of the Board's Economic Regulations.

[10] Such comments shall conform with the general requirements of the Board's Rules of Practice in Economic Proceedings.

[11] Per data furnished by AFFA. All of the members are authorized domestic and/or international air freight forwarders.

[F.R. Doc. 62–6077; Filed, June 20, 1962; 8:50 a.m.]

[Docket No. 13672]

WEST COAST AIR SERVICES LTD.; TRANSBORDER CANADIAN

Notice of Cancellation of Hearing and Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, (1) that the hearing heretofore assigned to be held in the above-entitled proceeding on June 20, 1962, is canceled, and (2) that a prehearing conference in said proceeding will be held on June 28, 1962, at 10:00 a.m., e.d.s.t., in Room 1029, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 18, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62–6083; Filed, June 20, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[No. 3–P, FMC–F No. 124]

MATSON NAVIGATION CO. AND ISTHMIAN LINES, INC.

Notice of Filing Freight Tariff

Notice is hereby given that Matson Navigation Company Freight Tariff No. 3–P, FMC–F No. 124 has been filed with the Federal Maritime Commission in compliance with the requirements of the Shipping Act, 1916, as amended, naming rates from Hawaiian Island ports of call on the one hand, to United States Atlantic and Gulf coast ports of call on the other. The tariff is currently scheduled to become effective on June 19, 1962, and contains the following new provisions:

Item 65—Foodstuffs, canned or preserved, subject to Rule 19.
Item 70—Foodstuffs, canned or preserved, subject to Rule 20.
Rule 19—Forward Booking Agreement (Atlantic Ports).
Rule 20—Forward Booking Agreement (Gulf Ports).

The tariff names Isthmian Lines, Inc., and United States Lines Company (American Pioneer Line) as participating carriers. Matson Navigation Company and Isthmian Lines, Inc. are parties to a joint service agreement, No. 7707, and United States Lines Company (American Pioneer Line) participates in that tariff under a concurrence on file with this Commission.

The tariff would provide lower rates to shippers who sign a forward booking agreement whereby they agree to ship cargos under specified conditions which allegedly result in lower costs to the carrier. Under the terms of the Forward Booking Agreement, the shipper covenants each year to ship any specified annual amount of canned pineapple he chooses, pro-rated among the voyages offered by the carrier, with 10 percent tolerance.

The tariff, by items No. 65 and 70, would provide a scale of rates, each lower than those otherwise applicable, for cargo moving pursuant to the Forward Booking Agreements. The applicable rate for contract shippers is determined by whether the cargo is palletized and the number of loading and discharging berths requested by the shipper.

Interested parties may inspect this tariff at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and within 30 days after publication of this notice in the FEDERAL REGISTER may submit such data, views, or arguments as they desire.

By order of the Commission June 14, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–6072; Filed, June 20, 1962; 8:50 a.m.]

SEA-LAND SERVICE, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8913 is between Sea-Land Service, Inc., Puerto Rican Division, a common carrier by water, and Puerto Rican Forwarding Company, Inc., a nonvessel operating common carrier by water, engaged in the carriage of articles from metropolitan New York area including points in New Jersey to points in Puerto Rico.

Agreement 8914 is between Sea-Land Service, Inc., Puerto Rican Division, and Valencia-Baxt Express, Inc., a nonvessel operating common carrier by water, engaged in the carriage of articles from the metropolitan New York area including points in New Jersey to points in Puerto Rico.

Under the terms of these agreements Sea-Land Service, Inc., undertakes to accept mixed trailerloads of freight, all kinds, comprised of consolidated mixed trailerload shipments weighing individually 15,000 pounds, or less. Household goods, office furniture and personal effects may be included in any shipment as long as such articles do not exceed 10 percent of the total weight of the entire shipment. Each trailerload of freight, all kinds, tendered for transportation shall be comprised of three or more commodities, and the total weight of any

single commodity shall not exceed 70 percent of the total weight of the mixed shipment.

Puerto Rican Forwarding Company, Inc., and Valencia-Baxt Express, Inc., agree to pay Sea-Land Service, Inc., $836 for each full or partially loaded container tendered for transportation. Puerto Rican Forwarding Company, Inc., and Valencia-Baxt Express, Inc., also agree to offer Sea-Land Service, Inc., not less than 75 percent of their total shipments, comprised of freight, all kinds, and agree to load and deliver such containers at port of loading and perform unloading at port of discharge at their own expense.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should one be desired.

Dated: June 18, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-6073; Filed, June 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-88 etc.]

MONTEREY GAS TRANSMISSION CO. ET AL.

Notice of Application and Amendments to Applications, Consolidation and Date of Hearing

JUNE 14, 1962.

Monterey Gas Transmission Company, Docket No. CP62-88; Columbia Gulf Transmission Company, Docket No. CP62-89; United Fuel Gas Company,[1] Docket No. CP62-90; The Ohio Fuel Gas Company, Docket No. CP62-91; Tennessee Gas Transmission Company, Docket No. CP62-291.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with principal place of business in the Tennessee Building, Houston 2, Texas, filed on June 11, 1962, in Docket No. CP62-291 an application, pursuant to sections 7 (b) and (c) of the Natural Gas Act, for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing Tennessee to construct and operate certain minor facilities required for pipeline operations subsequent to the requested abandonment of facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Tennessee proposes to abandon 366.7 miles of 30-inch pipeline which extends in a northeasterly direction from its Compressor Station No. 1 near Agua Dulce in Nueces County, Texas, to Compressor Station No. 823 near Kinder in Jefferson Davis Parish, Louisiana, together with related facilities, easements, rights-of-way, compressor station sites, and interests in land appertaining thereto and used in connection therewith.[2] Tennessee and Monterey Gas Transmission Company (Monterey) have entered into an agreement dated June 1, 1962, whereby Tennessee has agreed to sell and Monterey has agreed to purchase Tennessee's A-K line and related facilities that Tennessee proposes to abandon. The purchase price to be paid by Monterey to Tennessee for these facilities will be equal to Tennessee's depreciated book cost, estimated at $28,385,019 when adjusted to the proposed sales consummation date of November 1, 1962.

Monterey will integrate the facilities to be abandoned by Tennessee into its proposed system as hereinafter stated in the description of Monterey's amendment to its application filed in Docket No. CP62-88. Tennessee's application states that Monterey has agreed to transport for Tennessee or exchange with Tennessee a volume of up to 60,000 Mcf of gas per day through utilization of the A-K line, also as hereinafter explained in the description of Monterey's amended application.

The application further alleges that Tennessee's sale of the A-K line will not affect either Tennessee's purchases of gas from producers at points along the area traversed by the A-K line or Tennessee's sales of gas to the communities of Rosharon, Nome and China, Texas, located along the A-K line.

Tennessee's application avers that the natural gas which Tennessee presently delivers by means of the A-K line to industries in the Houston area will no longer be transported through the A-K line after consummation of the proposed sale by Tennessee to Monterey. To provide for the continuation of this industrial service, a subsidiary of Tennessee will acquire a 50 percent interest in the King Ranch-to-Clear Lake pipeline which, as hereinafter described, was originally proposed to be sold by Humble Oil & Refining Company (Humble) to Monterey. After the sale of the A-K line to Monterey has been completed, these industrial nonjurisdictional deliveries will be continued by Tennessee's subsidiary through the King Ranch-to-Clear Lake pipeline.

In order for Monterey initially to transport gas for Tennessee and in order for Tennessee and Monterey subsequently to exchange gas through utilization of the A-K line, Tennessee also seeks authorization to construct and operate two metering stations, one to be a dual six-inch tube installation located at Tennessee's Station No. 1, near Agua Dulce, Nueces County, Texas, and the other to be a dual eight-inch tube installation at Tennessee's Station No. 823, near Kinder, Jefferson Davis Parish, Louisiana, plus piping alterations at both stations. The total cost of the facilities Tennessee requests authorization to construct and operate is estimated to be $92,200 which will be financed from cash on hand.

Except for the above-described application of Tennessee, the Secretary's notice dated March 14, 1962, and published in the FEDERAL REGISTER on March 21, 1962, 27 F.R. 2655, described the proposals in all of the above-entitled applications and consolidated them for a hearing scheduled to commence on April 19, 1962. At the hearing held on April 19, 1962, the applicants in the original consolidated proceeding introduced direct testimony and exhibits. Afterwards, the hearing was recessed until May 22, 1962, to allow the parties time within which to prepare for cross-examination.

Cross-examination began as scheduled on May 22, 1962, but on May 24, 1962, counsel for Monterey announced that an amendment would be filed to Monterey's application in Docket No. CP62-88 and thereafter cross-examination was restricted to the questioning of those witnesses whose testimony was unaffected by the amendment which Monterey proposed to file. On May 29, 1962, counsel for Monterey requested that the proceeding be recessed until June 5, 1962, in order that Monterey might have sufficient time to prepare and submit its amended application together with amended direct testimony and exhibits in conformance therewith.

On June 5, 1962, pursuant to § 1.11(a) of the Commission's rules of practice and procedure, the Examiner permitted Monterey and United Fuel Gas Company (United) to file amendments to their applications in Docket Nos. CP62-88 and CP62-90, respectively, and received amended direct testimony and exhibits in support thereof. The Examiner deferred ruling on an offering by Columbia Gulf Transmission Company (Columbia Gulf) of two supplements to its application in Docket No. CP 62-89.[3] The hearing was then recessed until July 5, 1962, to allow Tennessee time within which to prepare and file the above-described application in Docket No. CP62-291 and to provide for the issuance of the notice required by § 1.19 of the Commission's rules of practice and procedure.

In the amendment to its application filed on June 5, 1962, in Docket No. CP62-88 Monterey seeks authorization to purchase and acquire Tennessee's 367-mile, 30-inch A-K line which Tennessee proposes to abandon in its application filed in Docket No. CP62-291, as hereinbefore described. In its amended application

[1] Kentucky Gas Transmission Corporation (Kentucky Gas) was a joint applicant in this docket but it filed a notice of withdrawal of its portion of the application on April 9, 1962. This notice of withdrawal became effective as of May 10, 1962, pursuant to a letter from the Acting Secretary dated April 16, 1962.

[2] This line, extending from Agua Dulce, Texas, to Kinder, Louisiana, will hereinafter be referred to as the "A-K" line.

[3] In his "Rulings" issued June 11, 1962, the Examiner permitted Columbia Gulf to file first and second supplements to its application in Docket No. CP62-89.

Monterey proposes to acquire this Tennessee line in lieu of acquiring Humble's existing 238-mile, 30-inch pipeline extending from the King Ranch plant to Clear Lake, Texas, as was proposed in Monterey's original application filed October 9, 1961.

Since the A–K line Monterey proposes to acquire from Tennessee does not connect with Humble's King Ranch processing plant whence Monterey's gas supply will originate, Monterey also requests authority to construct about 24 miles of 30-inch line from the King Ranch plant to the southern terminus of the A–K line. Similarly, Monterey desires authorization to construct 48 miles of 30-inch transmission line from the northeastern terminus of the A–K line to an interconnection with the existing facilities of Columbia Gulf at a point near Bunkie, Louisiana. The estimated total cost of these 72 miles of 30-inch interconnecting pipeline is $10,791,000, including appurtenant facilities such as the required measuring and regulating stations. In its original application, Monterey had proposed to construct about 216 miles of 30-inch transmission line from Clear Lake, Texas, to Alexandria, Louisiana, in order to interconnect the terminus of the line Monterey proposed to acquire from Humble with Columbia Gulf's system.

With the main-line facilities it proposes to acquire or construct in its amended application, Monterey anticipates that it can deliver to Columbia Gulf 82,700 Mcf of gas per day in the first year of operation without installing any compressor facilities. Prior to November 1, 1963, when Monterey is obligated to deliver 173,960 Mcf per day to Columbia Gulf, Monterey proposes to construct Compressor Station No. 4 in Chambers County, Texas, with 8,500 installed horsepower. Prior to November 1, 1965, when Monterey is obligated to deliver 419,800 Mcf to Columbia Gulf, Monterey proposes to construct Compressor Station No. 2 in Calcasieu Parish, Louisiana, and Compressor Station No. 6 in Matagorda County, Texas, each with 8,500 installed horsepower. The estimated cost of each station is $1,690,000, but when employee housing, communication facilities and other related equipment are added, the total cost of facilities required in connection with the three compressor stations is approximately $6,243,000.

Monterey proposes to acquire Tennessee's facilities pursuant to a contract with the latter executed June 1, 1962. Attachment II to this contract is a 20-year transportation and exchange agreement which Monterey proposes to execute with Tennessee after it has purchased Tennessee's A–K line. Attachment II provides for Monterey to transport up to 60,000 Mcf per day of gas for Tennessee from points on the A–K line as far as Kinder, Louisiana. Payment to Monterey for the transportation service is to be made by Tennessee on a demand-mile cost of service basis in accordance with detailed provisions set forth in the agreement. The transportation agreement is for a term of six years, but it may be canceled by Tennessee at the end of or after three years and it may be terminated prior to the third year if Monterey should require the full capacity of the A–K line to supply greater volumes of gas to Columbia Gulf for the account of United than Monterey presently anticipates.

Attachment II also provides for the exchange of gas by Monterey and Tennessee immediately upon the termination of the transportation service. This exchange agreement will continue in effect for the remainder of the 20-year term of the transportation and exchange agreement. Monterey does not contemplate making charges for the gas exchange arrangement under which Monterey proposes to deliver to Tennessee at a point near Agua Dulce volumes of gas equal to those delivered by Tennessee to Monterey at points along the A–K line between Agua Dulce, Texas, and Kinder, Louisiana.

On June 1, 1962, Monterey's agreement with Humble dated September 20, 1961, was amended so as to eliminate therefrom the contemplated purchase by Monterey of Humble's 238-mile line extending from the King Ranch plant to Clear Lake, Texas. Additionally, the letter agreement dated October 4, 1961, providing for the transportation of gas for Humble by Monterey, has been canceled. The agreement of September 20, 1961, with Humble remains unchanged insofar as it concerns Monterey's proposed purchase from Humble of leaseholds involving 6.166 trillion cubic feet of dry gas. Monterey still proposes to purchase such leaseholds in two installments, the first purchase being scheduled to take place about November 1, 1962, pursuant to which Monterey is still obligated to make a down payment of $7,220,520 and 240 equal monthly payments of $2,204,400, totaling $536,276,520. The second purchase is still contemplated to be completed on or about January 3, 1967, under similar arrangements at a total cost to Monterey of $404,063,635. Likewise, the amended application has made no change in Monterey's proposed purchase and acquisition from Humble of approximately 90 miles of gathering lines, ranging in diameter from 24 to 8 inches, for the purpose of transporting gas from the acreage it intends to purchase to the inlet side of Humble's King Ranch processing plant.

On June 1, 1962, Monterey and United also amended their gas purchase contract dated September 20, 1961, to reflect the changes in construction and operating plans resulting from Monterey's proposed purchase and acquisition from Tennessee of the A–K line as hereinbefore described.

Monterey's initial financial requirements appear to be about $10,000,000 less under the amended application than they were under the application as originally filed in Docket No. CP62–88. The following tabulation indicates Monterey's financial requirements for the construction period ending November 1, 1962:

Down payment on purchase of gas leaseholds from Humble	$7,810,425
Purchase from Humble of gathering lines extending from leaseholds to inlet of King Ranch plant	5,070,000
Purchase of 30-inch A–K line from Tennessee	28,385,019
Construction of 24 miles of line between southern end of A–K line and King Ranch plant and 48 miles of line between northeastern end of A–K line and Columbia Gulf's system	10,744,000
Financing expense	1,200,000
Materials and supplies	74,000
Prepayments	75,000
Total	53,358,444

Attached to Monterey's amended application is a letter dated June 4, 1962, from Lehman Brothers expressing the opinion that Monterey's project as amended can be financed. The financing, according to the amended application, may be as follows: Common stock, $8,200,000; subordinated convertible notes at 6 percent, $12,400,000; and first mortgage pipeline bonds at 5¼ percent, $33,100,000, for a total of $53,700,000.

As indicated in footnote 3 above, on June 11, 1962, Columbia Gulf filed the first and second supplements to its application in Docket No. CP62–89. In the first supplement Columbia Gulf requests authority to construct and operate a new Compressor Station 10A, having 10,500 installed horsepower, in order to receive into its system, for the account of United, the gas which Monterey proposes to deliver to Columbia Gulf at a point near Bunkie, Louisiana, as hereinbefore described. The estimated total cost of the additional compressor station is $1,406,900.

The first supplement also states that United's and Columbia Gulf's existing gas purchase contracts with their Louisiana suppliers presently commit reserves to United and Columbia Gulf estimated at 3.986 trillion cubic feet as of January 1, 1962, and that these Louisiana reserves are sufficient to supply an additional 30,000 MMcf to meet the requirements of the Columbia System for the 1962–63 heating season in the event that gas deliveries by Monterey are delayed beyond the 1962–63 heating season. Columbia Gulf also states that the Louisiana suppliers could continue to meet these additional 30,000 MMcf of requirements until at least January 1, 1974, before a deficiency in gas supply would occur. Columbia Gulf further avers in the first supplement that its proposal therein "* * * is supplemental to the over-all Monterey project and is not intended as an alternate or superseding proposal thereto * * *".

In its second supplement filed June 11, 1962, Columbia Gulf states that its original application in Docket No. CP62–89 had sought authorization to construct facilities over the four-year period from 1962 through 1965 in conformity with Monterey's original proposal to deliver gas at Columbia Gulf's Compressor Station No. 9 which is located near Alexandria, Louisiana. However, Monterey now proposes in its amended application to

deliver gas to Columbia Gulf at a point near Bunkie, Louisiana, which is located about 40 miles south of Alexandria, Louisiana. Monterey's proposed new delivery point will require Columbia Gulf to transport the gas a greater distance than was previously anticipated so that Columbia Gulf will not only have to construct the additional Compressor Station 10A as hereinbefore described, but will also have to construct 419 miles of 30-inch pipeline and related compressor facilities at an estimated total cost over the four-year period of $72,225,300, as compared with having to construct about 391 miles of 30-inch loop pipeline and related compressor facilities at an estimated total cost over the four-year period of $67,355,400, as Columbia Gulf had originally anticipated when it filed its application in Docket No. CP62–89.

Therefore, in its second supplement Columbia Gulf requests authorization to construct the following facilities in order to increase its design capacity to 1,078,500 Mcf per day by November 1, 1965. In 1962 Columbia Gulf proposes to construct Compressor Station 10A with 10,500 installed horsepower and nine 30-inch loop sections, totaling 132.7 miles in length, plus a piping connection between Monterey's proposed pipeline and Station 10A, at an estimated cost of $20,192,900, in order to increase its daily design capacity to 768,500 Mcf. In 1963 Columbia Gulf proposes to construct ten 30-inch loop sections, totaling 144.2 miles, at an estimated cost of $19,281,800, to increase its daily design capacity to 858,500 Mcf. In 1964 Columbia Gulf proposes to construct six 30-inch loop sections, consisting of 52.1 miles, and engine compressor additions totaling 79,900 horsepower at eight main-line compressor stations, at an estimated cost of $20,191,600, to increase its daily design capacity to 963,500 Mcf. In 1965 Columbia Gulf proposes to construct ten 30-inch loop sections, totaling 89.6 miles, at an estimated cost of $12,559,000, to increase its daily design capacity to 1,078,500 Mcf.

Columbia Gulf reiterates in the second supplement that attainment of a capacity of 768,000 Mcf on its system in 1962 is dependent upon the Commission's authorizing Columbia Gulf to utilize, without limitation to standby use, the compressor facilities which have previously been authorized only on a standby basis in Docket Nos. G–18121 and G–19376. These facilities consist of a 4,000-horsepower compressor unit at Columbia Gulf's Compressor Station No. 4 near Hampshire, Tennessee, and a 10,500-horsepower compressor unit at Compressor Station No. 2 near Clementsville, Kentucky.

In its first supplement filed June 5, 1962, in Docket No. CP62–90, United seeks authorization to turbocharge all of the six existing compressor units at the Ceredo Compressor Station so as to increase the existing horsepower of each unit from 2,000 horsepower to 2,800 horsepower, or a total increase of 4,800 horsepower. In its application as originally filed, United had requested authorization to increase the horsepower of only two of the six existing compressor units at the Ceredo Compressor Station. The first supplement states that the additional horsepower is required to increase deliveries to Ohio Fuel by 50,000 Mcf per day, at 850 pounds pressure per square inch gauge, during the summer of 1963. The original application had been based upon the market estimates contained in the 1961 Blue Book which had indicated that Ohio Fuel would require an increase of only 30,000 Mcf per day. However, it is alleged that the 1962 Blue Book reflects the daily requirements of Ohio Fuel to be 50,000 Mcf instead of the 30,000 Mcf of increased requirements which had served as the basis for United's seeking authorization to construct the facilities previously requested in the original application filed in Docket No. CP62–90.

United's first supplement also avers that the 1962 Blue Book estimates require Columbia Gulf to shift delivery of 15,900 Mcf per day from Kentucky Gas to United. The delivery of an additional 15,900 Mcf by Columbia Gulf to United makes it necessary for Columbia Gulf to transport this additional volume a greater distance for delivery to United than such gas would have had to be transported for delivery to Kentucky Gas. The additional transportation reduces the pressure at which the gas will be delivered to United to 661 pounds per square inch gauge instead of 675 pounds as was contemplated in United's original application. United's first supplement states that this drop in delivery pressure at which gas is received from Columbia Gulf is a contributing factor to United's need to construct additional compressor horsepower at the Ceredo Station so that gas may be delivered to Ohio Fuel at 850 pounds per square inch gauge during the summer of 1963.

Since delivery of gas to Ohio Fuel at 850 psig in the summer of 1963 requires a maximum working pressure of 1,000 pounds per square inch on the line between the Ceredo Compressor Station and the delivery point to Ohio Fuel, United also seeks authority in its first supplement to construct 2.3 miles of 26-inch transmission pipeline north from the Ceredo Station to the Ohio River because the existing facilities are not capable of operating at a pressure in excess of 875 pound per square inch gauge. Construction of the aforementioned 26-inch line will enable United to retire approximately .6 mile of existing parallel 20-inch pipeline extending in a southerly direction from the Ohio River crossing.

United's first supplement also deletes from the original application filed in Docket No. CP62–90 the previous request to construct about 7.9 miles of 26-inch loop extending in an easterly direction from United's Lanham Compressor Station. The reason given by United for deferring construction of this loop pipeline is that the original application had been filed on the basis of the 1961 Blue Book estimate that Atlantic Seaboard's requirements in July of 1963 would increase by 15,500 Mcf to 356,300 Mcf. The 1962 Blue Book reflects that this increase will not take place as previously estimated so that construction of this 7.9-mile section of loop may be deferred.

United's first supplement states that the total cost of turbocharging the six compressor units at the Ceredo Station and construction of the 2.3 miles of 26-inch pipeline north of the Ceredo Station is estimated at $1,679,900. Since some existing facilities can be retired when the facilities requested in the first supplement have been constructed, United states that there will be a net debit to retirement of $142,964.

Tennessee's application in Docket No. CP62–291 should be heard on a consolidated record with the other applications, as amended, in the proceeding in Docket Nos. CP62–88, et al., under the applicable rules and regulations, and to that end the application filed by Tennessee in Docket No. CP62–291 is hereby consolidated with the proceeding in Docket Nos. CP62–88, et al., for the purpose of hearing.

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, the consolidated hearing will reconvene on July 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., Max L. Kane, Presiding Examiner, concerning the matters involved in and the issues presented by the consolidated applications.

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 3, 1962. Parties who have already been permitted to intervene in this consolidated proceeding shall be considered interveners in Docket No. CP62–291 without the necessity of their having to file separate or additional petitions requesting permission to intervene in Docket No. CP62–291.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6041; Filed, June 20, 1962; 8:47 a.m.]

[Docket No. G–12462, etc.]

CAULKINS OIL CO. ET AL.

Notice of Applications and Date of Hearing

JUNE 15, 1962.

Caulkins Oil Company, Plant Operator (Successor to Lowry Oil Company, Plant Operator, and Tim G. Lowry, Operator), Docket Nos. G–12462, G–2544, G–2568; Sunset International Petroleum Corporation (Successor to C. L. Pardo Oil & Gas, Inc., successor to David G. Baird), Docket Nos. G–14788, G–14789, G–12407, G–12408, G–6359, G–6360; Producing Properties, Inc. (Operator), et al. (Successor to Hollandsworth Oil Company (Operator) et al.), Docket Nos. G–15050, G–15051, G–4014, G–10169; Peake Petroleum Company (Successor to Western Pocahontas Corporation), Docket Nos. G–18041, G–4826, G–6443, G–6444, G–9704, G–11281; Reef Corporation (Operator), et al. (Successor to Reef Fields Gasoline Corporation), Docket

Nos. G–18063, G–7343, G–13273; Southeastern Public Service Company (Successor to Dolphin Petroleum Company, Inc.), Docket Nos. G–18546, G–10089; Anadarko Production Company (Successor to Thomas E. Sullivan, et al.), Docket Nos. CI61–507, G–7470; Manco Corporation (Operator), et al. (Successor to O. K. Smith Drilling Company), Docket Nos. CI61–1152, G–8384; Wrightsman Petroleum Company (Successor to Charles B. Wrightsman), Docket Nos. CI61–1690, G–10157; Producing Properties, Inc. (Operator), et al. (Successor to Durbin Bond & Co., Inc. (Operator) et al. and Durbin Bond & Co., Inc., et al.), Docket Nos. CI62–114, G–9060, G–9061; Danoil, Inc. (Operator), et al. (Successor to James Doughty (Operator), et al., Docket Nos. CI62–472, G–7997, G–11297; The Hidden Splendor Mining Company, Docket Nos. CI62–503, CI62–516, CI62–517, CI62–608; (Successor to Petro-Atlas, Inc. and Petro-Atlas, Inc., et al.), Docket Nos. G–15081, G–16968, G–16983, G–18490; M. D. Abel, et al. d.b.a. Abel & Bancroft (Successor to W. E. Bakke (Operator), et al.), Docket Nos. CI62–535, CI61–693; Southern Union Production Company (Successor to Southern Union Gas Company), Docket Nos. CI62–799, G–9269; M. D. Abel, et al. d.b.a. Abel & Bancroft (Operator) et al. (Successor to W. E. Bakke (Operator), et al.), Docket Nos. CI62–1022, G–13791.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to a predecessor in interest. These sales, as represented in the respective applications, and any amendments and/or supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 17, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 6, 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: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6039; Filed, June 20, 1962; 8:47 a.m.]

[Docket No. RI62–484]

AUSTRAL OIL CO., INC., AND OIL PARTICIPATIONS INC.

Order Accepting Rate Schedule for Filing and Continuing Rate in Effect Subject to Refund

JUNE 14, 1962.

On May 24, 1962, Austral Oil Company, Incorporated, Agent for Oil Participations Incorporated (Austral) filed a proposed rate schedule to cover its interest in a sale of gas to United Fuel Gas Company from certain lands and leases in Florence Field, Vermilion Parish, Louisiana. Austral's interest, along with the interests of other co-signatories to the underlying contract, is presently covered by Tidewater Oil Company (Operator), et al. (Tidewater) FPC Gas Rate Schedule No. 25. Austral, Tidewater, and others were issued permanent certificates for the sale in Docket No. G–2803.

The initial rate under Tidewater's FPC Gas Rate Schedule No. 25 was 16.0 cents per Mcf plus 1.0 cent tax reimbursement. Periodic rate increases were filed, were suspended, and became effective subject to refund in the proceedings in Docket Nos. G–9552, G–11318, G–13378, G–16594, G–19646, RI61–159, and RI62–109. A rate of 18.8 cents per Mcf plus 1.5 cents per Mcf tax reimbursement is presently in effect subject to refund in Docket No. RI62–109. Austral requests permission to continue to charge the 20.3 cents rate, subject to refund, under its proposed rate schedule. Austral has filed, along with its proposed rate schedule, an agreement and undertaking to refund any charges found to be excessive which are collected under its rate schedule.

The Commission finds:

(1) Austral's proposed rate schedule and its agreement and undertaking, tendered for filing on May 24, 1962, should be accepted for filing effective as of the date of this order.

(2) The rate under Austral's rate schedule should be 20.3 cents per Mcf effective subject to refund in Docket No. RI62–484.

The Commission orders:

(A) Austral's proposed rate schedule, designated Austral's FPC Gas Rate Schedule No. 17, is accepted for filing and made effective as of the date of this order to cover the continued sale of gas from Austral's interests heretofore covered by Tidewater's FPC Gas Rate Schedule No. 25.

(B) The rate of 20.3 cents per Mcf under Austral's FPC Gas Rate Schedule No. 17 shall be effective subject to refund in Docket No. RI62–484, and Austral's agreement and undertaking to refund all excess charges collected under said rate schedule is accepted for filing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6038; Filed, June 20, 1962; 8:47 a.m.]

[Docket No. G–17774]

ATLANTIC SEABOARD CORP.

Notice of Postponement of Hearing

JUNE 14, 1962.

Take notice that the hearing in the above-designated matter now scheduled for July 9, 1962, is hereby postponed to July 16, 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.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6037; Filed, June 20, 1962; 8:47 a.m.]

[Docket Nos. RI62–467—RI62–483]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidating Proceedings, and Setting Date for Hearing

JUNE 14, 1962.

H. L. Hunt, et al., Docket No. RI62–467; Hassie Hunt Trust, Docket No. RI62–468; Hassie Hunt Trust (Operator), et al., Docket No. RI62–469; Callery Properties, Inc., (Operator), et al., Docket No. RI62–470; Humble Oil & Refining Company, Docket No. RI62–471; Shell Oil Company (Operator), et al., Docket No. RI62–472; Shell Oil Company, Docket No. RI62–473; The British-American Oil Producing Company, Docket No. RI62–474; George R. Brown, et al., Docket No. RI62–475; William E. McCommons d/b/a McCommons Exploration Company, et al., Docket No. RI62–476; Placid Oil Company (Operator), et al., Docket No. RI62–477; Union Oil Company of California, Docket No. RI62–478; Gas Gathering Corporation, Docket No. RI62–479; Sunray DX Oil Company, Docket No. RI62–480; Texaco Inc., Docket No. RI62–481; The Pure Oil Company, Docket No. RI62–482; Sun Oil Company, Docket No. RI62–483.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents Per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R162-467	H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas 1, Tex.	25	5	Transcontinental Gas Pipe Line Corp. (Bear Field, Beauregard Parish, La.).	$48	5-16-62	7-1-62	12-1-62	23.55	[3] 25.55	G-20071
		29	2	do	126	5-17-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-468	Hassie Hunt Trust, 700 Mercantile Bank Bldg., Dallas 1, Tex.	22	2	Transcontinental Gas Pipe Line Corp. (Wildcat Bayou, Terrebonne Parish, La.).	4,637	5-17-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-469	Hassie Hunt Trust (Operator), et al. 700 Mercantile Bank Bldg., Dallas 1, Tex.	19	1	Transcontinental Gas Pipe Line Corp. (Rousseau Field, LaFourche Parish, La.).	6,308	5-17-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-470	Callery Properties, Inc. (Operator), et al., 400 Bank of the Southwest Bldg., Houston 2, Tex.	4	3	do	2,606	5-21-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-471	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	154	2	United Gas Pipe Line Co. (Soso Field, Jones and Jasper Counties, Miss.).	4,726	5-14-62	7-1-62	12-1-62	22.88	[7] 25.5426	G-18670
		155	2	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.	12,080	5-14-62	7-1-62	12-1-62	22.88	[7] 25.5426	G-18670
		245	2	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).	30,940	5-14-62	7-1-62	12-1-62	23.25	[3] 25.25	RI61-78
		120	7	Gas Gathering Corp.[4] (Bayou Des Glaise Field, Iberville Parish, La.).	23,336	5-14-62	7-1-62	12-1-62	[4 5] 21.3	[3 4 6] 23.3	
		295	4	United Gas Pipeline Co. (Gwinville Field, Jefferson Davis County, Miss.).	826	6- 1-62	7-2-62	12-2-62	22.88	[3] 25.5426	G-18107
R162-472	Shell Oil Co. (Operator), et al., 50 West 50th Street, New York 20, N.Y.	198	4	Transcontinental Gas Pipe Line Corp. (Bear Field, Beauregard Parish, La.).	10,950	5-28-62	7-1-62	12-1-62	23.55	[3] 25.55	G-18469
R162-473	Shell Oil Co	200	2	Transcontinental Gas Pipe Line Corp. (Humphreys and South Humphreys Fields, Terrebonne Parish, La.).	65,700	5-28-62	7-1-62	12-1-62	23.55	[3] 25.55	
		208	1	Transcontinental Gas Pipe Line Corp. (Mosquito Bay Field, Terrebonne Parish, La.).	7,300	5-28-62	7-1-62	12-1-62	23.55	[3] 25.55	
		126	4	Gas Gathering Corp.[8] (Happytown Field, St. Martin Parish, La.).	27,010	5-28-62	7-1-62	12-1-62	21.05	[3] 23.05	G-20059
R162-474	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	42	2	Transcontinental Gas Pipe Line Corp. (Wildcat Bayou Field, Terrebonne Parish, La.).	2,892	5-28-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-475	George R. Brown, et al., c/o Neal Powers, Jr., Butler, Binion, Rice, & Cook, P.O. Box 2200, Houston, Tex.	5	1	Transcontinental Gas Pipe Line Corp. (Sorrento Field, Ascension Parish, La.).	5,000	5-31-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-476	William E. McCommons, d/b/a McCommons, Exploration Co., et al. 1510 Mercantile, Securities Bldg., Dallas, Tex.	1	1	United Gas Pipe Line Co. (Baxterville Field, Lamar County, Miss.).	37,978	5-23-62	7-1-62	12-1-62	11.9683	[3] 25.5319	
R162-477	Placid Oil Co. (Operator), et al., 418 Market St., Shreveport, La.	19	5	Transcontinental Gas Pipe Line Corp. (Thibodaux Field, La Fourche Parish, La.).	35,849	5-28-62	7-1-62	12-1-62	23.55	[3] 25.55	
R162-478	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	49	2	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).	193,936	5-18-62	7-1-62	12-1-62	23.25	[3] 25.25	RI60-450
R162-479	Gas Gathering Corp., P.O. Box 311, Hammond, La.	2	6	Transcontinental Gas Pipe Line Corp. (Bayou Des Glaise and Happytown Fields, Iberville and St. Martin Parishes, La.).	78,000	5-31-62	7-1-62	12-1-62	23.55	[3] 25.55	G-20118
R162-480	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	[9] 215	1	Transcontinental Gas Pipe Line Corp. (South Duson Field, Lafayette Parish, La.).	44,153	5-29-62	7-1-62	12-1-62	23.55	[3] 25.55	RI61-462
		[9] 216	1	Transcontinental Gas Pipe Line Corp. (Church Point Field, Acadia Parish, La.).	6,924	5-29-62	7-1-62	12-1-62	23.55	[3] 25.55	RI61-463
R162-481	Texaco Inc., P.O. Box 2332, Houston, Tex.	101	11	United Gas Pipe Line Co. (Baxterville Field, Lamar County, Miss.).	8,687	6- 1-62	7-2-62	12-2-62	22.883	[3] 25.5425	G-19430
R162-482	The Pure Oil Co., 200 East Golf Road, Palatine, Ill.	39	1	Transcontinental Gas Pipe Line Corp. (Block 76 (offshore) Vermillion Parish, La.).	29,101	5-31-62	7-1-62	12-1-62	21.4	[3] 23.4	
R162-483	Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa.	114	6	United Gas Pipe Line Co. (Belle Isle Field, St. Mary Parish, La.).	492,141	5-31-62	7-1-62	12-1-62	23.80	[3] 25.80	
		101	3	Transcontinental Gas Pipe Line Corp. (Block 76 Field, Vermillion Area, Offshore, La.).	50,984	6-1-62	7-2-62	12-2-62	21.40	[3] 23.40	
		92	9	Transcontinental Gas Pipe Line Corporation (Pointe Au Fer Field, Terrebonne Parish, La.).	2,841	6-1-62	7-2-62	12-2-62	23.55	[3] 25.55	

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base is 15.025 psia.
[3] Periodic increase by contract.
[4] Gas Gathering Corp. deducts 0.75 cent per Mcf for gas volumes delivered to 3000 Mcf per day.
[5] Rate applicable to gas volumes delivered in excess of 3000 Mcf per day averaged monthly.
[6] Resells gas to Transcontinental Gas Pipe Line Corp.
[7] Periodic increase by contract including tax reimbursement relating thereto.
[8] Supersedes Rate Schedule No. 77.
[9] Supersedes Rate Schedule No. 108.

Under section 4(a) of the Natural Gas Act all rates which are not just and reasonable are declared unlawful. If after hearing the Commission finds the proposed increased rates unjust and unreasonable they must be disallowed.

The fact that the increased rates herein proposed are the highest ever filed with this Commission for sales in the South Louisiana and Mississippi areas and are higher than any rate ever proposed by a producer for the initial sale of gas from these areas points up the need to suspend the effectiveness of the rates and to order an expeditious hearing thereon. Moreover, this need is underlined by the fact that not only will the increased rates, if permitted to become effective, result in substantial increases in pipeline gas purchase costs,[1] but the triggering effect of such increased rates on other producer rates could exceed $900,000 per year from these areas. The proposed rates may also serve as a basis for a price redetermination at a higher rate under other gas purchase contracts in these areas. Additionally, the proposed increased rates are greatly in excess of the applicable price level set forth in the Commission's Statement of General Policy No. 61–1, as amended.

In ordering the suspension and a prompt hearing concerning the justness and reasonableness of the proposed rates, it should be noted that under section 4(e) of the Act the burden of proof to show that the increased rate or charge is just and reasonable is upon the natural-gas company. This burden of proof rests upon the natural-gas company at the time of the filing and at all times thereafter. No burden of proof rests upon the Commission's staff or upon interveners. If the respondent's proof in support thereof is insufficient the Commission has no alternative but to disallow the proposed rate for failure to meet the burden of proof imposed by the statute.

In view of the need for expeditious action herein, the hearing examiner is directed to take all steps necessary to make certain that the hearings proceed with the greatest dispatch. Direct presentations by the respondents, which under the terms of this order must be distributed no less than seven days prior to the hearing, will be incorporated into the record on the first day of hearing and cross-examination thereon will proceed immediately without recess.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered, that the proceedings involved herein be consolidated for the purpose of hearing, and that appropriate hearing procedures be prescribed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the above-styled proceedings are hereby consolidated for the purpose of hearing and a public consolidated hearing shall be held on July 16, 1962, commencing 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., concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Prior to the hearing, on or before July 9, 1962, Respondents shall serve upon all parties to the respective proceedings their direct evidence in support of their proposed increased rates and charges for the subject sales; at the beginning of the hearing, witnesses for Respondents shall adopt their testimony and be cross-examined; the Presiding Examiner shall then determine and order such further procedures as will expedite the determination of the issues in these proceedings.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention 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 and 1.37(f) on or before June 29, 1962. Answers to petitions to intervene may be filed within 10 days after the date of service of the petition, but in no event later than July 5, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62–5980; Filed, June 20, 1962; 8:45 a.m.]

[1] Indeed the proposed increased rates exceed the commodity component in the CD rate of one of the pipeline purchasers, Transcontinental Gas Pipe Line Corporation, in its Rate Zone One.

[Docket No. CP62–232]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

JUNE 14, 1962.

Take notice that on April 2, 1962, Florida Gas Transmission Company (Applicant), P.O. Box 10400, St. Petersburg 33, Florida, filed in Docket No. CP62–232 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire by merger and to operate all of the existing jurisdictional natural gas facilities presently owned and operated by Coastal Transmission Corporation (Coastal), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Coastal owns and operates a natural gas pipeline system consisting of approximately 1,006.93 miles of main, gathering, and supply pipelines, one field compressor and four compressor stations with a total of 16,500 installed horsepower, and other related facilities.

Through these facilities Coastal transports natural gas purchased from suppliers in 73 fields in the Gulf Coast area of Texas and Louisiana to the vicinity of Baton Rouge, Louisiana, for delivery and sale to Applicant. Coastal also performs, jointly with Applicant, a transportation service whereby gas purchased by Florida Power and Light Company and Florida Power Corporation in 18 fields of production is transported by Coastal and Applicant to the generating plants of the two power companies in Florida.

Applicant and Coastal are affiliates and wholly-owned subsidiaries of The Houston Corporation (Houston). Coastal has outstanding 1,049,700 shares of common stock, all of which are owned by Houston. Applicant proposes a statutory merger of Coastal into Applicant whereby Applicant, as the surviving corporation, will become sole owner of all property, rights, and interests theretofore owned by Coastal; and all the obligations of both corporations will attach to Applicant alone.

Applicant proposes to record the acquired facilities at original cost and related depreciation reserve on its books as they are now carried on Coastal's books, namely, original cost of utility plant with related reserve as of the effective date of the merger.

Applicant proposes to cancel Coastal's filed FPC Gas Tariff, under which all of Coastal's jurisdictional sales and services are made and rendered to Applicant.

Applicant states that the proposed merger will eliminate certain duplication of fees, accounting and administration expenses, and the filing of separate reports. In addition, certain state franchise and income taxes would be reduced. Applicant further states that the merger will not operate to reduce competition in any manner, and that it would simplify the physical operation of the combined systems, eliminate the need to maintain separate accounts for Coastal's operations and intercompany transactions, and result in certain savings.

The application states that no abandonment of services will result from the proposed merger as Applicant will continue to render all the services now rendered by Coastal.

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 July 24, 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 13, 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. 62-6040; Filed, June 20, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4046]

AMERICAN NATURAL GAS PRODUCTION CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock, Issuance and Sale of Common Stock by Subsidiary, and Acquisition Thereof by Holding Company

JUNE 14, 1962.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and American Natural Gas Production Company ("Production Company"), one of its subsidiary companies, Suite 4950, 30 Rockefeller Plaza, New York 20, N.Y., have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Production Company proposes to amend its Certificate of Incorporation to increase the total number of authorized shares of its common stock, $100 par value, from 50,000 shares to 80,000 shares and proposes to issue and sell up to 30,000 shares, from time to time prior to December 31, 1963, to American Natural, the owner of all of its presently outstanding common stock. American Natural proposes to acquire said shares of common stock for a cash consideration up to $3,000,000, equal to the aggregate par value of the shares purchased. American Natural will use treasury funds for the acquisition.

Production Company was organized in 1957 as a subsidiary of American Natural to engage in exploration for and development of gas reserves and related activities. The activities of Production Company to date have been financed with $5,000,000 invested by American Natural in its common stock and with funds generated from operations. The exploration and development program of Production Company for the balance of 1962 and all of 1963 is estimated to require approximately $3,000,000 of additional financing of which approximately $800,000 will be required during the balance of 1962. Production Company has borrowed $250,000 on nine-month notes which will be repaid with the proceeds of the sale of common stock.

The joint application-declaration states that expenses to be incurred in connection with the proposed transactions are estimated as follows: Federal original issue tax—$3,000; legal fees—$500; and miscellaneous—$500. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the matters proposed.

Notice is further given that any interested person may, not later than July 6, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should 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 the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6052; Filed, June 20, 1962; 8:48 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 15, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 18, 1962, to June 27, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6053; Filed, June 20, 1962; 8:48 a.m.]

[File No. 24SF-3002]

FORREST ELECTRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Thereof and Notice of Opportunity for Hearing

JUNE 15, 1962.

I. Forrest Electronics Corporation (the issuer), 425 Las Vegas Boulevard, South Las Vegas, Nevada, filed with the Commission on December 21, 1961, a Notification and Offering Circular relating to a proposed offering of 130,000 shares of $1.00 par value common stock, for an aggregate amount of $260,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to provision 3(b) thereof and Regulation A promulgated thereunder. An amended Notification and Offering Circular were filed on April 9, 1962 in reply to the San Francisco Regional Office's letter of comment of January 25, 1962. The offering was not cleared and the issuer has not offered any of its securities.

II. The Commission has reason to believe that:

A. The issuer failed to comply with the terms and conditions of Regulation A, in that the issuer declined to file financial statements containing receipts and disbursements covering the operations of the predecessor and the issuer for the period of two years preceding the filing as required by Item 11(a)(2) of Schedule I to Form 1–A required by Rule 256(a)(1).

B. The Offering Circular omits to state material facts necessary to make the statements therein contained not misleading with respect to:

(1) The nature and extent of the business operations of the predecessor, including work done in the development of the predecessor's prototypes acquired by the issuer.

(2) The nature and extent of the participation by certain of issuer's officers, directors, and promoters in the business operations of the predecessor.

(3) The nature of and reasons for the transaction in which the assets of the predecessor were acquired by the issuer.

(4) The cash cost to the predecessor of each of the six prototypes acquired by the issuer.

(5) The worth and utility to the issuer of the prototypes acquired from the predecessor and how the issuer proposes to use these assets in the light of the generalities used in describing the scope of issuer's proposed business in the circular and the representation by counsel that the issuer is not continuing the business of the predecessor.

C. The Offering Circular omits to state material facts necessary to make the statements therein contained not misleading with respect to the issuer's proposed participation in defense and space exploration activities on a commercial basis.

D. The Offering Circular contains false and misleading statements of material facts with respect to the authorization in the articles of incorporation that the issuer may engage in the manufacture of defense weapons, and missiles.

E. The Offering Circular contains false and misleading statements of material fact with respect to the nature and coverage of the licensing agreement which the issuer was specifically incorporated to acquire.

F. In light of the above the offering would be made in violation of Section 17 of the Act.

III. *It is ordered,* Pursuant to Rule 261(a) paragraphs 1, 2 and 3 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–6054; Filed, June 20, 1962; 8:48 a.m.]

[File No. 811–1128]

MEDICAL EQUIPMENT AND DRUG INVESTMENT CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 14, 1962.

Notice is hereby given that Medical Equipment and Drug Investment Company ("Applicant"), Suite 508, Federal Bar Building, Washington 6, D.C., organized under Maryland law and a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

Following an unsuccessful attempt to negotiate a public underwriting the Board of Directors has decided to abandon its objectives and plans shortly to dissolve the corporation. No shares of stock in the Applicant have been offered or sold and no money has ever been placed in the company.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 28, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–6055; Filed, June 20, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37806: *Seatrain Lines—Class rates from and to points in New York and Vermont.* Filed by Seatrain Lines, Inc. (No. 24), for itself and interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water, and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between points in New York and Vermont, on the one hand, and points in Texas and Louisiana, on the other.

Grounds for relief: Motor-water and water-rail competition.

Tariff: Supplement 25 to Seatrain Lines, Inc., tariff I.C.C. 189.

FSA No. 37807: *Barrel material from Pine Apple and Garden City, Ala.* Filed by O. W. South, Jr., Agent (No. A4204), for interested rail carriers. Rates on barrel material, as described in the application, in carloads, from Pine Apple and Garden City, Ala., to Devine, Colo., and Kansas City, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 59 to Southern Freight Association tariff I.C.C. S–3.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–6063; Filed, June 20, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.