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FEDERAL REGISTER

VOLUME 27 NUMBER 139

Washington, Thursday, July 19, 1962

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Telephone WOrth 3-3261

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

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (9), (10), (12), and (13) of paragraph (a) of § 6.310 are amended as set out below.

§ 6.310 **Department of the Interior.**

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

(9) Director, Resources Program Staff.

(10) Assistant Director, Resources Program Staff.

* * * * *

(12) Planning Reports Review Coordinator, Resources Program Staff.

(13) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.

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

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

[F.R. Doc. 62-7043; Filed, July 18, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

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

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

1. *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6414, 6641, 7122 and 10471) is issued pursuant to the provisions of Public Law 87–530 approved July 10, 1962, (1) to add a paragraph(s) to § 723.1329 (26 F.R. 10471) to provide that the lease and transfer of a tobacco allotment for the 1962 crop year shall be effective if (a) the Secretary finds a lease in compliance with the provisions of § 723.1329 of the above-designated regulations was agreed upon no later than June 15, 1962, and (b) the terms of the lease are reduced to writing and filed no later than July 30, 1962 in the county office for the county in which the farms involved are located; and (2) to add a paragraph (t) to § 723.1329 of the above-designated regulations to provide that the dissolution of a lease shall be effective if (a) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (b) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

Since tobacco producers are engaged in the production of the 1962 crop of tobacco and need to know as soon as possible the provisions of the amendment, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

2. *The amendment.* New paragraphs (s) and (t) are added to § 723.1329 to read as follows:

§ 723.1329 **Lease and transfer of tobacco acreage allotment.**

* * * * *

(s) Notwithstanding the foregoing provisions of this section, the lease and transfer of an allotment for the 1962 crop year shall be effective if (1) the Secretary finds a lease in compliance with the provisions of this section was agreed upon no later than June 15, 1962, and (2) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(t) Notwithstanding the foregoing provisions of this section, the dissolution of a lease for the 1962 crop year made pursuant to this section shall be effective if (1) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (2) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(Secs. 316, 375, 75 Stat. 469, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375; Public Law 87–200, Public Law 87–530)

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

Signed at Washington, D.C., on July 17, 1962.

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

[F.R. Doc. 62-7105; Filed, July 18, 1962; 8:58 a.m.]

[Amdt. 2]

PART 727—MARYLAND TOBACCO

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

1. *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6424, 6641 and 10504) is issued pursuant to the provisions of Public Law 87–530 approved July 10, 1962, (1) to add a paragraph (t) to § 727.1328 (26 F.R. 10504) to provide that the lease and transfer of a tobacco allotment for the 1962 crop year shall be effective if (a) the Secretary finds a lease in compliance with the provisions of § 727.1328 of the above-designated regulations was agreed upon no later than June 15, 1962, and (b) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located; and (2) to add a paragraph (u) to § 727.1328 of the above-designated regulations to provide that the dissolution of a lease shall be effective if (a) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (b) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

Since tobacco producers are engaged in the production of the 1962 crop of tobacco and need to know as soon as possible the provisions of the amendment, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

2. *The amendment.* New paragraphs (t) and (u) are added to § 727.1328 to read as follows:

§ 727.1328 **Lease and transfer of tobacco acreage allotment.**

* * * * *

(t) Notwithstanding the foregoing provisions of this section, the lease and transfer of an allotment for the 1962 crop year shall be effective if (1) the Secretary finds a lease in compliance with the provisions of this section was agreed upon no later than June 15, 1962,

and (2) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(u) Notwithstanding the foregoing provisions of this section, the dissolution of a lease for the 1962 crop year made pursuant to this section shall be effective if (1) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (2) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(Secs. 316, 375, 75 Stat. 469, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375; Public Law 87-200, Public Law 87-530)

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

Signed at Washington, D.C., on July 17, 1962.

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

[F.R. Doc. 62-7106; Filed, July 18, 1962; 8:58 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 55]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

Section 750.156(d)(2) is amended by adding to the end thereof the following: "Notwithstanding any other provisions of this section, cost-share payments other than for practice A-7 are not required to be refunded if a termination or modification under this section occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted as provided in § 750.157(b)."

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

Effective date: Date of signature.

Signed at Washington, D.C., on July 16, 1962.

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

[F.R. Doc. 62-7054; Filed, July 18, 1962; 8:55 a.m.]

[Amdt. 20]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

Section 750.511(b) is amended by adding to the end thereof the following: "Notwithstanding any other provision of this section, cost-share payments other than for practice A-7 are not required to be refunded if a termination or modification under this section occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted as provided in § 750.513(b)."

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

Effective date: Date of signature.

Signed at Washington, D.C., on July 16, 1962.

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

[F.R. Doc. 62-7055; Filed, July 18, 1962; 8:55 a.m.]

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

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Order, as Amended, Regulating Handling

Sec.

AUTHORITY: §§ 987.0 to 987.84 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and the previously issued amendment thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public

hearing was held in Indio, California, on April 2, 1962, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for making the provisions of this amendatory order effective as herein provided rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)). The sentence to be added to § 987.45(d), pertaining to the crediting of a handler's restricted obligation with excess restricted disposition of the preceding crop year, is to become effective upon publication of the amendatory order in the FEDERAL REGISTER. No useful purpose would be served by postponing the effective date of this provision since it does not impose a burden on handlers but rather confers benefits. Handlers should be permitted to receive credit, within limits to be established by the Date Administrative Committee with the approval of the Secretary, for marketable dates diverted to product outlets in excess of restricted obligations during the 1961–62 crop year, which ends July 31, 1962, so that such allowable credit may be applied against handlers' restricted obligations of the 1962–63 crop year. Thus, those handlers who have completed their operations in the first six months of the 1961–62 crop year and who have diverted a substantial quantity of excess marketable dates to product outlets will be able to take advantage of the credit made available by this change. Also, making this provision effective upon publication would enable handlers still operating to plan their operations in the light of this provision during the balance of the 1961–62 crop year.

All of the other provisions of this amendatory order should be effective August 1, 1962. The amendatory order will, among other things, include the Halawy variety within the scope of the order. It is necessary that this provision be made effective on August 1, so that all domestic dates, including Halawy dates, be subject to the same regulations. Furthermore, it will be necessary for the Committee, with the approval of the Secretary, to establish rules and regulations to implement certain of the provisions contained in the amendatory order. It is necessary that such rules and regulations be established as soon as possible and before any substantial quantities of domestic dates from the 1962 crop are handled.

Making the provisions of the amendatory order effective as provided herein will provide an early opportunity for taking the required actions, and will permit the benefits of the amendatory order to be available for the entire 1962–63 crop year.

The provisions of the amendatory order are well known to handlers of domestic dates. The public hearing in connection therewith was held April 2, 1962, in Indio, California, the recommended decision was published in the FEDERAL REGISTER on May 29, 1962 (27 F.R. 4997), and the final decision on June 23, 1962 (27 F.R. 5958). The text of the amendatory order has been made available to all known interested persons. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of this amendatory order.

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

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1961, through May 31, 1962, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, further amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the representative period August 1, 1961, through May 31, 1962, have been engaged in the production of Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of domestic dates produced or packed in Riverside, Orange and Los Angeles Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of domestic dates produced or packed in the designated area of production shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 987.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 987.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 987.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 987.4 Area of production.

"Area of production" means the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California.

§ 987.5 Dates.

"Dates" means the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties of domestic dates produced or packed in the area of production.

§ 987.6 Crop year.

"Crop year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 987.7 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of dates for sale.

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder: *Provided,* That for the purposes of §§ 987.22 and 987.24 such person shall qualify as a handler only if he has acquired the dates directly from producers.

§ 987.9 Handle.

"Handle" means to sell, consign, transport or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce including the shipment or delivery of sub-

standard dates or cull dates into non-human consumption outlets, except that sales or deliveries by producers of other than cull dates to a handler within the area of production or the movement of dates by a handler to storage for his account within the area of production shall not be considered as handling.

§ 987.10 Handler carry-over.

"Handler carry-over" means, as of any date, all marketable dates then held by a handler or for his account (whether or not sold), plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by said handler.

§ 987.11 Trade demand.

"Trade demand" means the aggregate quantity of whole dates and pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the committee finds will acquire dates at prices reasonable comparable with prices received in the continental United States.

§ 987.12 Marketable dates.

"Marketable dates" means, for any crop year, whole or pitted dates which are certified as equal to or higher than the applicable minimum grade then in effect pursuant to § 987.39 and any additional, applicable requirements, pursuant to § 987.40, which may then be in effect for restricted dates.

§ 987.13 Free dates.

"Free dates" means those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

§ 987.14 Restricted dates.

"Restricted dates" means those dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 987.44.

§ 987.15 Substandard dates.

"Substandard dates" means those dates which fail to meet the requirements for marketable dates but are not cull dates.

§ 987.16 Cull dates.

"Cull dates" means dates which fail to meet the requirements (with respect to freedom from defects) prescribed in section 798 of the Agriculutural Code of California for dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption and any dates residual from field or packinghouse grading operations.

§ 987.17 Graded dates.

"Graded dates" means those dates which are eligible for certification as marketable dates.

§ 987.18 Committee.

"Committee" means the Date Administrative Committee established pursuant to § 987.21.

§ 987.19 Cooperative marketing association.

"Cooperative marketing association" means a cooperative marketing association of date growers organized under the laws of the State of California.

§ 987.20 Part and subpart.

"Part" means the order regulating the handling of domestic dates produced or packed in Los Angeles, Riverside and Orange Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude located within the State of California, and all rules, regulations and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

DATE ADMINISTRATIVE COMMITTEE

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee, composed of seven members with an alternate member for each such member, is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members and alternates may be changed consistent with findings made pursuant to §987.22(b).

§ 987.22 Membership representation.

(a) Members and alternate members shall, until such time as a realignment of the Committee membership is effected pursuant to paragraph (b) of this section, be selected by the Secretary from each of the following groups and on the following basis:

(1) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered to such handlers during the then current crop year to February 28 at least 50 percent of his deliveries to all handlers during such period;

(2) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the Committee, and two shall be from among the producer members of such associations;

(3) Three members from all other handlers and producers of whom two shall be handler members selected from among such other handlers, and one shall be a producer member selected from among such other producers.

The foregoing representation is based on each member representing approximately 14.28 percent of date tonnage handled.

(b) Whenever the Secretary finds that any change in tonnage handled in any group is equivalent to more than one-half of the basic 14.28 percent for a member, he shall so notify the Committee and thereafter nominations and selections of members and alternates in that group shall be in such numbers and follow such alignment as the Secretary may determine: *Provided,* That each group shall be entitled to at least one member and alternate. Any such realignment shall be based on the tonnage of dates acquired from producers and certified for handling or further processing during the then current crop year to February 28. Any increase or decrease in the number of members representing a particular group shall not be dependent upon a change in membership representation of any other group nor shall any increase or decrease in the total number of members on the Committee change the basic percentage herein established for tonnage representation for members. Except for the group specified in paragraph (a)(1) of this section, any change in the nomination and selection of members for any group shall be made so as to keep producer members and handler members in balance insofar as possible.

§ 987.23 Term of office.

The term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate member shall continue to serve until his successor has been selected and has qualified.

§ 987.24 Nominations.

(a) Each group specified in § 987.22(a) may nominate, at a nomination meeting or meetings held on or before April 15 of each year, members and alternates to represent the group. With respect to the group specified in § 987.22(a)(3), separate meetings of handlers and of producers shall be held to nominate the handler representatives and producer representatives, respectively.

(b) At any meeting of the group specified in § 987.22(a)(1), each producer and each producer-handler shall be entitled to one vote for each position to be filled. At the respective meetings of the cooperative marketing associations in the group specified in § 987.22(a)(2), and of the handlers in the group specified in § 987.22(a)(3), each such association and each such handler shall be entitled to vote for each position to be filled as a representative for the particular group; and each such vote shall be weighted by the tonnage of dates acquired from producers and certified, for handling or for further processing, through February 28 of the then current crop year. At any meeting of the producers in the group specified in § 987.22(a)(3), each such producer shall be entitled to one vote for each position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before

proceeding with any selection without regard to nominations.

§ 987.25 Qualification.

Each person selected as a member or alternate member of the Committee shall, prior to serving on the Committee, qualify by filing with the Secretary a written acceptance after receiving notice of his selection. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the Committee shall be deemed vacant.

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, a successor shall be nominated within 30 calendar days and selected in the manner, and subject to the conditions, provided in this subpart.

§ 987.27 Alternates.

An alternate for a member of the Committee shall act in the place and stead of such member during his absence or in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 987.28 Expenses.

The members of the Committee shall serve without compensation but shall be allowed their necessary expenses.

§ 987.29 Powers.

The Committee shall have the following powers:

(a) To administer the terms and provisions of this subpart.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart.

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart, and

(d) To recommend to the Secretary amendments to this subpart.

§ 987.30 Duties.

The Committee shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and records which will clearly reflect all of its transactions and such minutes, books, and other records shall be subject to examination by the Secretary at any time.

(c) To investigate the growing, handling, and marketing conditions with respect to dates, to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as may be deemed pertinent to the administration of this subpart or as he may request and to give to the Secretary the same notice of meetings of the Committee as is given to the members of the Committee.

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and where desirable fix the bonds of such employees.

(f) To cause the books of the Committee to be audited by a certified public accountant at least once each crop year and at such other times as the Committee may deem necessary or the Secretary may request. The report of each such audit shall show among other things the receipt and expenditure of funds pursuant hereto. Two copies of such audit shall be submitted to the Secretary, and

(g) To investigate compliance and to use means available to the Committee to prevent violations of this part.

§ 987.31 Procedure.

The members of the Committee shall select a chairman from their membership and shall select such other officers and adopt such rules for conduct of its business as it may deem advisable. All decisions of the Committee shall be by an affirmative vote of at least two-thirds (in case of fractional numbers, rounded to the nearest whole number) of the members of the Committee. The presence of two-thirds, determined in the same way, of the members of the Committee shall be required to constitute a quorum. The Committee may vote by mail, telephone when confirmed in writing, or telegram, upon due notice and full and identical explanation to all members, but one dissenting vote shall prevent the adoption of any proposition presented to voting by this method. At all assembled meetings of the Committee all votes shall be cast in person.

RESEARCH AND DEVELOPMENT

§ 987.33 Research and development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expense of such projects shall be paid from funds collected pursuant to § 987.72.

MARKETING POLICY

§ 987.34 Development.

As early as practicable, but no later than August 1, the Committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the ensuing crop year. In developing the marketing policy the Committee shall give consideration to the following factors by varieties:

(a) Its estimate of the total date production separated as to marketable dates and dates of other grades and, when applicable, sizes, which will be produced in such crop year;

(b) Its estimate of handler carry-over as of July 31 and of any non-marketable dates held by handlers or users;

(c) Its estimate of the trade demand, taking into consideration imports, economic conditions and the anticipated market price, within the limitations of the act;

(d) Its recommendation with respect to the free and restricted percentages to be fixed; and

(e) Its recommendations as to grade and size regulations.

§ 987.35 Modifications.

In the event the Committee subsequently determines that the marketing policy should be modified due to changing supply or demand conditions, it shall formulate and submit to the Secretary its modified marketing policy along with the data which it considered in connection with such modification.

§ 987.36 Notice.

The Committee shall give notice through newspapers having general circulation in the area of production or by other means of communication to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying such marketing policy. Copies of all such reports shall be maintained in the office of the Committee where they shall be available for examination by producers and handlers.

GRADE REGULATION

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U.S. Grade C, or, if for further processing, U.S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the Committee, prescribe other minimum standards of quality. To aid the Secretary in prescribing such other minimum standards, the Committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. Notice of the minimum standard regulation shall be sent by the Committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard.

§ 987.40 Additional grade or size regulations.

Whenever the Committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 987.39, to govern dates of such variety to be handled or to be withheld to meet restricted obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for

Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. If the Secretary finds, upon the basis of such recommendation or other information available to him, that such additional grade or size regulation, or both such regulations, will tend to effectuate the declared policy of the act, he shall establish such regulations. Notice thereof, showing the effective date, shall be sent by the Committee to all handlers of record. On and after the effective date no handler shall handle dates of such variety or withhold such dates to meet withholding obligation except in accordance with such regulations.

§ 987.41 Inspection.

(a) *Packed dates.* Prior to handling any dates packed for handling each handler shall, at his own expense, cause: (1) An inspection to be made of such dates in order to ascertain if such dates meet the applicable grade and size regulations prescribed or provided for in this part; and (2) a certification for handling to be made of all such dates as meet such grade and size regulations.

(b) *Dates for further processing.* Prior to handling any dates for further processing each handler shall, at his own expense, cause: (1) An inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 987.39 or § 987.40, except for character associated with moisture; and (2) a certification for further processing to be made of all such dates as meet such grade and size requirements: *Provided,* That such inspection and certification requirements shall not apply to inter-handler transfers within the area of production of field-run dates or graded dates.

(c) *Identification and service.* All dates handled shall be identified by seals, stamps, or other means prescribed by the Committee and affixed to the containers by the handlers under the supervision of the Committee or the designated inspectors. Inspection shall be performed by inspectors of the United States Department of Agriculture's Processed Products Standardization and Inspection Branch or such other inspection service as may be recommended by the committee and approved by the Secretary. Handlers shall cause a copy of each inspection certificate to be furnished to the Committee.

VOLUME REGULATION

§ 987.44 Free and restricted percentages.

(a) Whenever the Committee finds that the available supply of marketable dates for any crop year exceeds or is likely to exceed the total trade demand therefor, and that limiting the volume to be sold in whole or pitted form of any or all varieties through establishing free and restricted percentages applicable to such supply would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If the Secretary finds, upon the basis of the Committee's recommendation and supporting data or other information available to him, that the establishment of such percentages would tend to effectuate the declared policy of the act, he shall establish such percentages. The sum of the free and restricted percentages for any crop year shall equal 100 percent.

(b) The dates handled by any handler in accordance with the provisions hereof shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

§ 987.45 Withholding restricted dates.

(a) Whenever free and restricted percentages for any variety of dates have been established for a crop year by the Secretary in accordance with § 987.44, each handler shall, at the time of having dates of such variety certified for handling or for further processing, withhold from handling a quantity of marketable dates of such variety having a weight equal to the restricted percentage for such variety referable to the dates so certified. The weight required to be withheld shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding factor, rounded to the nearest one-tenth of one percent, to the weight of dates so certified. The withholding factor, computed as aforesaid, shall be established by the Secretary. When pitted dates are certified, the weight to be withheld shall be determined by dividing the weight of the pitted dates certified for handling or further processing by a divisor established by the Committee with the approval of the Secretary and applying the withholding factor.

(b) Compliance by any handler with the withholding of restricted dates may be deferred to any date not later than January 31 of any crop year, upon request to the Committee and when accompanied by a written undertaking that on or prior to such date, he will have fully satisfied his withholding obligation. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the Committee and with a surety or sureties acceptable to the Committee, running in favor of the Committee and the Secretary in an amount conditioned upon full compliance with such undertaking. The amount shall be determined by multiplying the poundage of the deferred restricted obligation by a bonding rate per pound which would provide funds estimated to be sufficient for the Committee to purchase on the open market a volume of dates equivalent to the deferred obligation. Such bonding rate shall be established annually, and modified as necessary, by the Committee. Any sums collected through default by a handler on his bond shall be used by the Committee to purchase dates to meet the violated restricted obligation, reimburse the Committee for expenses relative to the default, and any excess money remaining shall be refunded to the defaulting handler. The dates so purchased by the Committee shall be turned over to the defaulting handler for disposition as restricted dates. In the event the Committee is unable to purchase a poundage of dates equal to the defaulted volume, the sums collected shall, after reimbursement of Committee expenses in connection with the default, be distributed among all handlers other than the defaulting handler in proportion to the volume of certified dates handled during the crop year in which the default occurred.

(c) At any time during the crop year dates may be inspected and certified for handling or for further processing as provided in § 987.41. Dates so certified shall, at the time of certification, be identified by appropriate seals, stamps, or tags to be furnished by the Committee and to be affixed to the containers by the handler under the direction and supervision of the Committee or its designated inspectors. The assessment requirements in § 987.72 as well as the withholding obligation prescribed in paragraph (a) of this section shall be met at the time of certification. However, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the Committee and with its approval, have any of such excess quantity of the certified dates suspended from certification of record or, if damaged or the outlet changed, removed from certification, and his withholding and assessment obligations adjusted accordingly. A handler, who has had dates certified for handling or further processing and has not had them so suspended from certification of record or removed from certification, may carry such certified dates over into the new crop year and need not pay the assessment nor meet the requirements of any withholding percentages established for such year.

(d) Dates withheld to meet the restricted obligation shall be stored at the expense of the handler, in storage of his own choosing and disposed of in accordance with § 987.55. All such dates shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the Committee and to be affixed to the containers by the handler under the direction and supervision of the Committee or its designated inspectors. All withholding and movement of restricted dates shall be subject to the supervision and accounting control of the Committee and reports shall be filed as required by this part. Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such crop year may have such excess quantity of marketable dates credited to his restricted obligation of the subsequent crop year: *Provided,* That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation.

(e) On request to the Committee and with its approval, a handler may, in accordance with the provisions of this paragraph and any applicable rules and regulations which the Committee may prescribe with the approval of the Secretary, defer until any date not later than July 31 of the crop year the meeting of any portion of his obligation to withhold restricted dates by setting aside

such amount of graded dates as will assure a quantity of marketable dates equal at least to the quantity needed to be withheld from handling to meet his withholding obligation. With respect to any such dates the handler may set aside in connection with such a deferment, the Committee may require, if it deems it necessary, the handler to have made, at his own expense, such inspection as may be necessary for a determination as to whether such dates conform to the applicable requirements for dates that may be set aside under this paragraph. As a condition to the Committee approving the deferment, the handler shall agree in writing that: (1) He will adequately mark and identify the set-aside graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which so set aside without the prior written permission of the Committee; (3) inspection of the dates by the Committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the Committee at any time to be deficient, the handler will promptly set aside such additional or substitute quantity of graded dates as is necessary to correct the deficiency.

(f) Upon the Committee prescribing, with the approval of the Secretary, minimum standards for inspection of field-run dates and appropriate administrative rules and regulations, a handler may, in accordance therewith and the provisions of this paragraph, satisfy all or any part of his obligation to withhold restricted dates by setting aside field-run dates or by disposing of field-run dates in outlets prescribed in, or pursuant to, § 987.56. The field-run dates shall be of such quality or size as shall be prescribed in such rules and regulations. The setting aside, direct disposal, and disposal of any field-run dates set aside shall occur prior to July 31 of the crop year in which the withholding obligation occurs. Prior to the disposal or setting aside of the field-run dates, the handler shall have had them inspected to determine the weight of dates eligible to satisfy withholding obligation. Upon such disposal or setting aside of the field-run dates, the handler shall be credited with satisfaction of his restricted obligation to the extent of the eligible weight of dates. In permitting the handler to so satisfy his withholding obligation the Committee shall require the handler to agree in writing that: (1) Any field-run dates set aside will be held separate and apart from other dates and appropriately marked; (2) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition, or for any other reason without prior written permission of the Committee; and (3) inspection of said dates by the Committee will be permitted at any reasonable time. In order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the Committee and through persons on a Committee approved list of feeders and manufacturers. The handler may, upon giving prior notice to the Committee of any of the following proposed actions with respect to field-run dates withheld and obtaining its approval, (i) dispose of any such set-aside, field-run dates in the same manner as provided for direct disposal (ii) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of such marketable dates as restricted dates, or (iii) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates.

§ 987.46 Revisions of percentages.

The Secretary may, on recommendation of the Committee submitted prior to January 31 of the crop year, or on the basis of other information available to him, increase the free percentage to conform with such new relation as may be found to exist between trade demand and available supply. Upon any revision in the free and restricted percentages the control obligation of each handler with respect to dates handled or certified for handling or for further processing by him for the entire crop year shall be recomputed in accordance with such revised control percentages. The handler shall be permitted to select, insofar as practicable, under the supervision and direction of the Committee, the particular dates to be removed from any dates withheld.

§ 987.47 Surplus.

All cull dates and all substandard dates, including such dates blended with varieties within the generic term "dates" not regulated by this part, except any substandard dates released to human consumption outlets pursuant to § 987.56, are surplus dates of any crop year. No handler shall ship or deliver such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets for such dates, except that any producer or handler may dispose of any such surplus dates of his own production within his own livestock feeding operations. Surplus dates delivered to the Committee shall be disposed of by it, in those outlets specified in § 987.56, at the best prices attainable and the proceeds returned pro rata, after deduction of Committee costs, to equity holders. The Committee may assist handlers with the cleaning, storage, or delivery of surplus dates and may, with the approval of the Secretary, establish rules and regulations necessary and incidental to administration of this regulation.

CONTAINER REGULATION

§ 987.48 Container regulation.

Whenever the Committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container, or containers, which may be used in the handling or packaging of dates, or both. If the Secretary finds upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act he shall establish such regulation and notice thereof showing the effective date shall be sent by the Committee to all handlers of record. After the effective date of such regulation, no handler shall handle dates of such variety except in accordance with such regulation and all other applicable requirements in effect pursuant to this part.

QUALIFICATIONS TO REGULATION

§ 987.50 Application after end of crop year.

Unless otherwise specified the regulations and the bonding rates established for any crop year shall continue in effect with respect to all dates for which control obligations have not been previously met, until regulations and bonding rates are established for the new crop year. Thereupon the withholding obligations for all dates handled or certified for handling or for further processing during such crop year shall be adjusted to the newly established percentages and a similar adjustment shall be made in any bond or bonds already given for that crop year.

§ 987.51 Interhandler transfers.

Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the Committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided*, That in the absence of the Committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production.

§ 987.52 Exemption.

The Committee may exempt from regulation, upon written request of any producer or handler, the dates he sells to consumers through roadside stands, local date shops, mail order or specialty outlets, if it determines that the particular request is not likely to materially interfere with the objectives of this part. All dates handled pursuant to exemptions under this section shall be reported to the Committee in such manner and in such form as the Committee may prescribe. The Committee shall issue, with the approval of the Secretary, appropriate rules and regulations establishing the bases on which exemptions may be granted.

DISPOSITION OF OTHER THAN FREE DATES

§ 987.54 Disposition of other than free dates.

Dates other than free dates shall not be used or otherwise disposed of except as provided in §§ 987.55 and 987.56.

§ 987.55 Outlets for restricted and other marketable dates.

Restricted dates may be disposed of only through exportation to such countries as the Committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, or paste, or any other products which the Committee concludes to be appropriate and which will result in the dates moving into consumption in a form other than that of whole dates or pitted dates. The Committee, with the approval of the Secretary, may establish such grade, container, and identification requirements for such dates for export, as are deemed essential to the promotion of orderly marketing. Dates other than restricted dates may also be so disposed of if they are inspected and certified as meeting the requirements for marketable dates. However, the provisions of this section shall not preclude any such dates from being disposed of in the outlets for substandard dates and cull dates prescribed in § 987.56.

§ 987.56 Outlets for substandard and cull dates.

Subject to the provisions of § 987.47, substandard dates and cull dates may be disposed of without inspection, but only in feed, non-table syrup, alcohol, or brandy outlets, or in such other outlets for non-human food products as the Committee concludes are non-competitive with the outlets for free and restricted dates: *Provided,* That whenever the Committee concludes and the Secretary finds that the use of substandard dates of any variety in certain products for human consumption would tend to effectuate the declared policy of the act, the Secretary shall specify such products, and dates of such variety that are inspected and certified as substandard dates may be disposed of for use, or used, in such products.

§ 987.57 Approved manufacturers or feeders for diversion of restricted, other marketable, substandard, and cull dates.

(a) Diversion, pursuant to § 987.55 or § 987.56, of restricted dates, other marketable dates, substandard dates, or cull dates shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. Any person may become an approved manufacturer or feeder if he (1) submits an application to the Committee in which he agrees, as a condition to approval of his application, to furnish to the Committee such information as it may require and to comply with the requirements and restrictions relative to the use and disposition of such dates, as set forth in this part, and (2) receives from the Committee written approval of his application. The application and approval shall be in accordance with such rules, regulations and safeguards as may be prescribed pursuant to § 987.59.

§ 987.58 Terminal date.

Dates covered by §§ 987.55 and 987.56 shall, by September 30 of the subsequent crop year (a) in accordance with the applicable requirements of such sections, be disposed of, or be converted from their whole or pitted form; or (b) be set aside and marked for disposition pursuant to the applicable requirements of such sections. The Committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards, pursuant to § 987.59, as may be necessary to prevent dates covered by §§ 987.55 and 987.56 from interfering with the objectives of this part.

§ 987.59 Safeguards.

The Committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards as are necessary to prevent dates covered by §§ 987.55 and 987.56 from interfering with the objectives of this part.

REPORTS AND RECORDS

§ 987.61 Reports of handler carry-over.

Each handler shall file each year with the Committee written reports of his carry-over of dates as of January 1, June 1, and August 1, and at such other times as the Committee may prescribe. Such reports shall be filed within 15 days of the respective dates.

§ 987.62 Reports of dates shipped.

Each handler who ships dates during a crop year shall submit to the Committee, in such form and at such intervals as the Committee may prescribe, reports showing the net weight of dates shipped by him and such other information pertinent thereto as the Committee may specify.

§ 987.63 Reports on restricted dates withheld.

Each handler from time to time, on demand of the Committee, shall file with it a report of the restricted dates withheld by him in satisfaction of his withholding obligation. Such reports shall show such information as the Committee may require and may be in such form as the Committee may prescribe.

§ 987.64 Reports on disposition of restricted, other marketable, substandard and cull dates.

Each handler disposing of any quantity of restricted dates or other marketable dates, substandard dates, or cull dates for which disposition is prescribed in §§ 987.55 and 987.56 shall promptly thereafter report such disposition to the Committee in such form as the Committee may prescribe.

§ 987.65 Other reports.

Upon request of the Committee each handler shall furnish to it in such manner and at such times as it prescribes, such other information as will enable the Committee to perform its duties and exercise its powers hereunder.

§ 987.66 Certification of reports.

All reports submitted to the Committee as required in this part shall be certified to the United States Department of Agriculture and to the Committee as to the completeness and correctness of the information therein.

§ 987.67 Confidential information.

All data or other information constituting a trade secret or disclosing a trade position or business condition shall be received by, and kept in the custody of, one or more designated employees of the Committee and information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

§ 987.68 Verification of reports.

For the purpose of checking and verifying reports made by handlers to it, the Committee, through its designated employees, shall have access to handler premises wherein dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to dates held or disposed of by such handlers. Handlers shall furnish labor necessary to facilitate such examinations at no expense to the Committee. All handlers shall maintain complete records on the handling, withholding and disposition of dates. The Committee, with the approval of the Secretary, may establish the type of records to be maintained. Such records shall be retained by handlers for not less than two years subsequent to the termination of each crop year.

EXPENSES AND ASSESSMENTS

§ 987.71 Expenses.

The Committee is authorized to incur such expenses, including maintenance of an operating reserve fund, as the Secretary may find are reasonable and are likely to be incurred by it during each crop year for the maintenance and functioning of the Committee and for such other purposes as he determines to be appropriate. The recommendation of the Committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended.

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, with respect to free dates he handles or has certified for handling or for further processing his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary. At any time during or after a crop year the Secretary may increase such assessment rate to secure sufficient funds to cover unanticipated expenses or a deficit in assessable poundage. Any such increase shall apply to all assessable poundage of the crop year. The Committee may accept payments of assessments in advance and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by a divisor established by the Committee with the approval of the Secretary.

(b) *Surplus expenses.* The Committee is authorized to use temporarily funds derived from assessments collected pur-

suant to paragraph (a) of this section to defray expenses incurred in disposing of surplus dates. All such expenses shall be deducted from the proceeds obtained by the Committee from such disposal.

(c) *Operating reserve.* The Committee, with the approval of the Secretary, may establish and maintain during one or more crop years an operating monetary reserve in an amount not to exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years, except that an established reserve need not be reduced to conform to any recomputed average. Funds in reserve shall be available for use by the Committee for expenses authorized pursuant to § 987.71.

(d) *Refunds.* Funds held by the Committee at the conclusion of the crop year in excess of the crop year's expenses, including reserve requirements, may be used to defray expenses for no more than the ensuing four months, and thereafter within a reasonable time the Committee shall credit, or upon demand, refund the aforesaid excess to handlers who contributed to such excess: *Provided,* That the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses, including reserve requirements, of the Committee for the preceding crop year. Upon termination of this subpart any money in possession of the Committee shall be distributed in such manner as the Secretary may direct: *Provided,* That, to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

MISCELLANEOUS PROVISIONS

§ 987.76 Compliance.

No handler shall handle any dates (including dates for further processing) except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part, including but not being limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part.

§ 987.77 Personal liability.

No member or alternate member of the Committee, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 987.78 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability of this part to any other person, circumstance, or thing shall not be affected thereby.

§ 987.79 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 987.80 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 987.81 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 987.82 Effective time, suspension, or termination.

(a) *Effective time.* The provisions of this part, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of dates who, during that crop year, have been engaged in the production for market of dates in the area of production: *Provided,* That such majority have, during such period, produced for market more than 50 percent of the volume of such dates produced for market within said area; but such termination shall be effective only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the Committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Committee, of all funds and property then in the possession or under the control of the Committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all funds, property, and claims vested in the Committee or the joint trustees pursuant hereto.

(3) *Obligations of persons other than Committee members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Committee and upon the said joint trustees.

§ 987.83 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not—

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or

(b) Release or extinguish any violation of this part or of any regulation issued hereunder, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 987.84 Amendments.

Amendments hereto may be proposed, from time to time by any person or by the Committee.

Dated July 13, 1962, to become effective on August 1, 1962, except that the sentence which is to be added to § 987.45 (d) shall become effective upon publication in the FEDERAL REGISTER.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7053; Filed, July 18, 1962; 8:54 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Cotton Bulletin 1]

PART 427—COTTON

Subpart—1962 Cotton Loan Program Regulations

Correction

In F.R. Doc. 62-6742 appearing at page 6530 of the issue for Wednesday, July 11, 1962, in § 427.1329(b)(2), the fourth

column of the table should be titled "1½ and longer" instead of "½ and longer".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 110—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

Miscellaneous Amendments

These amendments to Title 10, CFR Part 110 (1) substitute a list of countries and destinations excluded from the scope of the regulation now in effect for the reference to countries or areas listed as subgroup A countries or destinations in § 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce (15 CFR 371.3); and (2) incorporate a general authorization made by the Commission under section 57a(3)(B) of the Atomic Energy Act of 1954 (68 Stat. 919), for the purpose of (a) authorizing persons within or under the jurisdiction of the United States to engage in unclassified meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations attended by nationals or representatives of any country; (b) authorizing participation in unclassified international conferences attended by nationals or representatives from any country; and (c) authorizing participation in unclassified exchange programs approved by the Department of State. The present regulation is also amended by designating the Division of International Affairs rather than the Division of Licensing and Regulation as the addressee in §§ 110.4, 110.8 and 110.10.

Attention is called to the reporting requirements contained in § 110.10 of the regulation. When activities authorized by the present amendment, including participation in meetings or conferences, include activities for which reports are required under § 110.10, reports shall be submitted as required by that section.

Inasmuch as these amendments involve the foreign affairs functions of the United States, the Commission has found that general notice of proposed rulemaking and public procedure thereon are impracticable, unnecessary, and contrary to the public interest; and that good cause exists why these amendments should be made effective upon publication in the FEDERAL REGISTER without the customary 30-day period of notice.

Accordingly, pursuant to the Administrative Procedure Act, the following rules are published as documents subject to codification and are effective upon publication in the FEDERAL REGISTER:

1. Paragraph (a) of § 110.7 is deleted and the following new paragraph (a) is added:

(a) Pursuant to section 57a(3)(B) of the Act, the Atomic Energy Commission has determined that any activity which:

(1) May constitute directly or indirectly engaging in the production of any special nuclear material in any foreign country other than the following countries or areas:

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning province).
Communist-controlled area of Viet Nam.
Cuba.
Czechoslovakia.
East Germany (Soviet zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland.
Rumania.
Union of Soviet Socialist Republics.

or

(2) May constitute directly or indirectly engaging in the production of any special nuclear material in any foreign country and is limited to participation in (i) meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations; (ii) international conferences held under the auspices of a nation or group of nations; or (iii) exchange programs approved by the Department of State; and

(3) Does not involve the communication of Restricted Data or other classified defense information; and

(4) Is not in violation of other provisions of law;

will not be inimical to the interest of the United States and is authorized by the Atomic Energy Commission.

2. Sections 110.4, 110.8 and 110.10 are amended by deleting "Division of Licensing and Regulation" and substituting in lieu thereof "Division of International Affairs."

(Secs. 57, 161, 68 Stat. 932, 948; 42 U.S.C. 2077, 2201)

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

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-7042; Filed, July 18, 1962; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 7]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Disposition of Debt Securities or Other Securities Held by SBA

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, and section 5 of the Small Business Act of 1953, Public Law 85-536, 72 Stat. 385, as amended, which was incorporated into the Small Business Investment Act of 1958 by section 201 of that Act, there is added, as set forth below, a new § 107.404 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851, 1720, 3844, and 4905).

Information and effective date. Section 201 of the Small Business Investment Act, as amended, provides, inter alia, that the Administrator and the Administration shall have the functions, powers, and duties set forth in the Small Business Act. Section 5 of the Small Business Act provides, inter alia, that in the performance of, and with respect to, the functions, powers, and duties vested in him by this Act the Administrator may, under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of loans granted under this Act, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such loans until such time as such obligations may be referred to the Attorney General for suit or collection. The new § 107.404, as set forth below, establishes and provides that the Administration may sell, assign, transfer, or otherwise dispose of any debenture, note, or evidence of debt or security held by it in carrying out the provisions and purposes of the Small Business Investment Act, as amended. Since this Rule relates to matters which are exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Adding a new § 107.404 following § 107.403 which reads as follows:

§ 107.404 Disposition of debt securities or other securities held by SBA.

SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer, or otherwise dispose of any debenture, note, or other evidence of debt or security held in connection with any loan made under sections 302(a) and 303(b) of the Act and may accept reassignment, retransfer, and delivery thereof from any such purchaser, assignee, or transferee as may be agreed upon between SBA

and such purchaser, assignee, or transferee.

Dated: July 13, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7040; Filed, July 18, 1962; 8:51 a.m.]

[Amdt. 8]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Idle Operating Funds

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, § 107.710 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851, 1720, 3844, and 4905).

Information and effective date. There was published in the FEDERAL REGISTER on May 25, 1962 (27 F.R. 4939), a notice of intention to amend paragraph (b) § 107.710 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication. Interested persons have submitted persuasive and sound legal and logical comments and suggestions backed by practical business judgments that Licensees should be permitted, under this Regulation, to place idle operating funds in time deposits evidenced by Time Certificates of Deposits as well as in demand deposits. After consideration of all such relevant matter as was presented by interested persons § 107.710, with changes resulting from such consideration, is hereby adopted as set forth below. Because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Deleting § 107.710 and substituting in lieu thereof a new § 107.710. As amended, § 107.710 reads as follows:

§ 107.710 Idle operating funds.

Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the Regulations thereunder, and not invested in accordance with the last sentence of section 308(b) of the Act, as soon as practicable after receipt thereof, shall be placed on demand deposit with a commercial bank (or banks) which is a member of the Federal Deposit Insurance Corporation, or placed on time deposit with such a bank, evidenced by a Time Certificate of Deposit, the maturity of which shall not be longer than six months from the date of such deposit: *Provided, however,* That a Licensee may establish and maintain an imprest petty cash fund in an amount not to exceed $500 at any one time.

Dated: July 16, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7041; Filed, July 18, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation and Alteration

The purpose of these amendments to Part 600 and § 600.1672 of the regulations of the Administrator is to revoke the segment of intermediate altitude VOR Federal airway No. 1672 from the Poughkeepsie, N.Y., VOR via the intersection of the Poughkeepsie VOR 043° and the Manchester, N.H., VOR 255° True radials to the Kennebunk, Maine, VOR; designate intermediate altitude VOR Federal airway No. 1777 from the intersection of the Poughkeepsie VOR 043° and the Manchester VOR 257° True radials via Manchester VOR to the Kennebunk VOR and delete reference to the Wilton, Conn., VOR in the description of Victor 1672.

These actions would eliminate the problems of route ambiguity created by the existence of multiple junction points between Victor 1672 and intermediate altitude VOR Federal airway No. 1695 at the Kennebunk VOR, the intersection of the Poughkeepsie VOR 043° and the Manchester VOR 255° True radials, and the Poughkeepsie VOR. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between these airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. In addition, reference to the Wilton, Conn., VOR would be deleted from the Huguenot to Poughkeepsie segment of Victor 1672. The Wilton VOR is scheduled for decommissioning on August 23, 1962.

Accordingly, the segment of Victor 1672 between the Poughkeepsie VOR and the intersection of the Poughkeepsie VOR 043° and the Manchester VOR 255° True radials would be revoked as it is a common airway segment with Victor 1695, and the segment of Victor 1672 between the Huguenot VOR and the Poughkeepsie VOR would be redesignated via the intersection of the Huguenot VOR 077° and the Poughkeepsie VOR 236° True radials. Additionally, Victor 1777 is being designated via the Manchester 257° True instead of the Manchester VOR 255° True radial as was Victor 1672 to form a common intersection with that of intermediate altitude VOR Federal airway No. 1727 and 1695 between the Albany, N.Y., VOR and the Boston, Mass., VOR.

Since these amendments are minor 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 600.1672 (26 F.R. 1090) is amended to read:

§ 600.1672 VOR Federal airway No. 1672 (Selinsgrove, Pa., to Poughkeepsie, N.Y.).

From the Selinsgrove, Pa., VOR via the Thornhurst, Pa., VOR; thence 10-mile wide airway via the Huguenot, N.Y., VOR; INT of the Huguenot VOR 077° and the Poughkeepsie, N.Y., VOR 236° radials; to the Poughkeepsie VOR.

2. Part 600 (14 CFR Part 600) is amended by adding the following:

§ 600.1777 VOR Federal airway No. 1777 (Greenfield, Mass., to Kennebunk, Maine).

From the INT of the Poughkeepsie, N.Y., VOR 043° and the Manchester, N.H., VOR 257° radials to the Manchester VOR; thence 10-mile wide airway to the Kennebunk, Maine, VOR.

These amendments shall become effective 0001, e.s.t, September 20, 1962.

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

Issued in Washington, D.C., on July 12, 1962.

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

[F.R. Doc. 62-7016; Filed, July 18, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-15]

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 Point

On April 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3563) stating that the Federal Aviation Agency proposed to revoke low altitude Amber Federal airway No. 5, its associated control areas and reporting point from Grand Isle, La., to New Orleans, La.

No adverse comments were received regarding the amendments proposed in the Notice.

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 notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.105 *Amber Federal airway No. 5 (Grand Isle, La., to New Orleans, La.).* is revoked.

2. In Part 601 (14 CFR Part 601) § 601.105 *Amber Federal airway No. 5 control areas (Grand Isle, La., to New Orleans, La.).* is revoked.

3. In Part 601 (14 CFR Part 601) § 601.4105 *Amber Federal airway No. 5 (Grand Isle, La., to New Orleans, La.).* is revoked.

These amendments shall become effective 0001, e.s.t., September 20, 1962.

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

Issued in Washington, D.C., on July 12, 1962.

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

[F.R. Doc. 62-7017; Filed, July 18, 1962; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-47]

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

Alteration of Control Zone

Correction

In the F.R. document appearing at page 6606 of the issue for Thursday, July 12, 1962, the document number following the signature should read "62-7039" instead of "62-6761."

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7785 o.]

PART 13—PROHIBITED TRADE PRACTICES

Manco Watch Strap Co., Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: *§ 13.1900 Source or origin: § 13.1900-35 Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Manco Watch Strap Co., Inc., et al., Jersey City, N.J., Docket 7785, Mar. 13, 1962]

In the Matter of Manco Watch Strap Co., Inc., Topps Products Corp., Corporations, and Samuel Mandel, Marvin Mandel, Morris Mandel and Eugene Mandel, Individually and as Officers of Said Corporations

Order requiring Jersey City, N.J., distributors of metal expansion watch bands imported from Japan and Hong Kong to jobbers, chain stores, and other retailers under the trade name "Topps", to cease selling the watch bands so packaged that the words "Hong Kong" or "Japan", stamped on a link on the inner side, were concealed and could not be seen without damaging the containers, and requiring them to clearly disclose the place of origin in a conspicuous place on the packages.

The order to cease and desist is as follows:

It is ordered, That respondents, Manco Watch Strap Co., Inc., Topps Products Corp., corporations, and their officers, and respondents Samuel Mandel, Marvin Mandel, Morris Mandel, and Eugene Mandel, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of imported merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing said products in packages or containers in such a manner that the name of the country or place of origin on the product is concealed without clearly disclosing the country or place of origin of the product in a conspicuous place on the package or container.

2. Offering for sale, selling or distributing said products mounted or affixed to cards in such manner as to conceal the name of the country or place of origin without disclosing on such cards the name of the country or place of origin;

And it is further ordered, That the allegations of the complaint, insofar as they charge as a deceptive practice that the respondents' unpackaged watch bands fail to have adequately identified thereon the country or place of origin, are herein and hereby dismissed for lack of evidence.

By the Commission's Final Order, report of compliance was required as follows:

It is further ordered That respondents, Manco Watch Strap Co., Inc., Topps Products Corp., Samuel Mandel, Marvin Mandel, Morris Mandel, and Eugene Mandel shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: March 13, 1962.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7044; Filed, July 18, 1962 8:52 a.m.]

[Docket C-93]

PART 13—PROHIBITED TRADE PRACTICES

Venus Fur Corp., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Venus Fur Corporation et al., New York, N.Y., Docket C-93, Mar. 13, 1962]

In the Matter of Venus Fur Corporation, a Corporation, and Leon Lutzker, Nathan Kimmel, Morris Rosenshine, and George Perlman, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing bleached fur products falsely to show that the fur contained therein was natural, failing to show on labels and invoices when fur was artificially colored, and furnishing false guaranties that fur products were not misbranded, falsely invoiced, or falsely advertised.

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

It is ordered, That Venus Fur Corporation, a corporation, and its officers, and Leon Lutzker, Nathan Kimmel, Morris Rosenshine, and George Perlman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

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

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

2. Falsely or deceptively invoicing fur products by:

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

B. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

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

Issued: March 13, 1962.

By the Commission.

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

[F.R. Doc. 62-7045; Filed, July 18, 1962; 8:52 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55664]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1962 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1962:	*Net amount of bounty per 2,240 lbs. of sugar content*
January	A£45. 10. 0
February	46. 1. 0
March	40. 15. 0
April	42. 0. 0
May	42. 13. 0
June	38. 11. 0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: July 13, 1962.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 62-7050; Filed, July 18, 1962; 8:54 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 206—FISHING AND HUNTING REGULATIONS

PART 207—NAVIGATION REGULATIONS

Lake Macatawa, Mich., et al.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180) § 202.80a is hereby prescribed designating a special anchorage area in Lake Macatawa, Michigan, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.80a Lake Macatawa, Mich.

An area located on the south side of Lake Macatawa near the entrance to Lake Michigan, shoreward (south) of a line commencing offshore of Macatawa Park at a point 960 feet S 156° E from the light on the south pier at the entrance to the Lake, and extending 1,550 feet N 82° E toward the northwest corner of the Macatawa Bay Yacht Club pier.

[Regs., 28 June 1962, 285/111-ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

PACIFIC OCEAN, CALIF.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.200a is hereby prescribed establishing and governing the use and navigation of a naval danger zone in the Pacific Ocean, located off West Cove, San Clemente Island California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.200a Pacific Ocean, San Clemente Island, Calif.; naval danger zone off West Cove.

(a) *The danger zone.* The waters of the Pacific Ocean in an area about one-half mile off the west coast of San Clemente Island basically outlined as follows:

Latitude	*Longitude*
33°00'40"—	118°35'45"
32°57'40"—	118°34'25"
32°57'10"—	118°35'40"
33°00'10"—	118°37'00"
33°00'40"—	118°35'45"

(b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from 8:00 a.m. until 1:00 p.m.

(2) Except as otherwise provided in this section, the danger zone will be open to fishing and general navigation.

(3) The operations officer, Naval Ordnance Test Station, Pasadena Annex, Pasadena, California, will announce firing schedules. Each week, public notices will be issued giving advance firing schedules. Such notices will appear in the local newspapers and in local "Notice to Mariners" and "Notice to Airmen." For the benefit of the fishermen and small-craft operators, announcements will be made on the marine radio.

(4) When a scheduled firing is about to be undertaken, fishing boats and other small craft will be contacted by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the area immediately by the shortest route. Upon completion of firing or if the scheduled firing is cancelled for any reason, fishermen and small-boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(5) The regulations in this section shall be enforced by security personnel attached to the Naval Ordnance Test Station, Pasadena Annex, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego.

[Regs., June 28, 1962, 285/111-ENGCW-ON] (40 Stat. 266; 892; 33 U.S.C. 1, 3)

CHESAPEAKE BAY, MD. AND VA.

3. Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries is amended to make minor revisions and corrections in the description of certain areas, effective on publication in the FEDERAL REGISTER since the revisions are already in effect as follows:

§ 206.50 Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.

* * * * *

(e) *Baltimore District.* * * *

(6) *East side of Chesapeake Bay south from Howell Point to Maryland-Virginia boundary line.*

	Latitude	Longitude
	° ′ ″	° ′ ″
* * *	* * *	* * *
C 1	38 33 55.2	76 20 28.8
No limit line.		
Point on line of 30-foot depth approximately 3,400 yards west of C 1.		
Following line of 30-foot depth to its intersection with southerly Red Sector line of Hooper Strait Light.		
Following southerly Red Sector line of Hooper Strait Light to its intersection with line of 18-foot depth.		
Following line of 18-foot depth to its intersection with the southerly Red Sector line of Hooper Strait Light approximately 4,330 yards west by south of Hooper Strait Light.		
No limit line.		
Point on line of 18-foot depth 800 yards southwest of N 2.		
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.		
No limit line.		
On a line between Holland Island Bar Light and N 12, beginning at the southerly Red Sector Line approximately 3,100 yards south from Holland Island Bar Light, and ending at Maryland - Virginia boundary line.		

* * * * *

(8) *Pocomoke Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
"30B"	* * *	* * *
Unmarked Point	37 52 21.6	75 49 07.2

* * * * *

(9) *Potomac River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
N "14"	* * *	* * *
Unmarked Point	* * *	76 43 40.0
* * *	* * *	* * *

* * * * *

(f) *Norfolk District.* * * *

(2) *Hampton Roads and James River—(i) From Craney Island Light to Jamestown Island (South Side of River).*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "192N"	* * *	* * *
Unmarked Point 12A	37 05 24.5	76 38 40.3
C "25"	* * *	* * *

* * * * *

(v) *James River, Point of Shoals Fishing Area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "193N"	* * *	* * *
Unmarked Point 33A	37 05 23.0	76 38 33.0
Unmarked Point 34	* * *	* * *

* * * * *

(6) *York River, above King Creek.*

	Latitude	Longitude
	° ′ ″	° ′ ″
* * *	* * *	* * *
Unmarked Point 77	37 31 40.8	* * *
* * *	* * *	* * *

* * * * *

(10) *West side of Chesapeake Bay North from Wolf Trap Light to Maryland-Virginia State Border.*

	Latitude	Longitude
	° ′ ″	° ′ ″
* * *	* * *	* * *
Unmarked Point 86	38 39 19.7	76 18 00.6
Unmarked Point 92	37 40 18.0	76 18 25.0

[Regs. June 29, 1962, 285/111–ENGCW–ON]
(Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

PUGET SOUND AREA, WASH.

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 226; 33 U.S.C. 1), § 207.750 is hereby amended revising paragraphs (a) and (b)(1) to reduce the size of the naval restricted areas at the eastern end of the Strait of Juan de Fuca and in Oak and Crescent Harbors, Washington, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.750 Puget Sound Area, Wash.

(a) *Strait of Juan de Fuca, eastern end; naval restricted area—(1) The area.* Off the westerly shore of Whidbey Island, bounded by a line commencing at N. latitude 48°18′30″, W. longitude 122°42′56″; thence approximately 312° true one mile to N. latitude 48°19′11″, W. longitude 122°44′05″; thence approximately 25° true to N. latitude 48°23′01″, W. longitude 122°41′21″; thence approximately 88° true one mile to N. latitude 48°23′01″, W. longitude 122°39′48″; thence along the shore line to the point of beginning.

(2) *The regulations.* No vessel other than naval vessels shall enter the area or navigate therein without permission of the Commandant, Thirteenth Naval District, or his authorized representative.

(b) *Oak Harbor and Crescent Harbor, Whidbey Island; naval restricted area—(1) The area.* Beginning at Point Polnell at N. latitude 48°16′21″, W. longitude 122°33′27″; thence approximately 179°, 1.3 miles through the Point Polnell buoy to N. latitude 48°15′, W. longitude 122°33′24″; thence approximately 239°, 1.3 miles to N. latitude 48°14′24″, W. longitude 122°35′; thence approximately 272°, 1.7 miles to N. latitude 48°14′30″, W. longitude 122°37′30″; thence approximately 339°, 2.45 miles to N. latitude 48°16′48″, W. longitude 122°38′50″; thence approximately 44°, 0.75 mile to the shore in Oak Harbor; thence along the high water line of Oak Harbor, Forbes Point, and Crescent Harbor to the point of beginning.

[Regs., June 28, 1962, 285/111–ENGCW–ON]
(Sec. 7, 40 Stat. 226; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

[F.R. Doc. 62–7010; Filed, July 18, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5–1—GENERAL

Subpart 5–1.3—General Policies

MISCELLANEOUS AMENDMENTS

Section 5–1.352 is added, to read as follows:

§ 5–1.352 Contract numbering.

§ 5–1.352–1 Contracts required to be numbered.

For identification and control, all contracts involving the payment of $20,000 or more in a single payment and all multiple-payment contracts, regardless of amount, shall be numbered. Contracts involving the payment of less than $20,000 in a single payment may or may not be numbered depending upon the needs of the procuring activity. In case of doubt whether the amount to be paid under a contract is more or less than $20,000 or whether more than one payment may be necessary, the contract shall be numbered.

§ 5–1.352–2 System of numbering.

(a) Contract numbers shall be placed in the space provided therefor on the contract form, or, if no such space is provided, in the upper right corner of the contract separate from all other information and identified as such.

(b) Each series of contract numbers shall be assigned by the procuring activity in numerical sequence beginning with number 1 and going through 99,999 without regard to the fiscal year. Contracts beyond 99,999 shall be assigned a new series of numbers beginning with number 1. A separate series of numbers shall be used for each type of contract or procurement program where the use of a single series of numbers by the procuring activity is impractical. Records shall be maintained by the procuring activity to insure the continuity and control of numbers assigned.

(c) Each contract number shall be prefixed by use of the symbol "GS", followed by a dash and the appropriate location and procuring activity designation set forth in paragraphs (d) and (e), of this section.

(d) The following designations shall be used to identify the Central Office or GSA region in which the procuring activity is located:

00 Central Office
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6

07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) Service and staff office designations shall be used to identify the procuring activity in accordance with the following:

E Office of Finance and Administration
P Defense Materials Service
S Federal Supply Service
B Public Buildings Service
T Transportation and Communications Service
U Utilization and Disposal Service
R National Archives and Records Service

(f) An example of the general system of numbering is set forth below:

GS–02S–1

(1) The capital letters "GS" denote the General Services Administration.
(2) The designation "02" represents the location of the procuring activity (Region 2).
(3) The capital letter "S" represents the procuring service (FSS).
(4) The figure "1" represents the first contract made by the procuring activity.
(g) Each negotiated contract shall contain the symbol "NEG" inserted immediately above the contract number. Additional identification not inconsistent with that prescribed in this § 5–1.352–2 may be used if necessary for the internal control and routing of contracts and related documents. Such additional identification, if needed, should be held to the minimum consistent with adequate control of such contracts. When such additional identification is adopted by a procuring activity, notification of such action shall be furnished to the Office of Financial Management, OFA, or Office of Regional Financial Management, as appropriate.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: July 12, 1962.

LAWSON B. KNOTT, Jr.,
Acting Administrator.

[F.R. Doc. 62–7046; Filed, July 18, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62–744]

PART 3—RADIO BROADCAST SERVICES

Rebroadcast

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

The Commission having under consideration the desirability of making certain changes in the above-captioned rules; and

It appearing that the said rules require a standard, FM, noncommercial educational FM, and television station to file with the Commission a notification and certification of authorization for the rebroadcast of another station's programs; and

It further appearing that the purpose for this requirement, evidence of prior authorization, is not appropriate for rebroadcast of State Defense Network (FM) programs, which are for the general protection of life and property; and

It further appearing that it is consonant with the public interest and orderly rule making processes to amend the said rules so that they do not apply to the rebroadcast of State Defense Network (FM) programs; and

It further appearing that the amendments adopted herein involve a general statement of policy and reflect a change of procedure and thus prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendments may become effective upon publication in the FEDERAL REGISTER; and

It further appearing that authority for the amendments adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective July 23, 1962, §§ 3.121(b), 3.291(b), 3.591(b), and 3.655(c) are amended by adding the following sentences: "The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)"

1. As amended, paragraph (b) of § 3.121 preceding the note reads:

§ 3.121 Rebroadcast.

* * * * *

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

2. As amended, paragraph (b) of § 3.291 preceding the note reads:

§ 3.291 Rebroadcast.

* * * * *

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or non-commercial educational FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

3. As amended, paragraph (b) of § 3.591 preceding the note reads:

§ 3.591 Rebroadcast.

* * * * *

(b) The licensee of a non-commercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM, non-commercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certified that express authority has been received from the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

4. As amended, paragraph (c) of § 3.655 preceding the note reads:

§ 3.655 Rebroadcast.

* * * * *

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

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

Released: July 16, 1962.

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

[F.R. Doc. 62–7062; Filed, July 18, 1962; 8:56 a.m.]

[Docket No. 14447 (RM–221); FCC 62–746]

PART 3—RADIO BROADCAST SERVICES

Standard Broadcast Stations; Location of Transmitters

1. On December 15, 1961, the Commission released a notice of proposed rule making (FCC 61–1478) in the above-

captioned matter in response to a Petition for Rule Making filed by the Association of Federal Communications Consulting Engineers.

2. At present the last sentence of § 3.188(d) of the rules reads thus: "The Commission will not authorize, (1) new stations, (2) increased facilities to existing stations, or (3) auxiliary transmitters for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas when the operating power would be in excess of 500 watts."

The amendment proposed in the notice consisted of adding three provisos to the aforementioned sentence in the following manner: *"Provided, however,* That after one year of operation of facilities located in such an area or utilizing roof-top antennas at a power less than 1,000 watts, the Commission may authorize their operation with a power not in excess of 1,000 watts if there is no history of serious problems of cross-modulation at a lesser power: *Provided, further,* That the licensee shall be responsible for the satisfactory adjustment of all reasonable complaints of cross-modulation interference at the increased power: *Provided, further,* That holders of construction permits or licenses for stations with power in excess of 500 watts will not be authorized to change location of facilities while retaining operating power of over 500 watts if the change will result in locating the facilities in such an area or in utilizing a roof-top antenna; this shall apply regardless of whether the existing facilities are located within or without such an area and regardless of whether they are presently using or not using roof-top antennas."

3. Comments were filed by the Association of Federal Communications Consulting Engineers, Radio Station KRMD, Independence Broadcasting Company, Inc., Indiana Broadcasting Corporation, and WNEB, Inc. No reply comments were filed. The filing parties unanimously endorse adoption of the proposed power increase to 1 kilowatt, but nearly unanimously oppose the requirement of a 1-year test period at a lower power. They point to the accumulated experience of many station operators and engineers who aver that stations using roof-top antennas or antennas located in the older parts of a city and operating with 1 kilowatt would not significantly increase cross-modulation problems. Further, the two-step procedure proposed constitutes an unwarranted expense since the distinction drawn between operating at 500 watts and 1000 watts is unrealistic.

4. The Commission has carefully considered these comments and has additionally called upon the experience of its field staff in the matter of interference problems associated with roof-top antennas or antennas located in older parts of a city. On the basis of this information the Commission is persuaded that the rule change adopted need not include a requirement that, prior to operating with 1 kilowatt, a station must have operated at the site in question for a year with lesser power and no serious cross-modulation problems. Further, that provision of the proposed rule which relates to the relocation of facilities must be modified to reflect adoption of 1 kilowatt as the maximum permitted power. We are also of the opinion that the second proviso, which pertains to adjustment of complaints, may be omitted since we believe that section 3.88 is broad enough to cover the matter.

5. We are persuaded that the public interest will be served by adopting herein a rule which incorporates the ideas expressed in the preceding paragraph, and which in one respect goes beyond it. The language of the proposal in our notice prohibited both increases and changes in location of facilities of existing stations, with certain qualifications. The rule which we adopt is couched in terms of prohibition of a "major change of facilities," a phrase broad enough to include not only increases in power and changes in location of facilities, but also certain other changes as defined in § 1.354 of the rules which we believe, on the basis of our study of this matter, should be prohibited for the purpose of controlling problems of cross modulation.

6. Authority for adoption of the rule amendments herein is contained in sections 4(i) and 303(r) of the Comunications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That, effective August 20, 1962, the Commission Rules are amended as set forth below.

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

Adopted: July 13, 1962.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 3.188(d) is amended to read:

§ 3.188 Location of transmitters.

* * * * *

(d) Particular attention must be given to avoiding cross-modulation. In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older sections of a city. These conditions give rise to cross-modulation interference due to the nonlinear conductivity characteristics of contacts between wiring, plumbing, or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross-modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross-modulation, resulting in an unsatisfactory condition for both licensee and listeners. The Commission will not authorize (1) new stations, (2) a major change of facilities of existing stations, (3) a change in transmitter location of an existing station, or (4) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, if such new stations, physical facilities of existing stations after a major change, transmitters or auxiliary transmitters would be located in such areas or would utilize a roof-top antenna and the operating power would be in excess of 1000 watts.

[1] Commissioner Cross dissenting.

[F.R. Doc. 62-7063; Filed, July 18, 1962; 8:56 a.m.]

[FCC 62-719]

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 12—AMATEUR RADIO SERVICE

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICE

Deletion of CONELRAD Plans, Rules and Manuals for Certain Radio Services

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

The Commission having under consideration the above-captioned matter:

It appearing that Executive Order 10312, promulgated in 1951, made the Commission responsible for the development of plans and regulations to minimize the navigational information that might be obtained during periods of imminent air attack from radio stations licensed by this Commission; and

It further appearing that the Commission has issued CONELRAD Plans and Manuals; released a number of notices of proposed rule making, and has promulgated CONELRAD rules in most of the radio services; and

It further appearing that on February 13, 1961, the Commission, on the recommendation of the National Industry Advisory Committee (NIAC) requested the Department of Defense (DOD) for a re-evaluation and re-statement of the requirements for CONELRAD; and

It further appearing that the Department of Defense, by letter dated April 23, 1962, informed the Commission that, with certain exceptions, it is no longer

essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aids to an enemy; and

It further appearing that deletion of CONELRAD Plans, Rules and Manuals (in several of the Radio Services) will relieve the affected Commission licensees of the responsibility for maintaining special radio equipment for receiving CONELRAD Radio Alerts; that there is no reason why the deletions should not be adopted, and that the public interest would be served thereby; and, hence, good cause exists for making the deletions; and hence that compliance with the notice, procedural and effective date provisions of section 4 of the Administrative Procedure Act is neither necessary nor appropriate.

It is ordered, That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 5, 10, 11, 12, 16, 19, and 20 are amended as set forth, below, effective July 13, 1962.

It is further ordered, That the CONELRAD Plans and Manuals set forth below are deleted, effective July 13, 1962.

It is further ordered, That the CONELRAD Plans, Rules and Manuals affecting the following radio services are to remain in effect until further notice; the Radio Broadcast Services (§§ 3.901 through 3.980), the Experimental, Auxiliary, and Special Broadcast Services (§§ 4.51 through 4.57), and the Aviation Services (§§ 9.1201 through 9.1205).

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

Released: July 16, 1962.

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

A. The following sections of the Federal Communications Commission rules are deleted:

Sections 5.301 through 5.307.
Section 10.166.
Sections 11.701 through 11.707.
Sections 12.190 through 12.196.
Sections 16.601 through 16.607.
Sections 19.101 through 19.107.
Sections 20.40 through 20.46.

B. The following CONELRAD manuals are deleted:

1. FCC Request adopted September 22, 1954, to licensees of all classes of radio stations, except Standard, FM and TV broadcast stations, stations in the Aviation Radio Services and Stations in the Amateur Service to comply with interim voluntary CONELRAD plan FCC 54–1199 and FCC 54–1200, 19 F.R. 6314 (September 30, 1954).
2. FCC Voluntary CONELRAD plan for all classes of radio stations in Territory of Hawaii (FCC 56–510, 21 F.R. 3914, June 1956).
3. FCC CONELRAD Alerting Manual for All Classes of Radio Stations Except Standard, FM and TV Broadcast Stations dated May 1, 1957 (FCC Mimeo No. 44555).
4. FCC CONELRAD Manual or Guide for Experimental Radio Services, adopted June 6, 1957. (FCC Mimeo No. 45785).
5. FCC CONELRAD Manual or Guide for Public Safety Radio Services, adopted by FCC, September 26, 1956. (FCC 56–939)
6. FCC CONELRAD Manual or Guide for Industrial Radio Services, adopted by FCC November 28, 1956. (FCC 56–1202)
7. FCC CONELRAD Manual or Guide for Land Transportation Radio Services adopted by FCC November 28, 1956. (FCC 56–1201)
8. FCC CONELRAD Manual or Guide for Citizens Radio Service, adopted by FCC November 5, 1958. (FCC 58–1054)
9. FCC CONELRAD Manual for Disaster Communications Service, adopted by FCC November 5, 1958. (FCC 58–1055)

C. The following CONELRAD Plans are deleted:

1. CONELRAD Plan entitled "CONELRAD for the Experimental Radio Services" (FCC 57–40) approved by FCC January 10, 1957.
2. CONELRAD Plan for Radio Stations in the International Fixed Public Radio Communication Services (FCC 60–1227), approved by FCC October 12, 1960.
3. CONELRAD Plan entitled "CONELRAD for the Industrial Radio Service" (FCC 55–1212), approved by FCC December 7, 1955.
4. CONELRAD Plan entitled "CONELRAD for Public Safety Radio Services" (FCC 54–303), approved by FCC March 10, 1954.
5. CONELRAD Plan entitled, "CONELRAD for Amateur Radio Service" (FCC 54–680) approved by FCC June 2, 1954.
6. CONELRAD Plan entitled, "CONELRAD for the Land Transportation Radio Services" (FCC 55–874), approved by FCC August 31, 1955.
7. CONELRAD Plan entitled, "CONELRAD for the Citizens Radio Services" (FCC 55–109), approved by FCC January 27, 1955.
8. CONELRAD Plan entitled, "CONELRAD for the Disaster Communications Service" (FCC 55–1148), approved by FCC November 23, 1955.

[F.R. Doc. 62–7057; Filed, July 18, 1962; 8:55 a.m.]

[Docket No. 14423; FCC 62–724]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Frequencies Below 3000 kc/s for Safety Purposes

In the matter of amendment of Parts 7 and 8 of the Commission's rules concerning use of the frequency 2003 kc/s for safety and operational communications between ship stations and limited coast stations at causeways, bridges, waterways and similar locations, and between ship stations and U.S. Coast Guard coast stations for port security communications, Docket No. 14423.

1. A notice of proposed rule making in the above-captioned matter was released on December 14, 1961, and was published in the FEDERAL REGISTER on December 19, 1961 (26 F.R. 12144). The dates for filing comments and reply comments have passed.

2. Comments were filed by the U.S. Coast Guard (USCG), RCA Communications, Inc. (RCAC), William N. Krebs, Lake Carriers Association (LCA), and Commodore E. M. Webster (Ret.). Reply comments were filed by USCG.

3. RCAC stated that the proposed rules do not contain safeguards which will insure that the scope of communications of limited coast stations established under the proposed rule and ship stations would be confined to safety and navigational communications. In this proceeding, as in Docket No. 14160, where RCAC expressed the same concern, the Commission is of the opinion that, were the rules to be adopted as proposed, the establishment of an additional class of coast station would serve no useful purpose, since the rules and the station license of the limited coast station would specifically state the types of communications permitted.

4. In opposition to the proposed use of 2003 kc/s at bridges, etc., LCA stated that if a new communication function is of a short range nature, then, even though it may be important to safety and navigation, it becomes the responsibility of the Commission to allocate it to the VHF system. LCA further asserted that its Navigation Committee, which is composed of experienced navigating officers of Great Lakes vessels, is of the opinion that 2003 kc/s should not be authorized for use at bridges, waterways, causeways and similar locations because of the long-distance interference now experienced on 2003 kc/s and the heavy traffic load on that frequency. LCA also made reference to already established rules for visual and audio signals between ships and bridges which, it stated, must, as a matter of law, be observed. With respect to the latter, however, it is not clear that the Navigating Committee considers these signals entirely adequate.

5. Commodore Webster's sole concern was the protection of 2003 kc/s which is used by the United States and Canada on the Great Lakes primarily for intership communication.

6. Mr. Krebs opposed the proposed use of 2003 kc/s by limited coast stations and referred to the fact that 2003 kc/s is the frequency "* * * designated in common agreement by the Contracting Governments for use primarily for intership radiotelephone communication on the Great Lakes" pursuant to the Regulations annexed to the Great Lakes Agreement (GLA). He further stated that the use of this frequency, together with 2182 kc/s, represents the basic means to provide and assure the contemplated safety benefits of that Agreement and that the GLA does not require the installation of any radio station on land. Although these statements are true, it is to be noted that the commonly-designated frequency (2003 kc/s), by the terms of GLA, is not solely an intership frequency, but primarily an intership frequency. That this distinction has been recognized in the past is evidenced by mutual agreement between Canada and the United States that 2003 kc/s could be used at coast stations in the St. Lawrence Seaway and St. Mary's River for communications relating to the passage of vessels. Moreover, the Commission's rules, since the entry into force of the GLA in 1954, have permitted other than intership safety communication on 2003 kc/s upon the condition that interference is not caused to safety communication.

7. Mr. Krebs suggested that 2009, 2031. 2031.5, 2638, 2738 kc/s or a 2 Mc/s duplex public correspondence pair in use outside the Great Lakes area be used in lieu of 2003 kc/s. Of the suggested frequencies, 2638 kc/s is the only one presently available for assignment on the

Great Lakes. It appears that the use of it for the purpose proposed would not be particularly beneficial in that it is understood that 2638 kc/s on the Great Lakes has not been generally installed by all vessels, but rather by some pleasure boats. The allocation of a substitute frequency, whether or not now available on the Great Lakes, would serve no useful purpose if ship transmitters do not have the capability of adding another channel to those presently in use. It is likely that the radios on the vessels affected by the proposal already have the maximum number of channels installed. Hence, the proposal sought to utilize a fairly universally-installed channel, rather than to suggest a frequency which was not presently used or feasible to install. Perhaps the reason the Coast Guard has not enjoyed much success in implementing usage of the Coast Guard frequency 2670 kc/s is that the radio equipment on Great Lakes vessels simply cannot accommodate another frequency.

8. Except for the general concurrence of the USCG, no affirmative response was made to the Commission's proposal to make 2003 kc/s available at bridges, causeways, etc. On the contrary, LCA objected to this aspect of the proposal and there was an absence of comments from traffic agencies or the like or from vessel owners or operators. Therefore, contrary to the Commission's expectations when the proposal was issued, it appears that there is no general requirement for the use of 2003 kc/s at bridges, etc., on the Great Lakes, and, accordingly, that portion of the Commission's proposal is hereby withdrawn.

9. As mentioned in the proposal, the Commission had received a request for rule waiver. This request was filed by Michigan State Highway Department and asked that § 7.365 be waived to allow use of 2003 kc/s at a limited coast station to be established at a bridge near Hancock, Michigan. Michigan has shown that use of VHF is ineffectual in that, out of sixty attempts on VHF, only one contact was made on 156.8 Mc/s. Michigan needs the radio communications when vessels must be advised of a necessary delay in lifting the bridge for their passage (the bridge carries railroad traffic as well as highway traffic). It is obvious that should an emergency situation arise wherein radio communication might help prevent property damage, or possible loss of life, VHF cannot be assumed to be adequate. The Commission believes that safety considerations preponderate in the situation at the Houghton-Hancock bridge and the objections of LCA must give way to them. Hence, the waiver will be granted. In addition, the Commission, on its own motion, will waive the companion rule in Part 8 which will allow vessels to communicate, on a non-interference basis to intership safety communications on 2003 kc/s on the Great Lakes, with the radio station at the bridge. The authorization issued to Michigan, pursuant to the waiver, will contain restrictions designed to protect the intership safety use of 2003 kc/s. These conditions are: (1) Power limitation of 50 watts; (2) limitation on use of 2003 kc/s to those instances where contact cannot be established on VHF; and (3) non-interference basis to intership safety communications on 2003 kc/s on the Great Lakes.

10. The only specific objection to the proposal to permit the use of 2003 kc/s for communications with U.S. Coast Guard coast stations was raised by Mr. Krebs and directed to the absence of a procedure to prevent interference or delay to intership safety communication. The rules, as proposed, included the condition that the use of 2003 kc/s for communications with the Coast Guard is authorized provided harmful interference will not be caused to intership communications. The inclusion in the rules of a precise procedure to be followed to prevent such interference is impractical. This objective must be obtained through the operating discipline of the U.S. Coast Guard. The amendment with respect to the use of 2003 kc/s for communication with the Coast Guard will serve the public interest, convenience and necessity and is herein finalized as proposed.

11. Pursuant to the authority contained in section 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered,* That, effective August 20, 1962, Part 8 of the Commission's rules is amended as set forth below; and

It is further ordered, That the request for waiver of § 7.365 of the rules, filed by Michigan State Highway Department, is granted; and

It is further ordered, That § 8.362 of the rules is waived to permit ship stations to transmit safety of navigation communications on 2003 kc/s to the limited coast station near Hancock, Michigan, licensed to Michigan State Highway Department on condition that interference will not be caused to intership safety communications.

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

Adopted: July 13, 1962.

Released: July 16, 1962.

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

Part 8 is amended as follows:

In § 8.358, a new paragraph (d) is added as follows:

§ 8.358 Frequencies below 3000 kc/s for safety purposes.

* * * * *

(d) The frequency 2003 kc/s is authorized for use by ship stations on the Great Lakes for communication with United States Coast Guard coast stations concerning port security when the vessel is not equipped to transmit on 2670 kc/s or a suitable frequency in the band 156 to 174 Mc/s. Such use is authorized on condition that harmful interference will not be caused to any ship-to-ship communications authorized in paragraph (a) of this section.

[F.R. Doc. 62-7061; Filed, July 18, 1962; 8:56 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Revision of Procedures

On page 4517 of the FEDERAL REGISTER of May 11, 1962, there was published a notice and text of a proposed revision of Part 250. The purpose of the revision is to provide for procedural changes necessitated by transfer of certain acts formerly performed by the Small Business Administration to the Department of the Interior, to clarify the meaning of several sections, and to provide published standards that insurance underwriters furnishing insurance on property serving as collateral for a fisheries loan must meet. Due to the numerous changes being proposed, the procedures will be more readily understood if the entire part is revised.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. Two suggestions were received and have been considered in connection with the proposed revision. The proposed revision is hereby adopted with minor editorial changes and is set forth below. This revision shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Part 250 is revised to read as follows:

AUTHORITY: §§ 250.1 to 250.14 issued under sec. 4, 70 Stat. 1121; 16 U.S.C. 742c.

§ 250.1 Definition of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(c) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 250.2 Purposes of loan fund.

The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial

assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 250.3 Interpretation of loan authorization.

The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes, except the construction of new vessels.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement. In order to be eligible for replacement an obsolete or inefficient vessel must be permanently removed from commercial fishing, and if sold, must be sold subject to an agreement that it will not reenter the commercial fishery.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 250.4 Qualified loan applicants.

(a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person:

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used, or to be used, directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research;

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing loans that are not secured by the fishing vessel or gear, or debts which are not maritime liens within the meaning of subsection P of the Ship Mortgage Act of 1920, as amended (46 U.S.C. 971).

(3) Refinancing existing mortgages or secured loans on fishing vessels and gear, or debts secured by maritime liens, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than 2 years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20-percent interest in said fishing gear or vessel to be replaced or owned less than 20-percent interest in a corporation owning said fishing gear or vessel: *Provided,* That applications for a replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing a new business venture in which the controlling interest is owned by a person or persons who are not currently engaged in commercial fishing.

§ 250.5 Basic limitations.

Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided,* That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 250.6 Application.

Any person desiring financial assistance from the fisheries loan fund shall make application to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C., on a loan application form furnished by that Bureau except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 250.7 Processing of loan applications.

If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C.

§ 250.8 Approval of loans.

The Secretary will evidence his approval of the loan by issuing a loan au-

thorization covering the terms and conditions for making the loan. Documents executed in connection with a loan shall be in a form approved by the Secretary. Any modification of the terms of a loan following its execution must be agreed to in writing by the borrower and the Secretary.

§ 250.9 Interest.

The rate of interest on all loans which may be granted is fixed at 5 percent per annum.

§ 250.10 Maturity.

The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of 10 years.

§ 250.11 Security.

Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 250.12 Books, records, and reports.

The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 250.13 Insurance required.

(a) If insurance of any type is required on property under the terms of a loan authorization or mortgage it must be in a form approved by the Secretary and obtained from an underwriter satisfactory to the Secretary and meeting at least one of the following requirements:

(1) An underwriter licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(2) A foreign insurance company or club operating in the United States that has deposited funds in an amount and manner satisfactory to the Secretary in a bank chartered under the laws of a State or the United States of America, or in a trust fund satisfactory to the Secretary, which funds are solely for the payment of insurance claims of United States vessels.

(3) A reciprocal or interinsurance exchange licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(4) An insurance pool composed entirely of owners and operators of fishing vessels.

(b) Any underwriter (including a company, club, or pool) writing such insurance shall furnish such reasonable financial or operating data as the Secretary may require to determine the standing and responsibility of said underwriter.

§ 250.14 Penalties on default.

Unless otherwise provided in the loan documents, failure on the part of a borrower to conform to the terms of the loan documents will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further disbursements of funds contemplated by the loan documents.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount of the loan immediately due and payable.

(e) Prevent further disbursement of any funds remaining under his control.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1962.

[F.R. Doc. 62–7023; Filed, July 18, 1962, 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO–341]

HANDLING OF CRANBERRIES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND, NEW YORK

Decision With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on March 26–28, 1962; and continued at Mt. Holly, New Jersey, on March 30, 1962; at Wisconsin Rapids, Wisconsin, on April 2, 1962; and at Grayland, Washington, on April 5, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 2118), on a proposed marketing agreement and order for regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on June 15, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62–6017; 27 F.R. 5798).

Rulings on exceptions. Exceptions to the recommended decision were filed by (a) Vinton N. Thompson, Agent, The Birches Cranberry Company, Vincentown, N.J., (b) George T. Finnegan, Ropes and Gray, Attorneys, on behalf of Ocean Spray Cranberries, Inc., and (c) Blair L. Perry, Hale and Dorr, Attorneys, on behalf of Decas Cranberry Company, Inc., Decas Brothers Sales Company, Inc., and Peter A. LeSage, doing business as PALS Cranberries. All of the exceptions were carefully and fully considered in conjunction with the record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth in this decision. Rulings on certain of the exceptions are hereinafter set forth in connection with the findings and conclusions in this decision. To the extent that any exception is not specifically ruled on and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions and rulings relating thereto.

Findings and conclusions. The material issues, findings and conclusions, rulings and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62–6017; 27 F.R. 5798) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein, except as they may be modified by the additional findings and conclusions hereinafter set forth:

(a) Exception was taken to the definition, in § 929.11 of the recommended marketing agreement and order, of the term "to can, freeze, or dehydrate" on the basis that language used—"to convert cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process"—might be interpreted as excluding products such as bottled cranberry juice, or cranberry-orange marmalade of which only one ingredient is cranberries. "Canning" is a process of preserving foodstuffs, by the application of heat, in hermetically sealed containers, and the type of container used (can, bottle, or jar) is not the determining factor. This is the commonly accepted meaning of the term "canning" and it is so used throughout the food processing industry. The definition set forth in § 929.11 should be construed in this manner. Further, as shown by the record, any product containing some form of cranberries as one of its ingredients would be included within the scope of such definition. Therefore, it does not appear necessary to revise the provisions of said § 929.11; and the request to modify the language of such section is denied.

(b) Exception was taken to the findings and conclusions of the recommended decision pertaining to the proposal, made during the course of the hearing, to require handlers having an inventory of cranberries or cranberry products at the start of any fiscal period to withhold from handling a quantity of fresh cranberries equivalent to that in inventory in addition to the quantity to be withheld on the basis of the restricted percentage fixed for the particular crop. It is asserted that the findings and conclusions in this connection failed to take into account the possibility of fixing an inventory date at any time before the effective date of the order. However, the proposal, as presented at the hearing, would have applied to inventories at the start of each fiscal period, not to the initial fiscal period only. It is difficult, therefore, to understand how an inventory date prior to the effective date of the order could be used to implement the proposal, particularly as there is no suggestion in the record of using any date other than the start of each fiscal year. Further, the witness who offered this proposal, and the only one who testified thereon, admitted it would be possible for handlers having an inventory to manufacture such inventory into canned products and move it at reduced prices into marketing channels prior to the inventory date so as to avoid the proposed added withholding requirements and thereby create a disorderly market. The exception is denied.

(c) Exception was taken to the provision in § 929.56(b) of the recommended marketing agreement and order that any funds received by the committee from cranberries disposed of under such section which are in excess of the costs incurred in making such disposition are to be distributed to all handlers in the manner specified therein. This exception is granted and, accordingly, the last sentence in § 929.56(b) of the recommended marketing agreement and order is deleted. It is evident from the evidence in the record of the hearing that for some time, at least, the funds that the committee may have in this connection which are in excess of the costs incurred will be very small and the costs of distributing such funds to all handlers probably would be greater than warranted. In any event, if it later develops that the committee has accumulated such funds in an amount which would require a determination as to their disposition, the committee has the authority to establish, with the approval of the Secretary, the rules under which such funds would be disposed of.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York," and "Order Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period July 1, 1960, through June 30, 1962 (which period is hereby determined to be a representative period for the purpose of such referenda), were engaged in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York in the production of cranberries for market; and

(2) Among processors who, during the aforesaid representative period, canned or froze within the production area cranberries for market;

to ascertain whether such producers and and processors favor the issuance of the said annexed order regulating the handling of cranberries.

George B. Dever, Jr., and Clyde C. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., are hereby designated agents of the Secretary of Agriculture to conduct said referenda severally or jointly.

The procedure applicable to the referendum of producers shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purposes of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors: *Provided,* That corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution if the person signing said ballot on behalf of the corporation executes the following certification: I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on its behalf.

The procedure applicable to the referendum of processors shall be the same as that for producers, with the following exceptions: Substitute the following for subparagraphs (1), (2), and (3) of paragraph (a):

(1) "Processor" means any individual, partnership, corporation, association, or other business unit who or which is engaged, within the production area, in canning or freezing fresh cranberries for market.

(2) Each processor shall be entitled to one vote in such referendum, and each ballot cast by or on behalf of a processor shall reflect the total volume of fresh cranberries canned or frozen within the production area by such processor during the representative period determined by the Secretary.

(3) Any individual casting a ballot in such referendum on behalf of a processor shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

In paragraphs (c) and (d), wherever the words "producer" or "producers" appear, substitute therefor the words "processor" or "processors," respectively. In subparagraph (1) of paragraph (c), substitute the words "canning or freezing for market" for the words "production for market." In subparagraph (5) of paragraph (c), eliminate the words "and the aforesaid cooperative associations"; and in subparagraph (6), eliminate the words "each such cooperative association and."

The ballots used in each such referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: July 16, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] *Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York*

AUTHORITY: §§ 929.0 to 929.75, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 929.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on March 26–28, 1962, and continued at Mt. Holly, New Jersey, on March 30, 1962; at Wisconsin Rapids, Wisconsin, on April 2, 1962; and at Grayland, Washington, on April 5, 1962, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of cranberries grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of cranberries grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 929.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 929.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 929.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 929.4 Production area.

"Production area" means the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

§ 929.5 Cranberries.

"Cranberries" means all varieties of the fruit Vaccinium Macrocarpon, known as cranberries, grown in the production area.

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on August 1 of one year and ending on the last day of July of the following year.

§ 929.7 Committee.

"Committee" means the Cranberry Marketing Committee established pursuant to § 929.20.

§ 929.8 Grower.

"Grower" is synonymous with producer and means any person who produces cranberries for market and who has a proprietary interest therein.

§ 929.9 Handler.

"Handler" means any person who handles cranberries.

§ 929.10 Handle.

"Handle" means (a) to can, freeze, or dehydrate cranberries within the production area, or (b) to sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh cranberries, or in any other way to place fresh cranberries, in the current of commerce between the production area and any point outside thereof in the United States or Canada or within the production area: *Provided,* That the term "handle" shall not include (1) the sale of unharvested cranberries, (2) the delivery of cranberries by the grower thereof to a handler having packing or processing facilities located within the production area, nor (3) the transportation of cranberries from the bog where grown to a packing or processing facility, located within the production area.

§ 929.11 To can, freeze, or dehydrate.

"To can, freeze, or dehydrate" means to convert cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

§ 929.12 Acquire.

"Acquire" means to obtain cranberries by any means whatsoever for the purpose of handling such cranberries.

ADMINISTRATIVE BODY

§ 929.20 Establishment and membership.

There is hereby established a Cranberry Marketing Committee consisting of seven members, each of whom shall have an alternate. All members and their alternates shall be growers or employees, agents, or duly authorized representatives of growers. Each of the following subdivisions of the production area shall be represented by at least one member and one alternate member, each of whom shall be a grower, or an employee, agent, or duly authorized representative of a grower, in the designated district of the production area:

(a) District 1: The States of Massachusetts, Rhode Island and Connecticut;

(b) District 2: The State of New Jersey and Long Island in the State of New York;

(c) District 3: The States of Wisconsin, Michigan, and Minnesota; and

(d) District 4: The States of Oregon and Washington.

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning August 1 and ending on the last day of July. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 929.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted, not later than 10 days after the effective date of this part, to the Secretary by individual growers or groups of growers.

(b) *Successor members.* (1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate eight qualified persons for four members and eight qualified persons for four alternate members of the committee. At least two such nominees for a member and two such nominees for an alternate member shall represent growers in the State of Oregon and the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1 of each even-numbered year, meetings of the growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in subparagraph (1) of this paragraph, to elect nominees for member and for alternate member positions on the committee. The growers in each such district who are present at the meeting shall nominate two qualified persons for a member and two qualified persons for an alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(3) Growers shall only participate in the nomination of members and alternate members to represent the district in which they produce cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

§ 929.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 929.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 929.20 and in paragraph (b) of this section.

(b) *Successor members.* From the nominations made pursuant to § 929.22 (b)(1), the Secretary shall select four members of the committee and an alternate for each such member. From the nominations made pursuant to § 929.22 (b)(2), the Secretary shall select three

members of the committee and an alternate for each such member.

§ 929.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 929.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 929.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 929.22 and 929.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the committee may designate any other alternate member to serve in such member's place and stead at that meeting: *Provided,* That not more than four members and alternate members selected from those nominated pursuant to § 929.22(b)(1) shall serve as members at the same meeting.

§ 929.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 929.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cranberries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request; and

(k) To investigate compliance with the provisions of this part.

§ 929.32 Procedure.

(a) Five members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

(c) All assembled meetings of the committee shall be open to growers and handlers. The committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the committee for such purpose.

§ 929.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 929.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the committee by handlers in the manner prescribed in § 929.41.

§ 929.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all cranberries he handles as the first handler thereof, during such period, except as provided in § 929.55. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cranberries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 929.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided,* That to the extent practical,

such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 929.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cranberries. The expense of such projects shall be paid from funds collected pursuant to § 929.41.

REGULATIONS

§ 929.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cranberries;

(b) The expected general quality of such cranberry production;

(c) The expected carryover, as of September 1, of frozen cranberries and other cranberry products;

(d) The expected demand conditions for cranberries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cranberries; and

(h) The regulation expected to be recommended during the marketing season.

§ 929.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of cranberries in the manner provided in § 929.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cranberries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 929.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall limit the total quantity of cranberries which may be handled during any fiscal period by fixing the free and restricted percentages, which percentages shall be applied to cranberries acquired during such fiscal period in accordance with § 929.54.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 929.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 929.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation: *Provided,* That no such modification shall increase the restricted percentage previously established for the then current fiscal year. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation.

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided,* That such withholding requirement shall not apply to the acquisition of any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying the quantity of screened cranberries in each lot of cranberries acquired during the fiscal period by the restricted percentage fixed by the Secretary. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

(b) The date during each fiscal period when handlers shall have met the withholding requirements specified in paragraph (a) of this section shall be fixed by the Secretary.

(c) Withheld cranberries shall meet such standards of grade, size, quality, or condition as the committee, with the approval of the Secretary, may prescribe. All such cranberries shall be inspected by the Federal or Federal-State Inspection Service. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks, including lot stamp, if used, and a certification of the quantity of cranberries in such lot that meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee at the place designated by the committee a copy of the certificate of inspection issued with respect to such cranberries.

§ 929.55 Interhandler transfers.

Transfers of cranberries from one handler to another may be made upon prior notice to the committee. If such transfer is between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Any handler may make a written request to the committee for the release of all or part of the cranberries he has withheld from handling pursuant to § 929.54. Such request shall state the quantity of cranberries covered by the request, the amount per barrel he will deposit with the committee for it to purchase cranberries to replace those for which release is requested; and such other information as the committee may prescribe. It shall be accompanied by a certification that such deposit will be paid upon demand of the committee, and that such cranberries will be disposed of only in the market outlet specified in the request. If the committee determines that the amount to be deposited is not lower than the then current market price for unrestricted cranberries for use in such market outlet, it shall release to such handler the quantity of cranberries specified in his request. Such determination shall be made not later than 72 hours after the request is received by the committee.

(b) Any funds collected by the committee pursuant to paragraph (a) of this section shall be used by the committee to purchase from handlers a quantity of cranberries as nearly equal to, but not in excess of, the total quantity of cranberries which have been released as it is possible to purchase. Such purchases shall be made from the unrestricted cranberries of handlers and all handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the com-

mittee as restricted cranberries in accordance with § 929.57.

(c) Any unexpended funds, collected by the committee pursuant to paragraph (a) of this section, remaining at the end of the fiscal year shall be used by the committee to reimburse it for any expense incurred in the purchase of cranberries pursuant to paragraph (b) of this section.

§ 929.57 Outlets for restricted cranberries.

(a) Except as provided in this section and in § 929.56, cranberries withheld from handling may be disposed of only through diversion to such outlets as the committee, with the approval of the Secretary, finds are noncompetitive to outlets for unrestricted (free percentage) cranberries.

(b) The storage and disposition of all cranberries withheld from handling shall be subject to the supervision and accounting control of the committee.

§ 929.58 Exemption.

(a) Upon the basis of the recommendation and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements pursuant to this part the handling of cranberries in such minimum quantities as the committee, with the approval of the Secretary, may prescribe.

(b) The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cranberries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 929.60 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, showing such information as the committee shall specify with respect to any cranberries and cranberry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to each quantity of cranberries acquired during such period as may be specified, and the place of production.

(c) *Handling reports.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the quantity of cranberries handled by him during any designated period or periods.

(d) *Withholding.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, for such period as the committee may specify, the total quantity of cranberries withheld from handling, in accordance with § 929.54, the portion of such withheld cranberries on hand, and the quantity and manner of disposition of any such withheld cranberries disposed of.

(e) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information with respect to the cranberries acquired and disposed of by such handler as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 929.61 Records.

Each handler shall maintain such records of all cranberries acquired, withheld from handling, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than three years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ 929.62 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries are received, stored, handled, and otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 929.63 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 929.65 Compliance.

Except as provided in this part, no person shall handle cranberries, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall acquire or handle cranberries except in conformity with the provisions of this part and the regulations issued hereunder.

§ 929.66 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 929.67 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 929.68.

§ 929.68 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided,* That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cranberries which were produced within the production area. Such termination shall become effective on the last day of July subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum during the month of May 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum during the month of May of every even-numbered year thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 929.69 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 929.70 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant

to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 929.71 **Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 929.72 **Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 929.73 **Derogation.**

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 929.74 **Personal liability.**

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 929.75 **Separability.**

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 62–7052; Filed, July 18, 1962; 8:54 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 862) has been filed by The General Tire and Rubber Company, 1708 Englewood Avenue, Akron, Ohio, proposing the issuance of a regulation to provide for the safe use of a styrene-butadiene latex, with potassium persulfate as the principal ingredient. The latex will be used as a coating on paper and paper board in contact with food.

Dated: July 13, 1962.

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

[F.R. Doc. 62–7035; Filed, July 18, 1962; 8:50 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 869) has been filed by Union Carbide Chemicals Company, Division of Union Carbide Corporation, P.O. Box 65, Tarrytown, New York, proposing the issuance of a regulation to provide for the safe use of ethyl formate in or on raisins and dried Zante currants as a bulk and in-package fumigant.

Dated: July 13, 1962.

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

[F.R. Doc. 62–7036; Filed, July 18, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal 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)), the following notice is issued:

In accordance with § 121.52, *Withdrawal of petitions without prejudice* of the procedural food additives regulations (21 CFR 121.52) the Textile Bag Manufacturers Association, 418 Davis Street, Evanston, Illinois, has withdrawn its petition (FAP 400) proposing the issuance of a regulation to provide for the safe use of printing inks on burlap and cotton bags for the packaging of dry food. Notice of filing for this petition appeared in the FEDERAL REGISTER on September 2, 1961 (26 F.R. 8319).

The withdrawal of this petition is without prejudice to a future filing.

Dated: July 13, 1962.

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

[F.R. Doc. 62–7037; Filed, July 18, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 20]

[Reg. Docket No. 1291; Draft Release No. 62–34]

INSTRUMENT PROFICIENCY REQUIREMENTS FOR TYPE RATING FLIGHT TESTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 20 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 17, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

At present, an instrument-rated private or commercial pilot may pilot any type of aircraft under instrument flight rules, whether or not he has demonstrated instrument proficiency in the type of aircraft to be flown, if he complies with the rating requirements of § 43.63 of the Civil Air Regulations. Experience indicates that some companies who operate large aircraft are reluctant to voluntarily authorize the use of such aircraft for the purpose of giving their pilots instrument training because of the expense involved.

The majority of users of large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in general aviation employ professional pilots who were hired shortly after World War II. These pilots continued flying aircraft in their new employment with which they had had past instrument experience and formal training. Recently, however, aircraft of greater complexity have become available to general aviation users from surplus airline and military equipment; and aircraft manufacturers are designing similar equipment specifically for general aviation operations. The increasing trend to exchange older equipment for the more modern and complex equipment now results in many of these same pilots being checked out in aircraft with which they have had no previous experience.

The problem is directly related to the matter of flight training standards for transition from one type aircraft to another. However, Part 43, under which these users of large aircraft operate, is not a convenient medium for applying training standards to such diverse operations and equipment as are conducted under the part. It is thus more practical

to establish attainment standards, and leave the training necessary to meet these standards up to the operator.

The overall safety record of the users of large aircraft in general aviation is good, but the trend toward inadequate transition training programs for new types of aircraft would lower the safety margin of this group. This lowering of safety margins may be expected to increase unless realistic standards appropriate to safe operations of large aircraft are adopted through type rating tests that are consistent with the use to be made of the aircraft.

The purpose of the proposed amendment is to require a demonstration of instrument proficiency for each type of large aircraft for which a type rating is obtained, or alternatively to limit the type rating in large aircraft to VFR operations if instrument proficiency in that type is not demonstrated. The amendment would apply to large helicopters as well as to large airplanes.

The instrument proficiency demonstration required would include standard instrument approaches, complying with traffic control instructions and standard holding procedures; recovery from emergency situations such as missed approaches, radio or instrument failure, and failure of an engine if the test is conducted in multiengine aircraft.

Those who presently hold an instrument rating and one or more type ratings would retain the same privileges for those ratings as before adoption of this proposal. It is felt that the great majority of these pilots have had sufficient instrument training and experience in those aircraft for which they hold type ratings. However, if the amendment is not adopted, it is believed that safety deficiencies could develop in the future that would be beyond the normal surveillance capabilities of the Agency to discover. This lack would not permit corrective action required to maintain at least the present level of safety.

A person who holds an instrument rating and who applies for a new or additional type rating would have to demonstrate instrument proficiency in the type aircraft for which the rating is sought; otherwise, the new or additional rating would be limited to VFR operations.

A person who obtains an instrument rating after the effective date of the amendment would have a "VFR ONLY" limitation placed on each type rating other than the type rating for aircraft in which a demonstration of instrument competence has been made.

The subject of this notice was discussed at the Air-Share meetings held in April and May 1961, and met with generally favorable response. Strong feeling was expressed that provision should be made for a type rating limited to VFR rather than requiring an instrument rating as a qualification for a type rating. This reasoning has been followed because of the large number of industrial special purpose aircraft in use, which are not operated under IFR or IFR conditions, many of which do not have instruments required for an instrument flight test.

To accomplish these objectives, § 20.121 (b) would be changed to apply only to class ratings, and a new § 20.121(c) would be added to apply to type ratings and to specify instrument proficiency requirements. In addition, § 20.111(b) would be amended so that instrument proficiency requirements would apply to type ratings secured by applicants on the basis of military competence.

Section 20.121(b)(1) would be clarified by specifying that the experience required to secure an additional class rating must be obtained in the class of aircraft for which the rating is sought. This is clearly the intent of the present regulation and has been complied with by applicants in the past without question.

In consideration of the foregoing, it is proposed to amend Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows:

§ 20.111 [Amendment]

1. By amending § 20.111(b) by adding a new sentence at the end thereof to read as follows: "Unless an applicant for a type rating holds an instrument rating, or concurrently obtains an instrument rating, under the provisions of paragraph (c) of this section, and presents reliable evidence of a military instrument flight check in that type aircraft, the type rating shall be limited to VFR only."

2. By amending § 20.121 by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 20.121 Additional aircraft ratings.

* * * * *

(b) *Class rating.* An applicant for an additional class rating must:

(1) Have made at least five takeoffs and landings in an aircraft of the class for which the rating is sought, either in solo flight or as sole manipulator of the controls when accompanied by a pilot rated to carry passengers in the aircraft; and

(2) Pass an appropriate flight test.

(c) *Type rating.* (1) An applicant for an additional type rating must:

(i) Hold or concurrently obtain an instrument rating;

(ii) Meet the requirements of paragraph (b) of this section in the type of aircraft for which the rating is sought; and

(iii) Demonstrate proficiency during the flight test for such rating solely by reference to instruments under the requirements of § 20.128(a), (b)(4), and (b)(5) of this part.

(2) An applicant who does not meet the requirements of paragraph (c)(1)(i) and (iii) of this section may obtain a type rating limited to VFR ONLY. Upon meeting these requirements the VFR ONLY limitation may be removed for the particular type of aircraft in which instrument proficiency is demonstrated.

The format of any final rules adopted pursuant to this proposal will be subject to such changes as may be necessary for recodification under the Agency's recodification program recently announced in Draft Release No. 61-25 (26 F.R. 10698).

These amendments are proposed under authority of sections 313(a), 601, 602, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on July 11, 1962.

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

[F.R. Doc. 62-7015; Filed, July 18, 1962; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-WE-14]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6442 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 442 is designated from the Hector, Calif., VORTAC via the intersection of the Hector VORTAC 091° and the Parker, Calif., VORTAC 320° True radials to the Parker VORTAC. The Federal Aviation Agency has under consideration the realignment of Victor 442 from the Hector VORTAC via the intersection of the Needles, Calif., VORTAC 272° and the Goffs, Calif., VOR 163° True radials; the intersection of the Goffs VOR 163° and the Parker VORTAC 333° True radials to the Parker VORTAC. This realignment would provide the lowest possible minimum en route altitude between Hector and Parker which is required for the operation of unpressurized aircraft in this area.

The control areas associated with Victor 442 are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

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

the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7012; Filed, July 18, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–PC–5]

FEDERAL AIRWAY SEGMENT, ASSOCIATED CONTROL AREAS AND REPORTING POINTS, AND CONTROL AREA EXTENSION

Proposed Revocations and Alterations

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 §§ 600.287, 601.287, 601.4287, and 601.1245 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Red Federal airway No. 87 (Hawaiian Islands) is designated in part from the Port Allen, Hawaii, radio beacon to the Honolulu, Hawaii, radio range. The Federal Aviation Agency is considering revoking this segment of Red 87. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Port Allen to Honolulu is adequately served by VOR Federal airways Nos. 2, 14, and 15. Therefore, it appears that the retention of this segment of Red 87 is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Red 87 and its associated control areas from Port Allen to Honolulu. It is also proposed to revoke the Port Allen and Fern reporting points associated with this segment of Red 87. The segment of Red 87 west of Port Allen will be revoked effective July 26, 1962, Airspace Docket No. 61–HO–4 (27 F.R. 4907).

The Port Allen control area extension § 601.1245 is described in part by Red 87. It is proposed to substitute Victor 15 for Red 87 in the description of this control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7013; Filed, July 18, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–LA–37]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3.D that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA has under consideration the designation of a control zone within a 3-mile radius of NAAS Ream Field, Calif. (latitude 32°34′00″ N., longitude 117°06′-50″ W.); including the airspace west of Ream Field within the arc of a 6-mile radius circle of the Ream Field TACAN extending counterclockwise from a line 2 miles north of and parallel to the Ream Field TACAN 288° True radial to the United States/Mexican Flight Information Region boundary. The portions of this control zone which would coincide with the San Diego, Calif., control zone (§ 601.2186) and the area under the jurisdiction of Mexico would be excluded.

The proposed control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at NAAS Ream Field. Weather and communications services would be provided by the NAAS Ream control tower.

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

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

for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7011; Filed, July 18, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-29]

TRANSITION AREA

Proposed Designation

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

The Federal Aviation Agency has under consideration the designation of a transition area at Savannah, Ga. The proposed transition area would be designated to extend upward from 1,200 feet above the surface within the airspace west and southwest of Savannah bounded on the north by the south boundary of VOR Federal airway No. 154, on the east by the arc of a 40-mile radius circle centered at the Hunter AFB (latitude 32°00'35'' N., longitude 81°08'45'' W.), on the south by a line extending through latitude 32°03'40'' N., longitude 81°50'10'' W. and latitude 32°03'20'' N., longitude 81°54'40'' W., and on the west by the east boundary of VOR Federal airway No. 157; that airspace bounded on the north by a line extending through latitude 31°35'45'' N., longitude 82°07'10'' W. and latitude 31°35'00'' N., longitude 81°36'30'' W., and east along latitude 31°35'00'' N. to the west boundary of VOR Federal airway No. 3, on the east by VOR Federal airway No. 3, on the south by latitude 31°30'00'' N., and on the west by VOR Federal airway No. 267; and the airspace extending upward from 4,000 feet above the surface bounded on the north by a line extending through latitude 32°03'20'' N., longitude 81°54'40'' W. and latitude 32°03'40'' N., longitude 81°50'10'' W., on the east by the arc of a 40-mile radius circle centered at the Hunter AFB, on the south by a line extending through latitude 31°35'45'' N., longitude 82°07'10'' W., and latitude 31°35'00'' N., longitude 81°36'30'' W., and on the west by the east boundaries of VOR Federal airways Nos. 267 and 157, excluding the portion which would coincide with Restricted Area R-3005. The portion of this transition area which would coincide with Restricted Area R-3006 would be used only after obtaining prior approval from appropriate authority.

The portions of the proposed Savannah transition area extending upward from 1,200 feet above the surface would provide protection for heavily laden military jet aircraft executing prescribed instrument departure procedures from Hunter AFB which require extended hold-down procedures and for aircraft executing prescribed instrument approach and departure procedures at the NAS Glynco, Brunswick, Ga. The portion of the proposed transition area with a floor of 4,000 feet above the surface would provide protection for aircraft conducting the higher altitude portions of the arrival and departure procedures at Hunter AFB and NAS Glynco, and for radar vectors in this area.

The proposal contained herein is being issued in advance of the implementation of Amendments 60-21 and 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Savannah terminal area to permit fulfillment of the urgent airspace requirements at the earliest practicable date. Upon completion of the area review of the airspace requirements attendant to full implementation of Amendments 60-21 and 60-29 in the Savannah area, separate airspace action will be taken proposing the conversion of the control area extensions in this area to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7014; Filed, July 18, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14711; FCC 62-747]

STANDARD, FM AND TELEVISION BROADCAST STATIONS

Multiple Ownership; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter, as discussed below.

2. Sections 3.35(a), 3.240(a) and 3.636(a) of the Commission's rules provide limitations on the common ownership or control of multiple AM, FM, and television broadcast stations which serve substantially the same area. These provisions of the rules, commonly referred to as the "duopoly" or "overlap" rules, are intended to preserve and augment the opportunities for effective competition in the broadcast industry and to implement the Commission's policy in favor of maximizing diversification of program and service viewpoints. The latter policy assumes a very special importance in a democratic society. It is well established that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *" Associated Press v. United States, 326 U.S. 1, 20; Scripps-Howard Radio, Inc. v. F.C.C., 89 U.S. App. D.C. 13, 19, 189 F. 2d 677, cert. den., 342 U.S. 830. The provisions of the multiple ownership rules are designed to prevent such overlap of service areas of commonly owned facilities as might result in relatively few persons or groups having an inordinate effect, in a political, editorial, or similar programming sense, on public opinion at the regional level.

3. The rules prohibiting substantial overlap of commonly owned stations were adopted in 1943 for AM, 1941 for television, and 1940 for FM. The rules do not read the same. Thus, the AM rule bars overlap where "a substantial portion of (the applicant's existing station's) primary service would receive primary service from the station in question, except upon a showing that the public interest * * * will be served through such multiple ownership situation." The TV and FM rules are in terms of the licensee not owning or operating "another FM (or TV) station which serves substantially the same area." We believe that in view of the passage of roughly twenty years, the time has come to consider revision of these rules. First, we think such revision is called for because of the changes in the character of the broadcast services and other factors pertinent to our overlap rules, which have occurred in this period. Second, we think the general prohibitions now contained in the rules should be replaced by explicit standards. Specific limitations on the number of stations which may be owned are contained in the sec-

ond part of the multiple ownership rules, which deals with the analogous problem of undue concentration of control over broadcast facilities. It has been our experience that this type of regulation has worked well. It has provided the public and the industry with a firm base upon which they can "cogently plan * * * present or future operations" (U.S. v. Storer Bctg. Co., 351 1 U.S. 192) and has facilitated the Commission's application of the rule. We think that there would be comparable benefits if the other portion of the rules dealing with overlap were cast in similar terms of specific limitation. Such a rule change would be a desirable "particularization of (our) conception of the 'public interest'" (NBC v. U.S., 319 U.S. 190, 218).

4. In selecting the specific proposed standards, we have sought to implement, upon the basis of present conditions, our long-established policy in favor of maximizing diversification of program and service veiwpoints (see par. 2, supra). We have particularly taken into account the much greater impact of the broadcast services as media of mass communication, which we believe has grown substantially during the last twenty years (and see par. 12, infra, for a discussion of the especially great impact of television). We have also taken into account two other factors. First, there has been a steady contraction in the availability of competing, printed daily sources of news and editorial opinion. Although daily newspaper circulation has increased approximately 50 percent since 1945, the number of cities with competing dailies has shown a continuing decline. According to recent figures, approximately 1450 American cities have daily newspapers but in only 61 of these cities are there papers under competing ownership.[1] Second, as the number of competing printed outlets has contracted, broadcasters in increasing numbers have begun to assume editorial functions traditionally restricted to printed media. It appears clear that each of these trends is to be a continuing one for the forseeable future.

5. We recognize that the number of authorized standard broadcast stations has increased over fourfold during the period since 1943, from approximately 900 to 3,879. The FM and TV services, in their infancy in the early forties, have undergone extensive growth. There are now over 1,400 authorized FM stations, and over 700 authorized television stations. But we do not believe that this expansion is grounds for relaxation of the rules—and this is particularly so in the case of TV (See paragraph 12 infra.). From experience in both the licensing and transfer or assignment fields, we have found that with some significant exceptions there is no dearth of applicants for available broadcast facilities; on the contrary, we are faced with too many applying for too few available frequencies. In such circumstances, there is no need to tolerate overlap or concentration situations inconsistent with the important public interest consideration we have here set forth. Further, in those rare circumstances where much needed service to the public is not being provided and there are no applicants other than the licensee of existing stations in the area, we would have ample flexibility, through the granting of waivers, to authorize such service, in spite of the explicit provisions of the multiple ownership rules, where the authorization would be in the public interest.

6. In short, we believe that the facts set forth above place an increased obligation upon the Commission to implement its policy in favor of diversification in the most effective manner possible. Specifically, the Commission is of the opinion that a start must be made toward eliminating many serious overlap situations which now exist, and that future overlap must be more strictly limited—under explicit standards—than has been the case under the present more general rules. Accordingly, we propose to reduce the number of instances in which overlap will be permitted, as outlined further herein and set forth below.

7. The Commission believes that the most effective and the most reasonable type of standard in this area is one taking for its starting point, in each service, the prohibition of overlap between certain defined contours of commonly owned stations. Thus, we propose to grant no licenses for AM stations if such grant would result in overlap of the predicted one mv/m groundwave contours of the stations as operating or as proposed. For FM, overlap of the one mv/m contours would also be prohibited and, for television, overlap of the Grade A contours would be barred. For FM and for television, the relevant contours would be predicted on the basis of maximum permissible facilities[2] so that the overlap rules will not, in the future, frustrate the development of the stations in these services to their maximum potential. The Commission recognizes that the differing nature of the three services renders strict comparison of signal strengths impractical. However, we note that, in terms of probabilities, the Grade A service contour for television represents a signal which will result in satisfactory service to at least 70 percent of the locations on the outer rim of the contour, at least 90 percent of the time. Although not precisely equivalent, the one mv/m contour for FM represents the same general level of probability. Standard broadcast signal strengths are not defined in terms of probabilities, but a one mv/m AM signal is somewhat less than the signal intensity needed to provide service to urban populations but somewhat greater than the signal at the outer limit of effective non-urban service. Accordingly, we believe that the 1 mv/m AM contour should be selected as the appropriate contour for our new overlap rules. Thus, we do not believe that overlap in any one of the services will be substantially more restricted than in the others.[3] We do not propose any changes in this notice with respect to the degree of interest a party must have in a broadcast station to come under the multiple ownership rules. Nor do we propose to amend the multiple ownership rules, at this time, with respect to "concentration of control" of broadcast facilities and the numerical limitation as to the number of stations permitted in a service.

Overlap of standard broadcast stations (§ *3.35(a)*). 8. The increased overlap of service from commonly owned stations which has accompanied the growth of AM broadcasting has been a source of concern to the Commission. Experience in applying § 3.35(a) has shown that where there are only marginal distinctions between past precedents, gradually greater amounts of overlap have developed. We propose, therefore, to amend § 3.35(a) to prohibit the grant of any AM license which will result in an overlap of the predicted one mv/m groundwave contours between commonly owned stations.[4] Moreover, as now proposed, a licensee of a Class I station may not acquire an additional Class I station where the predicted 0.5 mv/m 50% nighttime skywave contours of the two stations overlap. We propose to apply the rule to applications for new facilities, major changes in facilities, and transfers of control or assignment of licenses. Licensees with multiple holdings in contravention of the rule will be permitted to maintain present facilities but, if a licensee proposes to sell two AM stations with overlap prohibited by the rule, the stations must be sold to separate buyers.

9. The rule would not be applied to requests by Class IV stations to increase power to a maximum of one kilowatt. Approximately 500 authorizations to increase the power of Class IV stations

[1] Raymond B. Nixon and Jean Ward, "Trends in Newspaper Ownership and Inter-Media Competition," Journalism Quarterly, Winter, 1961, pp. 3, 7.

[2] Required separations would be reflected in mileage separation tables. The facilities upon which the FM table would be based are dependent on the outcome of the FM rule making proceeding in Docket 14185. For VHF television channels, the following powers and antenna heights above average terrain were assumed:

Zone I: Ch. 2–6, 100 kw—1,000 ft.; Ch. 7–13, 316 kw—1,000 ft. Zones II and III: 100 kw—2,000 ft.; 316 kw—2,000 ft.

For the UHF television channels, a combination of 1000 kw and 1000 ft. was considered reasonable for all zones. While this is not the maximum authorized in our rules, it appears that this is a realistic appraisal of UHF operation for the near future.

[3] Adoption of the standards proposed herein—1 mv/m for AM and FM and Grade A for TV—will nevertheless permit some overlap of usable signals within the three services. As a consequence, the Commission will consider, on a case-to-case basis, the overlap beyond these specific contours under the second part of the multiple ownership rules, which treat with the problem of concentration of control of broadcast facilities. In some cases, an application may involve overlap which is not specifically proscribed by the rules, but still presents the problem of a concentration of control of broadcast facilities in a manner prohibited by the concentration sections of the rules.

[4] The rule, as set out below refers to "predicted" standard broadcast groundwave contours established through use of Figure M–3 of the Commission's rules. Comments are also invited on the question of whether measurements to establish these contours should be accepted for purposes of overlap.

have been granted to date, and, since the effectiveness of the general plan allowing Class IV power increases is dependent upon all such stations (except those restricted by international considerations) increasing power, it is essential that we place no impediment in the path of those stations that have not yet increased power and which are, in many cases, suffering substantial interference from those Class IV stations which have been granted increases.

Overlap of television broadcast stations (§ *3.636(a)(1)*). 10. Future development of the television industry along lines which will provide a maximum diversity of program sources and services requires a new television overlap rule. The present rule, as with its AM and FM counterparts, is phrased in terms of a general standard and prohibits common ownership of television stations which serve "substantially the same area." The rule we propose here would prohibit the grant of new licenses which would result in overlap of the predicted Grade A contours of commonly owned stations, assuming maximum permissible facilities for VHF stations and 1000 kw and 1000 ft for UHF stations. A mileage separation table reflecting this proposal is set forth below.

11. As with our AM overlap proposal, no divestiture of existing facilities which violate the rule would be required but transfers and assignments would be prohibited which would result in maximum facility Grade A overlap or perpetuate the common ownership of stations with such Grade A overlap.

12. There are persuasive arguments for applying a stricter standard on overlap in television than in the aural services. The immense impact of television and its growing influence as an informer and molder of public opinion is well known. The large role which overlapping television stations may play as purveyors of news and opinion is further intensified, however, by the relatively few television services which are available in most parts of the country. Consequently, the desirability of encouraging the greatest possible diversity of television station ownership in a given area may be indicated. Thus, we believe that there may be advantages in prohibiting overlap of the Grade B contours instead of the Grade A contours as between commonly owned stations. With full recognition that this standard would be more restrictive than our proposals for the other services, the Commission requests comment regarding this alternative.

Overlap of frequency modulation stations (§ *3.240(a)(1)*). 13. In Docket 14185 the Commission proposed to prohibit 2 mv/m overlap between commonly owned FM stations as part of the general revision of the FM rules. In view of the considerations set forth above, we now propose to prohibit overlap of the 1 mv/m contours. Computation of the 1 mv/m contour would be based upon assumed maximum facility stations and the FM curves which result from the proceeding in Docket 14185. The attached Appendix contains provision for a mileage separation table to effect these proposals. As in AM and TV, no divestiture of existing facilities would be required and FM transfers and assignments would be subject to the same conditions as in AM and TV.

14. The amendments below also add a new paragraph (b) to § 3.240 and, as in TV, specifically exempt non-commercial educational FM stations from the limitations of the rule.

15. Authority for adoption of the proposed amendments is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before August 20, 1962 and reply comments on or before September 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 13, 1962.

Released: July 16, 1962.

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

1. It is proposed to amend § 3.35 by amending paragraph (a), and by adding Note 3, as follows:

§ 3.35 Multiple ownership.

* * * * *

(a) Such party directly or indirectly owns, operates, or controls one or more standard broadcast stations and the grant of such license will result in (1) any overlap of the 1 mv/m groundwave contours of the existing and proposed stations, predicted in accordance with Figure M–3 of § 3.190; or, (2) in the case of Class I stations, any overlap of the predicted 0.5 mv/m 50 percent skywave contours of the existing and proposed Class I stations.

* * * * *

NOTE 3: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) of this section will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control. Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity. Paragraph (a) of this section will not be applied to Class IV stations requesting power increases.

2. It is proposed to amend § 3.240 by designating the introductory text as paragraph (a), by amending and redesignating present paragraph (a) as subparagraph (a)(1), by redesignating existing paragraph (b) as subparagraph (a)(2), by adding a new paragraph (b), and by adding a new Note 3, as follows:

§ 3.240 Multiple ownership.

* * * * *

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls one or more FM broadcast stations and the grant of such license will result in mileage separations between the transmitter locations of the existing and proposed stations less than the separations set out in the following table:

* * * * *

[Table will contain appropriate mileage separations to reflect prohibited overlap of predicted 1 mv/m contours of commonly owned FM stations, each operating with maximum facilities.]

* * * * *

(b) Paragraph (a) of this section is not applicable to non-commercial educational FM stations.

* * * * *

NOTE 3: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) of this section will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control. Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity.

3. It is proposed to amend § 3.636 by amending paragraph (a)(1), and by adding Note 3, as follows:

§ 3.636 Multiple ownership.

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls one or more television broadcast stations and the grant of such license will result in mileage separations between the transmitter locations of the existing and proposed television stations less than the separations set out in the following table:

Existing station	Proposed station					
	Zone I channels			Zone II or III channels		
	2–6	7–13	14–83	2–6	7–13	14–83
	Miles					
Zone I:						
Channels 2–6	72	82	71	86	97	71
Channels 7–13	82	92	81	96	107	81
Channels 14–83	71	81	70	85	96	70
Zone II or III:						
Channels 2–6	86	97	85	100	111	85
Channels 7–13	97	107	96	111	122	96
Channels 14–83	71	81	70	85	96	70

* * * * *

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a)(1) of this section will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control. Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be transferred or assigned to a single person, group, or entity.

[F.R. Doc. 62–7066; Filed, July 18, 1962; 8:57 a.m.]

[47 CFR Parts 3–5, 9–12, 16, 19, 20]

[Docket No. 14133; FCC 62–720]

CONELRAD IN ALASKA, HAWAII, GUAM, PUERTO RICO, AND VIRGIN ISLANDS

Order Withdrawing Notice of Proposed Rule Making

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

The Commission having under consideration the captioned matter;

It appearing that a notice of proposed rule making was adopted by the Commission on May 24, 1961, in which it was proposed that rules be adopted extending the requirement for control of electromagnetic radiation to radio stations licensed by the Commission in the States of Alaska and Hawaii and the Territories of Guam, Puerto Rico, and the Virgin Islands.

It further appearing that the Department of Defense by letter dated April 23, 1962, informed the Commission that, with certain exceptions, it is no longer essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aids to an enemy; and

It further appearing that the reason for adopting the proposed rules no longer exists;

It is ordered, That the notice of proposed rule making adopted May 24, 1961, is hereby withdrawn and the Docket is closed.

Released: July 16, 1962.

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

[F.R. Doc. 62–7060; Filed, July 18, 1962; 8:55 a.m.]

[47 CFR Part 6]

[Docket No. 14704; FCC 62–718]

INTERNATIONAL FIXED PUBLIC RADIO COMMUNICATION SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 6 (International Fixed Public Radio Communication Services) of the Commission's rules to provide for the transmission without coordinated reception of weather maps, charts and photographs for reception by meteorological organizations to one or more persons at one or more overseas and foreign fixed points not specifically named in the license, Docket No. 14704.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend § 6.53(a) *Addressed press service,* of Part 6 of the Commission's rules and regulations to read as follows:

§ 6.53 Addressed press and meteorological services.

(a) The licensee of a station in the fixed public or fixed public press service may be authorized to transmit, without coordinated reception, addressed press messages (including press facsimile and photographs) and weather maps, charts and photographs for reception at overseas or foreign points by meteorological organizations by facsimile and radio phototelegraphy, to one or more persons at one or more fixed points not specifically named in its license:

3. No changes are now being proposed in the other provisions of § 6.53 of Part 6 of the Commission's rules and regulations.

4. The amendment is being proposed in order to allow authorization to fixed public and fixed public press station licensees to provide radio facsimile and telephoto transmission of cloud maps based on photographs received from weather satellites such as TIROS IV. Under the Commission's rules, since this service may not fall into the category "Addressed Press Messages", there may be no provision allowing the transmission, without coordinated reception, of such material. The United States Weather Bureau which has initiated this service on an experimental basis is pleased with the results and wishes to continue with the program. It has received many reports from meteorological organizations throughout the world praising the introduction of the service and pointing out its usefulness in improving weather analysis and forecasts, in giving earlier warning of undetected storms, and in advising airline pilots of weather conditions over transoceanic flight routes. Clarifying language has been added to state positively that the term "addressed press messages" includes facsimile and photographs.

5. The proposed amendment is issued under authority of sections 4(i) and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 20, 1962, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views and comments. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 13, 1962.

Released: July 16, 1962.

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

[F.R. Doc. 62–7065; Filed, July 18, 1962; 8:56 a.m.]

[47 CFR Part 6]

[Docket No. 14138; FCC 62–721]

CONELRAD

Order Withdrawing Notice of Proposed Rule Making

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

The Commission having under consideration the captioned matter;

It appearing that a notice of proposed rule making was adopted by the Commission on June 1, 1961, in which it was proposed that rules be adopted for the control of electromagnetic radiation from radio stations in the International Fixed Public Radio Communications Services in order to minimize the radiation of radio transmitters in those services so as to prevent their use as navigational aids to an enemy;

It further appearing that the Department of Defense, by letter dated April 23, 1962, informed the Commission that, with certain exceptions, it is no longer essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aid to an enemy; and

It further appearing that the reason for adopting the proposed rules no longer exists;

It is ordered, That the notice of proposed rule making adopted June 1, 1961, is hereby withdrawn and the Docket is closed.

Released: July 16, 1962.

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

[F.R. Doc. 62–7059; Filed, July 18, 1962; 8:55 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Redelegation of Authority

JULY 13, 1962.

In accordance with section 1.1(a) of BLM Order No. 684 (26 F.R. 8216, August 31, 1961), as amended, I hereby authorize the District Managers, State of Idaho, to perform the functions which are delegated to me in section 1.5(a) of the above cited order. The authority delegated may not be redelegated.

Notwithstanding this delegation, the Chief, Division of Lands and Minerals Management, is hereby authorized to perform the functions listed above.

The above delegation shall become effective July 1, 1962.

JOE T. FALLINI,
State Director.

Approved: July 11, 1962.

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-7024; Filed, July 18, 1962; 8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

JULY 13, 1962.

Notice of the proposed withdrawal and reservation of lands for the National Aeronautics and Space Administration in the Fairbanks Land District, Alaska, was published in the FEDERAL REGISTER on June 20, 1962, Volume 27, Number 119 on page 5840.

The description of that portion of the requested land in Sections 21 and 28, T. 2 N., R 1 E., F.M., is amended to read as follows:

Section 21: NW¼, SW¼NE¼, S½SE¼, NW¼SE¼, SW¼;
Section 28: N½NW¼, SW¼NW¼, N½ NE¼.

DONALD T. GRIFFITH,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-7025; Filed, July 18, 1962; 8:48 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation of the United States Department of the Interior has filed an application, Serial Number Colorado 078086, for withdrawal of the lands described below from public entry, under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for use in the construction, operation, and maintenance of the proposed McPhee Reservoir, a feature of the Dolores Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, Colorado State Office, 910 15th Street, Denver 2, Colorado.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 38 N., R. 15 W.,
Sec. 2: Lots 3, 4, NW¼SW¼NW¼;
Sec. 3: Lots 1, 3, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼NE¼SE¼, NW¼, SE¼;
Sec. 20: W½E½W½;
Sec. 21: NW¼SE¼, E½SW¼;
Sec. 28: SW¼NW¼;
Sec. 29: N½SE¼, E½SW¼.
T. 39 N., R. 15 W.,
Sec. 27: SE¼SW¼;
Sec. 34: E½W½;
Sec. 35: S½SW¼, W½SW¼SE¼.

The gross acreage within the exterior boundaries of the withdrawal aggregates 1,078.18 acres, which is all vacant land within the San Juan National Forest.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-7026; Filed, July 18, 1962; 8:48 a.m.]

National Park Service

[Order No. 3, Amdt. No. 8]

ASSISTANT REGIONAL DIRECTOR (ADMINISTRATION) AND REGIONAL FINANCIAL MANAGEMENT OFFICER

Delegation of Authority Regarding Execution and Approval of Contracts for Construction, Supplies, Equipment or Services

Sections 4 and 5 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

SEC. 4. *Assistant Regional Director (Administration).* The Assistant Regional Director (Administration) may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. This authority may be exercised by the Assistant Regional Director (Administration) in behalf of any office or area for which the Region Four Office serves as the field finance office.

SEC. 5. *Regional Financial Management Officer.* The Regional Financial Management Officer may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment and services. This authority may be exercised by the Regional Financial Management Officer in behalf of any office or area for which the Region Four Office serves as the field finance office.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2)

Dated: June 22, 1962.

LAWRENCE C. MERRIAM,
Regional Director.

[F.R. Doc. 62-7028; Filed, July 18, 1962; 8:49 a.m.]

Office of the Secretary

GENERATION AND SALE OF POWER

On May 20, 1941, there was promulgated, in accordance with the Act of July 19, 1940 (54 Stat. 774; 43 U.S.C. 618), General Regulations for Generation and Sale of Power in Accordance with the Boulder Canyon Project Adjustment Act. The purpose of Additional Regulation No. 1 is to provide for an adjustment, under certain conditions, of charges for electrical energy sold to the allottees. In accordance with Article 27 of the above cited regulations, on April 4, 1962, the power allottees affected were furnished copies of Additional Regulation No. 1 in order that they might present their views with respect to it. Having considered all comments received, Additional Regulation No. 1 is hereby adopted without change and is set forth below.

GENERAL REGULATIONS FOR GENERATION AND SALE OF POWER IN ACCORDANCE WITH THE BOULDER CANYON PROJECT ADJUSTMENT ACT

ADDITIONAL REGULATION NO. 1

Commencing with June 1, 1987, charges for electrical energy in addition to such other components as may then be authorized or required under the then existing laws and regulations, and to the extent not inconsistent therewith, shall include a component to return to the United States funds adequate to reimburse the Upper Colorado River Basin Fund for moneys expended from such fund on account of allowances for Hoover diminution during the filling period of the storage project reservoirs authorized by the Act of April 11, 1956, (70 Stat. 105), in accordance with paragraph 5 of the General Principles to Govern, and Operating Criteria for, Glen Canyon Reservoir (Lake Powell) and Lake Mead during the Lake Powell Filling Period, aproved April 2, 1962. Such component shall be sufficient, but not more than sufficient, to provide said reimbursement in equal annual installments over a pe-

riod of years equal to the number of years over which costs on account of allowance were incurred by the said Upper Colorado River Basin Fund.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1962.

[F.R. Doc. 62-7029; Filed, July 18, 1962; 8:49 a.m.]

GLEN CANYON RESERVOIR (LAKE POWELL) AND LAKE MEAD

General Governing and Operating Criteria During Lake Powell Filling Period

On April 2, 1962, the following document was approved:

1. The following principles and criteria are based on the exercise, consistent with the Law of the River, of reasonable discretion by the Secretary of the Interior in the operation of the Federal projects involved. The case generally styled "Arizona v. California, et al, No. 9 Original" is in litigation before the Supreme Court of the United States. Anything which is provided for herein is subject to change consistent with whatever rulings are made by the Supreme Court which might affect the principles and criteria herein set out. They may also be subject to change due to future Acts of the Congress.

2. The principles and criteria set forth hereinafter are applicable during the Lake Powell filling period, which is defined as that time interval between the date Lake Powell is first capable of storing water (estimated to occur in the spring of 1963) and the date Lake Powell storage first attains elevation 3,700 (content 28.0 NAF total surface storage) and Lake Mead storage is simultaneously at or above elevation 1,146 (content 17.0 NAF available surface storage), or May 31, 1987, whichever occurs first. If, in the judgment of the Secretary, the contents of Lake Powell and Lake Mead warrant such action, and after consultation with appropriate interests of the Upper Colorado River Basin and the Lower Colorado River Basin, the Secretary may declare that in not less than one year from and after the date of such declaration these principles and criteria are no longer applicable.

3. Sufficient water will be passed through or released from either or both Lake Mead and Lake Powell, as circumstances require under the provisions of Principles 7 and 8 hereof, to satisfy downstream uses of water (other than for power) below Hoover Dam which uses include the following:

a. Net river losses.
b. Net reservoir losses.
c. Regulatory wastes.
d. The Mexican Treaty obligation limited to a scheduled 1.5 million acre-feet per year.
e. The diversion requirements of mainstream projects in the United States.

4. All uses of water from the main stem of the Colorado River between Glen Canyon Dam and Lake Mead will be met by releases from or water passed through Lake Powell and/or by tributary inflow occurring below Glen Canyon Dam. Diversions of water directly out of Lake Mead will be met in a similar manner or, if application of the criteria of Principles 7 and 8 hereof should so require, by water stored in Lake Mead.

5. The United States will make a fair allowance for any deficiency, computed by the method herein set forth, in firm energy generation at Hoover Powerplant. For each operating year deficiency in firm energy shall be computed as the difference between firm energy which, assuming an over-all efficiency of 83 percent, would have been generated and delivered at transmission voltage at Hoover Powerplant in that year if water has not been impounded in the reservoirs of the Colorado River Storage Project storage units (Glen Canyon, Flaming Gorge, Navajo, and Curecanti), but excluding the effects of evaporation from the surface of such reservoirs, and the energy actually generated and delivered at transmission voltage at Hoover Powerplant during that year adjusted to reflect an over-all efficiency of 83 percent. At the discretion of the Secretary, allowance will be accomplished by the United States delivering energy, either at Hoover Powerplant or at points acceptable to both the Secretary and the affected Hoover power contractors, or monetarily in an amount equal to the incremental cost of generating substitute energy. To the extent the Upper Colorado River Basin Fund is utilized the moneys expended therefrom in accomplishing the allowance, either through the delivery of purchased energy or by direct monetary payments, shall be reimbursed to said Fund from the Separate Fund identified in section 5 of the Act of December 21, 1928 (45 Stat. 1057), to the extent such reimbursement is consistent with the expenditures Congress may authorize from said Separate Fund pursuant to said Act. The attached Additional Regulation No. 1 for Generation and Sale of Power in accordance with the Boulder Canyon Project Adjustment Act, upon issuance, will be made a part of these principles and criteria.

6. In accomplishing the foregoing, Lake Powell will be operated in general accordance with the provisions of Principles 7 and 8.

7. Storage capacity in Lake Powell to elevation 3,490 (6.5 million acre-feet surface storage) shall be obtained at the earliest practicable time in accordance with the following procedure:

Until elevation 3,490 is first reached, any water stored in Lake Powell shall be available to maintain rated head on Hoover Powerplant. When stored water in Lake Powell has reached elevation 3,490, it will not be subject to release or diminution below elevation 3,490. The obtaining of this storage level in Lake Powell will be in such manner as not to cause Lake Mead to be drawn down below elevation 1,123 (14.5 million acre-feet available surface storage), which corresponds to rated head on the Hoover Powerplant. In the process of gaining storage to elevation 3,490, the release from Glen Canyon Dam shall not be less than 1.0 million acre-feet per year and 1,000 cubic feet per second, as long as inflow and storage will permit.

8. The operation of Lake Powell above elevation 3,490 and Lake Mead will be coordinated and integrated so as to produce the greatest practical amount of power and energy. In view of the provision for allowance set forth in Principle 5 hereof, the quantity of water released through each powerplant will be determined by the Secretary in a manner appropriate to meet the filling criteria.

9. In general, it is not anticipated that secondary energy will be generated at Hoover during the filling period. However, any secondary energy, as defined in the Hoover contracts, which may be generated and delivered at transmission voltage at Hoover Powerplant will be disposed of under the terms of such contracts.

10. In the annual application of the flood control regulations to the operation of Lake Mead, recognition shall be given to available capacity in upstream reservoirs.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1962.

[F.R. Doc. 62-7030; Filed, July 18, 1962; 8:49 a.m.]

[Solicitor's Reg. 7]

ASSISTANT SOLICITOR, BRANCH OF LAND APPEALS

Delegation of Authority

JULY 13, 1962.

The Assistant Solicitor, Branch of Land Appeals, may exercise all the authority vested in the Solicitor of the Department of the Interior by 210 DM 2.2A(4)(a) with respect to the disposition of appeals to the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates) and from decisions of the Director of the Geological Survey (or his delegates) in proceedings which relate to lands or interests in lands.

(210 DM 2.2A(4)(a), 24 F.R. 1348; 210 DM 2.3, 24 F.R. 1349; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 62-7031; Filed, July 18, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Program is Specifically Applicable

For the purpose of making contracts based upon the approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties in the following States

are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

SOUTH DAKOTA

Edmunds.

TEXAS

Brown.

Done at Washington, D.C., this 16th day of July 1962.

JOHN A. BAKER,
Director, Rural Development and Conservation.

[F.R. Doc. 62-7056; Filed, July 18, 1962; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13780; Order No. E-18593]

SOUTHERN AIR TRANSPORT, INC.

Proposed Reduction of Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1962.

Southern Air Transport, Inc. has filed a tariff to become effective July 19, 1962, proposing a cargo charter rate for C-46 aircraft of $0.75 per aircraft mile. This rate is for service between points within the continental United States, on the one hand, and points in Puerto Rico and the Virgin Islands, on the other hand. The ferry rate of $0.75 per mile is also included in the tariff.

The newly-proposed rate of $0.75 per mile for C-46 aircraft appears to be below the general pattern established for such aircraft for overseas cargo charters, and raises significant questions as to its lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal, insofar as it involves overseas air transportation[1] may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases,[2] the Board has concluded to suspend the operation of such C-46 tariff proposal and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. An investigation is hereby instituted to determine whether the rates and provisions on Original Page 13-B to Agent John J. Klak Air Cargo Rates Tariff No. C-1, C.A.B. No. 6, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending investigation, hearing, and decision by the Board, the rates and provisions on Original Page 13-B to Agent John J. Klak Air Cargo Rates, Tariff No. C-1, C.A.B. No. 6, so far as applicable to overseas air transportation, are suspended and their use deferred to and including October 16, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon Southern Air Transport, Inc. which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7051; Filed, July 18, 1962; 8:54 a.m.]

[1] Section 101(21) Federal Aviation Act of 1958.

[2] Overseas National Airways, Order E-16462, March 2, 1961, and Order E-18160, March 28, 1962; The Flying Tiger Line, Inc., Order E-17789, December 1, 1961, and Order E-18037, February 19, 1962; Quaker City Airways, Inc., Order E-18118, March 19, 1962; Trans International Airlines, Order E-18160, March 1, 1962; Alaska Airlines, Inc., Order E-18133, March 21, 1962; Pacific Northern Airlines, Inc., Order E-18299, May 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14698, 14699; FCC 62M-994]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC., AND AIRCALL-CHICAGO, INC.

Order Scheduling Hearing and Prehearing Conference

In re applications of New York Technical Institute of Cincinnati, Inc., Chicago, Illinois, Docket No. 14698, File No. 1760-C2-P-62; Aircall-Chicago, Inc., Chicago, Illinois, Docket No. 14699, File No. 2282-C2-P-62; for construction permits to add facilities and modify authorizations for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

It is ordered, This 12th day of July 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 12, 1962.

Released: July 13, 1962.

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

[F.R. Doc. 62-7058; Filed, July 18, 1962; 8:55 a.m.]

[Docket No. 14710; FCC 62-745]

NETWORK AFFILIATION CONTRACTS

Public Inspection

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. In 1957, the Antitrust Subcommittee of the House Committee on the Judiciary recommended that the Commission consider the advisability of making public the network affiliation contracts filed with it. The Committee's recommendation was based upon its conclusion that its "study of the agreements reveals the existence of widespread, arbitrary, and substantial differences in the terms accorded by each network to its individual affiliates, particularly in respect of station compensation for network broadcasting services. Further, these differences primarily favor larger, multiple-station licensees vis-a-vis small, independent operators."

3. That same year the Staff Report of the Senate Committee on Interstate and Foreign Commerce concluded that affiliation contracts should be made a matter of public record. Subsequently, the Network Study Staff recommended in its Report that the Commission make public the affiliation contracts filed with it, including the compensation provisions of these contracts.

4. The Commission is of the view that rule making should be instituted on such a proposal in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 20, 1962 and reply comments on or before September 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: July 13, 1962.

Released: July 16, 1962.

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

Section 0.406(c) is amended to read as follows:

SEC. 0.406 *Inspection of records.* * * *

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications pro-

testing or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission; and network affiliation contracts, agreements, or understandings filed pursuant to § 1.342 (47 CFR 1.342). The information filed under § 1.341 (47 CFR 1.341) and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

[F.R. Doc. 62-7064; Filed, July 18, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11905 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Applications and Date of Hearing

JULY 12, 1962.

In the matter of The Atlantic Refining Company, Docket No. G-11905; Western Development Company of Delaware, Docket No. G-18067; Compass Exploration, Inc. (Operator), et al., Docket No. G-18119; Bright & Schiff, Docket No. G-18292; Compass Exploration, Inc. (Operator), et al., Docket No. G-19220; H. L. Brown, et al., Docket No. G-19673; Tex-Star Oil and Gas Corp., Docket No. G-19675; Tri-Service Drilling Company, Docket No. CI60-254; Husky Oil Company, Docket No. CI60-423; Caska Corporation, Operator, Docket No. CI61-15; Pioneer Oil and Gas Company, Inc. (Operator), et al., Docket No. CI61-83; Tekoil Corporation, Docket No. CI61-489; J. S. Abercrombie Mineral Co., Inc., Docket No. CI61-597; H. J. Porter (Operator), et al., Docket No. CI61-831; J. M. Deavenport, Docket No. CI61-912; E. M. Cook, et al., Docket No. CI61-1034; Ralph Lowe (Operator), et al., Docket No. CI61-1367; Ralph Lowe (Operator), et al., Docket No. CI61-1383; Ralph Lowe (Operator), et al., Docket No. CI61-1384; Continental Oil Company (Operator), et al., Docket No. CI61-1535; Continental Oil Company, Docket No. CI61-1642; Continental Oil Company (Operator), et al., Docket No. CI61-1643; Continental Oil Company, Docket No. CI61-1644; Continental Oil Company, et al., Docket No. CI61-1645; Continental Oil Company (Operator), et al., Docket No. CI61-1646; Davis Oil Company, A Corporation, Docket No. CI62-60; Texaco Inc., Docket No. CI62-63; Compass Exploration, Inc. (Operator), et al., Docket No. CI62-197; The Atlantic Refining Company, et al., Docket No. CI62-214; Ray Smith, Docket No. CI62-215; Harry D. Bush d.b.a Reynolds Oil & Gas Company, Docket No. CI62-240; Humble Oil & Refining Company, Docket No. CI62-242; Texaco Inc., Docket No. CI62-256; James Davis, Jr. d.b.a. Solar Oil Co., Docket No. CI62-289; Javelin Oil Company, Inc. (Operator), et al., Docket No. CI62-308; Robert B. Stallworth, Jr. d.b.a. Dominion Oil & Gas Company, Docket No. CI62-309; Viersen and Cochran, Docket No. CI62-311; John G. McMillian, Jr., et al., Docket No. CI62-312; MPS Production Co. (Operator), et al., Docket No. CI62-314; Big Run Oil and Gas Company, Docket No. CI62-316; J. G. Catlett Co. (Operator), et al., Docket No. CI62-321; Bartessa Oil Corporation, Docket No. CI62-325; E. H. Adair d.b.a. E. H. Adair Oil Company, Docket No. CI62-358; United Producing Company, Inc., Docket No. CI62-540; Walter L. Barker, Docket No. CI62-559; Allerton Miller, Docket No. CI62-597; Wheless Drilling Company, Docket No. CI62-599; Allerton Miller, Docket No. CI62-604; Don W. Hardman, et al. d.b.a. Boot Heel Oil and Gas Company, Docket No. CI62-610; Glenn L. Haught d.b.a. Martha Smith Gas Company, Docket No. CI62-612; Williamson Petroleum Company, Docket No. CI62-815; Earl T. Fairman, Jr., et al., Docket No. CI62-843; Harper Oil Company, Docket No. CI62-888; Southern Triangle Oil Company, Inc., et al., Docket No. CI62-899; Dorothea Webber, et al., Docket No. CI62-900; George B. Mertz, et al., Docket No. CI62-901; N. G. Clark, et al. d.b.a. Grundy Associates, Docket No. CI62-902; N. G. Clark, et al. d.b.a. Grundy Associates, Docket No. CI62-906; A. G. Hill, Docket No. CI62-907; T. L. Mullen Company, Docket No. CI62-911; Kenneth Powell d.b.a. Davisson Lease Gas Company, Docket No. CI62-912; E. A. Ballengee, Agent for Davis Farm Oil & Gas Company, Docket No. CI62-913; M. J. Moran, Docket No. CI62-940; Hydrocarbon Chemicals, Inc., Docket No. CI62-941; Helmerich & Payne Inc. (Operator), et al., Docket No. CI62-949; Barron Kidd, Docket No. CI62-952; Fred Stalnaker, Docket No. CI62-960; The Ohio Oil Company, Docket No. CI62-966; A. R. Dillard (Operator), et al., Docket No. CI62-969; Lone Star Producing Company, Docket No. CI62-972; D. R. Lauck Oil Company, Inc., Docket No. CI62-974; Don W. Hardman, et al. d.b.a. Bonda Groah Oil & Gas Company, Docket No. CI62-977; F. C. Stone, et al. d.b.a. F. C. Stone Oil & Gas Company, Docket No. CI62-978; N. G. Clark, et al., Docket No. CI62-979; H. F. Sears, Docket No. CI62-981; J. N. Ryan d.b.a. Butterworth and Lemann, Docket No. CI62-983; Mayflo Oil Company (Operator), et al., Docket No. CI62-986; W. W. Carter (Operator), et al., Docket No. CI62-1000; Gerald J. McDermott, et al. by Cricket Oil Company, Agent, Docket No. CI62-1012; John L. Cannon d.b.a. Oil Development Company, Docket No. CI62-1013; Phillips Petroleum Company, Docket No. CI62-1014; Texaco Inc., Docket No. CI62-1018; James I. Shearer, et al., Docket No. CI62-1025; Apache Corporation, Docket No. CI62-1036; Sun Oil Company, Docket No. CI62-1038; The Shamrock Oil and Gas Corporation, Docket No. CI62-1041; Petroleum, Inc., Docket No. CI62-1047; Duncan Sartain and Douglas A. Williams d.b.a. Ole Colony Development Company, Docket No. CI62-1052; Ginther, Warren & Company (Operator), et al., Docket No. CI62-1064; Toto Gas Company, Operator, Docket No. CI62-1067; W. H. Hudson (Operator), et al., Docket No. CI62-1074; Midwest Oil Corporation, Docket No. CI62-1082; Thomas E. Berry, Docket No. CI62-1085; Va Roy Hildreth, Operator, Docket No. CI62-1086; Katex Oil Company, Docket No. CI62-1092; Humble Oil & Refining Company, Docket No. CI62-1094; Kay Kimbell, Docket No. CI62-1105; E. B. Clark, Jr., et al., Docket No. CI62-1108; Ambassador Oil Corp. (Operator), et al., Docket No. CI62-1110; T. W. Ward (Operator), et al., Docket No. CI62-1122; A. F. Childers, Jr. (Operator), et al., Docket No. CI62-1152; Blaho Oil & Gas Company, Docket No. CI62-1164; H. C. Wilson d.b.a. Brock & Courtney Lease, Docket No. CI62-1165; C & P Oil & Gas Company, Docket No. CI62-1166; C. L. Kingsbury, Agent for Weekley-Pritt Lease, Docket No. CI62-1167; Larco Drilling Company (Operator), et al., Docket No. CI62-1170.

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 sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, and Initial Price per Mcf

G-11905; Bethany-Longstreet Field, DeSoto Parish, La.; Arkansas Louisiana Gas Co.; 11.512 cents at 15.025 psia.

G-18067; Aztec-Pictured Cliffs and Blanco-Mesaverde Fields, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G-18119; Acreage in LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

G-18292; Perryton-Morrow Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G-19220; Acreage in LaPlata County, Colo.; Southern Union Gathering Co. (for resale to El Paso Natural Gas Co.); 13.0 cents at 15.025 psia.

G-19673; West Mission Field, Hidalgo County, Tex.; Tennessee Gas Transmisison Co.; 12.12268 cents at 14.65 psia.

G-19675; Orville F. Bakhaus, et al., Leases, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.91888 cents at 14.65 psia.

CI60-254; Willrode Field (Amacker-Tippet Area), Upton County, Tex.; El Paso Natural Gas Company and Hunt Oil Co.; 7.0 cents at 14.65 psia.

CI60-423; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia, 10.5406 cents at 14.65 psia.

CI61-15; Quitman Field, Wood County, Tex.; Arkansas Louisiana Gas Co.; 11.9568 cents at 14.65 psia.

CI61-83; Maxie-Pistol Ridge Field, Forrest County, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.325 psia.

CI61-489; Guymon-Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 8.0397 cents at 14.65 psia.

CI61–597; Triple A Field, San Patricio County, Tex.; United Gas Pipe Line Co.; 7.596 cents at 14.65 psia.

CI61–831; Johns Field Area, Duval County, Tex.; Coastal States Gas Producing Company and Southern Coast Corp.; 12.122 cents at 14.65 psia.

CI61–912; Aztec (Fruitland) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

CI61–1034; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Co.; 12.5 cents at 14.65 psia.

CI61–1367; Jalmat & Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 psia.

CI61–1383; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

CI61–1384; Jalmat, Dollarhide & Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

CI61–1535; Eureka Field, Grant and Alfalfa Counties, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 psia.

CI61–1642; Laverne and Northwest Buffalo, Harper and Beaver Counties, Okla.; Michigan-Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.

CI61–1643; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Co.; 17.0 cents at 14.65 psia.

CI61–1644; Laverne Field, Harper County, Okla.; Michigan-Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.

CI61–1645; Southeast Eureka Field, Grant County, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 psia.

CI61–1646; Chimney Creek Area, Woodward County, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 psia.

CI62–60; Union District, Clay County, W. Va.; United Fuel Gas Co.; 23.0 cents at 15.325 psia.

CI62–63; Gutierrez Field, Jim Hogg County, Tex.; South Texas Natural Gas Gathering Co.; 15.0 cents at 14.65 psia.

CI62–197; Acreage in LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI62–214; Burns Field, Grady County, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.

CI62–215; Escrito Gallup Field Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI62–240; Acreage in DeKalb District, Gilmer County W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–242; Beaver NW Pool, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.

CI62–256; Traffas Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI62–289; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–308; Waskom Field, Panola County, Tex; Arkansas Louisiana Gas Co.; 10.25 cents at 14.65 psia.

CI62–309; Acreage in Salt Lick District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–311; Acreage in Grant County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI62–312; Azalea Field, Midland County, Tex.; Phillips Petroleum Co. (for resale to Permian Basin Pipeline Co., now Northern Natural Gas Co.); 12.5 cents at 14.65 psia.

CI62–314; Elms Field, Live Oak County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

CI62–316; Acreage in Otter District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–321; Guymon-Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–325; Spraberry Driver Unit, Reagan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.

CI62–358; Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–540; Acreage in Cutter Unit, Seward and Stevens Counties, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI62–559; Greenwood-Waskom Field, Caddo Parish, La.; Arkansas Louisiana Gas Co.; 11.2 cents at 15.025 psia.

CI62–597; Acreage in Meade District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–599; Vixen Field, Caldwell Parish, La.; Arkansas Louisiana Gas Co.; 18.5 cents at 15.025 psia.

CI62–604; Acreage in Meade and Buckhannon Districts, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–610; Acreage in Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–612; Acreage in Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–815; North Justis Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 15.025 psia.

CI62–843; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 5.0 cents at 14.65 psia.

CI62–888; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

CI62–899; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–900 (as Supp. 4–11–62); Greenbrier District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–901; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–902; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–906; Freeman's Creek District, Lewis County, W. Va.; Cumberland and Allegheny Gas Co.; 25.0 cents at 15.325 psia.

CI62–907 (as Supp. 4–26–62); Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–911; Meade District, Upshur County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–912; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–913; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–940; Salt Lick District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–941; Center District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–949; Doyle Field, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.

CI62–952; Elk District, Barbour County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–960; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–966; Worsham Field, Reeves County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI62–969; Perryton Gas Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–972; Mocane Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–974; Wil Field, Edwards County, Kans.; Northern Natural Gas Co.; 13.5 cents at 14.65 psia.

CI62–977; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–978; Clay District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–979; Freeman's Creek District, Lewis County, W. Va.; Cumberland and Allegheny Gas Co.; 25.0 cents at 15.325 psia.

CI62–981; West Panhandle Gas Field, Hutchinson County, Tex.; Phillips Petroleum Co.; 11.5534 cents at 14.65 psia.

CI62–983; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–986; Hansford Upper Morrow Gas Field, Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–1000; Cabeza Creek Area, Goliad County, Tex.; United Gas Pipe Line Co.; 12.0 cents at 14.65 psia.

CI62–1012; West Perryton Field, Ochiltree County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI62–1013; Southwest District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–1014; Cameron County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.

CI62–1018; Mocane Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI61–1025; Central District, Doddrdige County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–1036; Acreage in Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–1038; Como Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–1041; Acreage in Ochiltree and Roberts Counties, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

CI62–1047; Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–1052; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–1064; Agua Dulce Field, Nueces County, Tex.; United Gas Pipe Line Co.; 15.0 cents at 14.65 psia.

CI62–1067; Lucien Field, Noble County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI62–1074; Wilcox Field, Zapata County, Tex.; Tennessee Gas Transmission Co.; 16.5 cents at 14.65 psia.

CI62–1082; Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.

CI62–1085; Acreage in Texas County, Okla.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

CI62–1086; Lee District, Calhoun County, W. Va.; Cabot Corp.; 12.0 cents at 15.325 psia.

CI62–1092; West Panhandle Field, Moore County, Tex.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

CI62–1094; Hansford County, Tex.; Panhandle Eastern Pipeline Co.; 17.0 cents at 14.65 psia.

CI62–1105; Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI62–1108; Arneckeville Field, DeWitt County, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.

CI62–1110; S. E. Alexander Lease, Hansford County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

CI62–1122; Topeka-Greenwood Field, Texas County, Okla.; Panhandle Eastern Pipeline Co.; 16.0 cents at 14.65 psia.

CI62–1152; Jones Creek Field, Wharton County, Tex.; Florida Gas Transmission Co.—(formerly Coastal Transmission Corp.); 17.5 cents at 14.65 psia.

CI62–1164; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–1165; Cass District, Monongalia County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1166; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1167; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1170; Magee Field, Smith and Simpson Counties, Miss.; United Gas Pipe Line Co.; 18.0 cents at 15.025 psia.

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 August 16, 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 August 6, 1962. Failure of any party to appear at and participate in the hearing shall be contrued 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. 62–7018; Filed, July 18, 1962; 8:47 a.m.]

[Project No. 2306]

CITIZENS UTILITIES CO.

Order Fixing Hearing

JULY 12, 1962.

Application was filed January 30, 1962, by Citizens Utilities Company, of Stamford, Connecticut for a license under Section 4(e) of the Federal Power Act for Project No. 2306, consisting of constructed hydroelectric project works located on the Clyde River and a tributary thereof in Orleans County, Vermont, as described in the public notice of the application which was issued February 26, 1962 (27 F.R. 2130). The State of Vermont was permitted to intervene on May 11, 1962.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the issues presented. The hearing shall not include the matter of the Commission's jurisdiction, which was determined February 16, 1959, in Citizens Utilities Company, 21 FPC 233 and affirmed in Citizens Utilities Co. v. F.P.C., 279 F. 2d 1 (CA 2), cert. denied, 364 U.S. 893, said affirmance being later held by the Court (295 F. 2d 959) to constitute res judicata.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4 (e), 10(i) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on October 16, 1962, at 10:00 a.m. in the Senate Chamber, State Capitol Building, Montpelier, Vermont, concerning the issues presented.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7019; Filed, July 18, 1962; 8:47 a.m.]

[Docket No. CP62–233]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 12, 1962.

Take notice that on April 2, 1962, as supplemented on June 8, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–233 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to Nevada Northern Gas Company (Nevada Northern) for direct sale and transportation to industrial customers and for resale and transportation to distribution companies for resale and distribution, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 98 miles of 16-inch lateral pipeline, and metering, regulating and related facilities, extending southwesterly from its Northwest Division Compressor Station No. 11, near Mountain Home, Idaho, to the Nevada-Idaho border near the South Fork Owyhee River. The application shows the total estimated cost of these facilities to be $4,804,000, which cost will be financed by Applicant out of current working funds, supplemented by short-term bank loans as necessary.

Nevada Northern proposes to construct and operate approximately 250 miles of 16-inch, 24 miles of 10-inch and 12 miles of 8-inch main transmission line extending in a southwesterly direction from a point of connection with Applicant's proposed line on the Nevada-Idaho border to the vicinity of Reno, Nevada, and thence southerly to a point of termination near Minden and Gardnerville, Nevada. Nevada Northern will also construct and operate lateral lines to serve certain direct industrial customers and distributors removed from the proposed main line system.

Nevada Northern proposes to transport and sell gas at the city gates of some twelve Nevada communities for distribution by local utilities and to make direct sales to institutional and industrial customers and to Sierra Pacific Power Company for boiler fuel use.

The application shows the total estimated cost of Nevada Northern's proposed facilities to be $12,100,000.

The application shows Nevada Northern's third year annual and maximum day requirements to be 8,408,981 Mcf and 50,232 Mcf, respectively.

The proposed sale by Applicant to Nevada Northern will be made at a rate of 38 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 15, 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 August 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.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7020; Filed, July 18, 1962; 8:47 a.m.]

[Docket No. CP62–243 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications and Motions To Amend Certificates and Date of Hearing

JULY 12, 1962.

In the matter of Natural Gas Pipeline Company of America, CP62–243 and

CP61–339; Mississippi River Transmission Corporation, CP62–242, CP61–341, CP62–76 and CP61–339; Mississippi River Fuel Corporation, CP61–341.

Take notice that on April 18, 1962, Natural Gas Pipeline Company of America (Natural) filed an application in Docket No. CP62–243, as supplemented on May 2, 1962, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, to construct, acquire and operate facilities so as to (1) increase the design day sales capacity of its pipeline system by 35,000 Mcf and (2) sell natural gas, on a firm basis, to Mississippi River Transmission Corporation (Mississippi Transmission) for resale by the latter to Mississippi River Fuel Corporation (Mississippi Fuel).

Natural proposes to sell and deliver 36,750 Mcf per day of natural gas to Mississippi Transmission through use of existing facilities interconnecting the respective systems at Clinton County, Illinois. These facilities and interconnection were authorized by the Commission, by its order of September 26, 1961, in Docket No. CP61–339, for emergency exchange of gas.

In order to make the proposed sale and delivery to Mississippi Transmission, Natural requests (1) authorization to acquire and operate Mississippi Transmission's interest in the jointly owned metering facilities operated by the latter at the aforementioned point of interconnection and (2) an amendment of the certificate issued in Docket No. CP61–339 so as to permit Natural to operate its separately owned facilities at said point of interconnection to effectuate the sale here proposed, in lieu of the emergency exchange of gas as previously authorized. Natural proposes that upon commencement of the sale and delivery of gas to Mississippi Transmission the authorization for the emergency exchange of gas in Docket No. CP61–339 be terminated.

The other facilities proposed to be constructed and operated by Natural consist of approximately 62 miles of 30-inch pipeline looping and the installation of an additional 2,800 BHP of compressor horsepower at its existing compressor station No. 310. The estimated cost of the facilities proposed to be constructed and acquired is $6,627,275.

By its application of April 17, 1962, as amended on May 1, 1962, in Docket No. CP62–242, Mississippi Transmission seeks authorization to transport and sell to Mississippi Fuel 35,630 [1] Mcf per day on a firm basis. An equivalent volume of gas is to be purchased by Mississippi Transmission from Natural as proposed by the latter in its application in Docket No. CP62–243. In this regard, Mississippi Transmission requests that any amendment of the certificate issued in Docket No. CP61–339, as proposed by Natural, include an authorization to Mississippi Transmission to use and operate its separately owned portion of the facilities, authorized in that certification, for the purpose of receiving the gas now proposed to be purchased from Natural on a firm basis.

Mississippi Transmission avers that it has unused capacity on its pipeline system substantially in excess of that required to make the proposed deliveries to Mississippi Fuel and at the same time meet its current commitments and consequently does not propose to construct any additional facilities. However, Mississippi Transmission proposes to make the deliveries to Mississippi Fuel through the use of certain existing facilities installed and interconnecting at a point in Madison County, Illinois, under a certificate issued in Docket No. CP61–341 for the exchange of gas between these two applicants. Mississippi Transmission therefore moves that the certificate issued on September 26, 1961 in Docket No. CP61–341 be amended so as to authorize the use and operation of said interconnection facilities for the rendition of the service here proposed.

Additionally, Mississippi Transmission expects that as a purchaser of firm gas from Natural, quantities of interruptible gas will be made available to Mississippi Transmission, from time to time, from Natural. Mississippi Transmission proposes to make available to all its customers, including Mississippi Fuel, in proportion to their respective contract quantities, interruptible gas which becomes available to it from Natural and its other supplier, Trunkline Gas Company. Accordingly, Mississippi Transmission moves that the certificate issued to it January 29, 1962 in Docket No. CP62–76, respecting interruptible sales, be amended so as to enable it to render interruptible services in the manner set forth in its forms of proposed and amended rate schedules contained in its application in Docket No. CP62–242 and designated as Exhibit P.

Mississippi Fuel's motion of May 15, 1962, in Docket No. CP61–341, as supplemented on May 31, 1962, and June 11, 1962, seeks amendment of that certificate so as to authorize Mississippi Fuel to use the interconnecting facilities authorized therein for the purpose of taking into its system the additional volumes of gas proposed to be purchased from Mississippi Transmission in the latter's application in CP62–242. No additional facilities are required by Mississippi Fuel to enable it to receive and transport the volumes proposed to be purchased from Mississippi Transmission so as to make increased deliveries to its existing customers in the volumes set forth in its motion herein.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 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., concerning the matters involved in and the issues presented by such applications and motions.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as a 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. 62–7021; Filed, July 18, 1962; 8:47 a.m.]

[1] The 36,750 Mcf per day proposed to be purchased from Natural is equivalent to 35,630 Mcf on the basis of measurement used by Mississippi Transmission.

[Docket No. RI63–3]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rates

JULY 12, 1962.

On June 12, 1962, Pan American Petroleum Corporation (Operator), et al. (Pan American) [1] tendered for filing a proposed change in the presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 14.65 psia. The proposed change is designated as follows:

Description. Notice of change, dated June 12, 1962.
Purchaser. Cities Service Gas Company.
Producing area. Hugoton Field, Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton and Stevens Counties, Kansas.
Rate schedule designation. Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84.
Proposed rate. 14.5 cents.[2] [3]
Effective rate. 10.7195 cents.[2] [4]
Annual increase. $3,028,335.
Effective date. July 13, 1962 (stated effective date is the first day after expiration of the required statutory notice).

Pan American's proposed change purports to be in accordance with the price redetermination provisions in its contract which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12¢ per Mcf (10.7195¢ per Mcf at 14.65 psia). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5¢ per Mcf at 14.65 psia for the five year period commencing on June 23, 1961, with correction for supercompressibility. The instant filing is based on such court decision.

[1] Address is: P.O. Box 591, Tulsa 2, Oklahoma, Attention: Mr. Norton Standeven; and Dow, Lohnes and Albertson, Munsey Building, Washington 4, D.C., Attention: Mr. Carroll L. Gilliam.
[2] Subject to downward BTU adjustment.
[3] Corrected for supercompressibility.
[4] Uncorrected for supercompressibility.

Cities Service Gas Company (Cities Service) on June 29, 1962, filed a protest and motion to reject Pan American's proposed increased rate. In support thereof, Cities Service states, inter alia, that (1) there is no contractual basis for Pan American's rate filing because Pan American has exercised its contractual right to a single rate change during the period June 23, 1961 to June 22, 1966, by filing the 12¢ rate increase (10.7195¢ per Mcf at 14.65 psia) contained in Supplement No. 88 to its FPC Gas Rate Schedule No. 84, and because the basis for the rate filing is a court decision that is not final and is subject to appeal by Cities Service; and (2) Pan American has failed to comply with the Commission's Regulations under the Natural Gas Act in that Pan American has failed to file the subject supplement on behalf of all nonsignatory parties to said gas purchase contract and has failed to submit a full statement in support of its proposed change in rate.

In the alternative, in the event the Commission accepts for filing Pan American's proposed change, Cities Service requests that the effectiveness thereof be suspended for five months. Cities Service also requests that the acceptance be conditioned upon and made subject to (1) the judgment of the District Court of Shawnee County, Kansas, becoming final; (2) Pan American's rate filing shall be of no force and effect in the event said judgment is reversed; (3) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the court decision mentioned above and the ultimate disposition thereof; and (4) such acceptance be made expressly subject to the ultimate disposition by the Commission or the courts of the question of whether Pan American is, under the Commission's Regulations, required to file on behalf of all nonsignatory coowners as such question shall be ultimately determined by the Commission or the courts as a result of the proceedings now pending in Docket No. RI61–532.

On June 29, 1962, Midwest Industrial and Commercial Gas Users Association, and Sheffield Division, Armco Steel Corporation [5] (hereinafter jointly referred to as Industrial) filed a protest with respect to Pan American's proposed rate change requesting that such proposed change be rejected or the effectiveness thereof be suspended for five months. In support of its request for rejection Industrial states that Pan American's filing fails to set forth a full statement of the reasons and justification in support of the proposed change. In support of its alternative request, Industrial states, *inter alia*, that (1) the proposed rate is in excess of the applicable area ceiling for increased rates as announced in the Commission's Statement of General Policy No. 61–1; (2) the court's decision upon which Pan American's filing is based has not become final and it is anticipated that Cities Service will appeal said decision; and (3) the proposed rate of 14.5¢ per Mcf is not a "fair and reasonable" price within the terms and meaning of the purchase contract involved.

By this order we are suspending the effectiveness of the proposed increased rate contained in Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84. Such action, however, is without prejudice to the positions of Cities Service and Industrial with respect to the legality of such filing. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearing herein shall concern itself with the legality of Pan American's filing. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of Pan American's filing, as requested by Cities Service.

The proposed increased rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate 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 legality of Pan American's filing and the lawfulness of the proposed change, and that Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the legality of Pan American's filing and the lawfulness of the proposed increased rate and charge contained in Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 13, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) 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 August 27, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7022; Filed, July 18, 1962; 8:47 a.m.]

[5] Midwest members, including Sheffield, are business concerns purchasing gas for their own industrial and commercial use from a distribution customer of Cities Service.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 16, 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. 37832: *T.O.F.C. service—Paper and paper articles to Clinton, Iowa.* Filed by Southwestern Freight Bureau, Agent (No. B–8237), for interested rail carriers. Rates on paper and paper articles, loaded in or on trailers, and transported on railroad flat cars, from points in Arkansas, Louisiana and Texas, to Clinton, Iowa.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4480.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–7033; Filed, July 18, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 13, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect

any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 15, 1962, to July 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7047; Filed, July 18, 1962; 8:53 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JULY 13, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock 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 National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 14, 1962, to July 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7048; Filed, July 18, 1962; 8:53 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JULY 13, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 14, 1962, to July 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7049; Filed, July 18, 1962; 8:53 a.m.]

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