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# FEDERAL REGISTER

VOLUME 27 NUMBER 167

Washington, Tuesday, August 28, 1962

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MAIN READING ROOM

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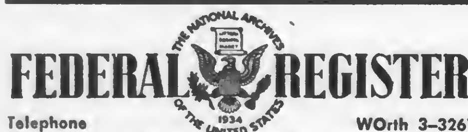


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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11046

### AUTHORIZING AWARD OF THE BRONZE STAR MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Bronze Star Medal, with accompanying ribbons and appurtenances, which was first established by Executive Order No. 9419 of February 4, 1944, may be awarded by the Secretary of a military department or the Secretary of the Treasury with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders, or other appropriate officers as the Secretary concerned may designate, to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, after December 6, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight—

(a) while engaged in an action against an enemy of the United States;

(b) while engaged in military operations involving conflict with an opposing foreign force; or

(c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

2. The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

3. No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

4. The Bronze Star Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

5. This order shall supersede Executive Order No. 9419 of February 4, 1944, entitled "Bronze Star Medal". However, existing regulations prescribed under that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed under this order by the Secretary of the department concerned.

JOHN F. KENNEDY

THE WHITE HOUSE,
*August 24, 1962.*

[F.R. Doc. 62-8714; Filed, Aug. 27, 1962; 11:25 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

### PART 29—TOBACCO INSPECTION

#### Subpart C—Standards

A notice of proposed rule making covering the issuance of Official Standard Grades for Connecticut Valley Cigar-binder Tobacco, U.S. Types 51 and 52, was published in the FEDERAL REGISTER of July 4, 1962 (27 F.R. 6332). Interested persons were given 30 days following publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or arguments with respect to the proposed standards.

After consideration of the data, views, and arguments presented, the official standards, as so published, are hereby adopted without change.

*Effective date.* In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), these standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The standards are set forth below.

Done at Washington, D.C., this 23d day of August 1962.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

Insert in Subpart C of Part 29 immediately after § 29.3407 the following:

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY CIGAR-BINDER TOBACCO (U.S. TYPES 51 AND 52)

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SUMMARY OF STANDARD GRADES

29.5651 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.5656 Key to standard grademarks.

AUTHORITY: §§ 29.5501 to 29.5656 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 711m.

DEFINITIONS

**§ 29.5501 Definitions.**

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

**§ 29.5502 Air-cured.**

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

**§ 29.5503 Body.**

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

**§ 29.5504 Burn.**

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See rule 18.)

**§ 29.5505 Case (order).**

The state of tobacco with respect to its moisture content.

**§ 29.5506 Class.**

A major division of tobacco based on method of cure or principal usage.

**§ 29.5507 Clean.**

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

**§ 29.5508 Condition.**

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

**§ 29.5509 Crude.**

A subdegree of maturity. (See rule 15.)

**§ 29.5510 Cured.**

Tobacco dried of its sap by either natural or artificial processes.

**§ 29.5511 Damage.**

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 17.)

**§ 29.5512 Dirty.**

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 17.)

**§ 29.5513 Elasticity.**

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

**§ 29.5514 Elements of quality.**

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.5581.

**§ 29.5515 Foreign matter.**

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See rule 17.)

§ 29.5516 **Form.**

The state of preparation of tobacco such as stemmed or unstemmed.

§ 29.5517 **General quality.**

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.5518 **Grade.**

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5519 **Grademark.**

In Types 51 and 52 a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, good quality.

§ 29.5520 **Group.**

A type division consisting of one or more grades based on the general quality of tobacco. Groups in Types 51 and 52 are: Binder (B), Nonbinder (X), Nondescript (N), and Scrap (S).

§ 29.5521 **Injury.**

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 13.)

§ 29.5522 **Leaf scrap.**

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5523 **Leaf structure.**

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.5524 **Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5525 **Lot.**

A pile, basket, bulk, package, or other definite unit.

§ 29.5526 **Maturity.**

The degree of ripeness. (See chart.)

§ 29.5527 **Nested.**

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 17.)

§ 29.5528 **No Grade.**

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See rules 5 and 17.)

§ 29.5529 **Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as Type 51 or 52. (See rule 17.)

§ 29.5530 **Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.5531 **Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5532 **Quality.**

A division of a group or the second factor of a grade, based upon the relative degree of one or more of the elements of quality.

§ 29.5533 **Raw.**

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.5534 **Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No-Grade and rule 17.)

§ 29.5535 **Side.**

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.5536 **Sound.**

Free of damage. (See rule 4.)

§ 29.5537 **Stem.**

The midrib or large central vein of a tobacco leaf.

§ 29.5538 **Stemmed.**

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5539 **Stem rot.**

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in Types 51 and 52. (See rule 14.)

§ 29.5540 **Strength (tensile).**

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.5541 **Strips.**

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5542 **Sweated.**

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.5543 **Tobacco.**

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.5544 **Tobacco products.**

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5545 **Type.**

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5546 **Type 51.**

That type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced principally in the Connecticut River Valley.

§ 29.5547 **Type 52.**

That type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut River Valley.

§ 29.5548 **Undried.**

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5549 **Uniformity.**

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See rule 12.)

§ 29.5550 **Unstemmed.**

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5551 **Unsweated.**

The condition of cured tobacco which has not been sweated.

§ 29.5552 **Wet (high-case).**

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 17.)

**§ 29.5553 Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

**§ 29.5581 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group. In each case the first and last degrees represent the full range for the element.

| Elements | Degrees | | |
|---|---|---|---|
| Body | Heavy | Medium | Thin. |
| Maturity | Immature | Mature | Ripe. |
| Leaf structure | Close | Firm | Open. |
| Elasticity | Inelastic | Semielastic | Elastic. |
| Strength (tensile) | Weak | Normal | Strong. |
| Width | Narrow | Normal | Spready. |
| Length | [1] | [1] | [1]. |
| Uniformity | [2] | [2] | [2]. |
| Injury tolerance | [2] | [2] | [2]. |

[1] Expressed in inches.
[2] Expressed in percentages.

RULES

**§ 29.5586 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

**§ 29.5587 Rule 1.**

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

**§ 29.5588 Rule 2.**

The determination of a grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

**§ 29.5589 Rule 3.**

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

**§ 29.5590 Rule 4.**

Standard grades shall be applied to clean and sound tobacco only.

**§ 29.5591 Rule 5.**

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

**§ 29.5592 Rule 6.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

**§ 29.5593 Rule 7.**

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

**§ 29.5594 Rule 8.**

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

**§ 29.5595 Rule 9.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

**§ 29.5596 Rule 10.**

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

**§ 29.5597 Rule 11.**

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

**§ 29.5598 Rule 12.**

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

**§ 29.5599 Rule 13.**

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

**§ 29.5600 Rule 14.**

Stem rot shall not exceed 50 percent of the specified injury tolerance for any grade.

**§ 29.5601 Rule 15.**

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

**§ 29.5602 Rule 16.**

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

**§ 29.5603 Rule 17.**

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

**§ 29.5604 Rule 18.**

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the binder-cutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

**§ 29.5626 Binder (B Group).**

Farm lots of tobacco suitable for utilization as cigar binders.

| *U.S. Grades* | *Grade Names, Minimum Specifications, and Tolerances* |
|---|---|
| B1 | Fine Quality Binder<br>Thin, ripe, open, elastic, strong, spready, and over 19 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent. |
| B2 | Good Quality Binder<br>Thin, ripe, open, elastic, normal strength and width, and over 19 inches in length. Uniformity, 80 percent; injury tolerance, 20 percent. |
| B3 | Fair Quality Binder<br>Medium body, mature, firm, semielastic, normal strength and width, and over 19 inches in length. Uniformity, 70 percent; injury tolerance, 30 percent. |
| B4 | Poor Quality Binder<br>Medium body, mature, firm, inelastic, normal strength, and narrow. Uniformity, 60 percent; injury tolerance, 40 percent. |
| B5 | Low Quality Binder<br>Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 5 percent crude, 5 percent frozen, and 40 percent injury. |

**§ 29.5627 Nonbinder (X Group).**

Farm lots of nonbinder tobacco.

| *U.S. Grade* | *Grade Name, Minimum Specifications, and Tolerances* |
|---|---|
| X1 | Nonbinder<br>Heavy, immature, close, inelastic, weak, and narrow. Tolerances: 10 percent crude, 10 percent frozen, and 50 percent injury. |

**§ 29.5628 Nondescript (N Group).**

Tobacco which does not meet the minimum specifications of the lowest grade of any other group.

| *U.S. Grades* | *Grade Names and Tolerances* |
|---|---|
| N1 | First Nondescript<br>Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury. |
| N2 | Second Nondescript<br>Over 20 percent crude, over 20 percent frozen, or over 60 percent injury. |

**§ 29.5629 Scrap (S Group).**

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

| *U.S. Grade* | *Grade Name and Specifications* |
|---|---|
| S | Scrap<br>Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process. |

SUMMARY OF STANDARD GRADES

**§ 29.5651 Summary of standard grades.**

| *5 Grades of Binder* | *1 Grade of Nonbinder* |
|---|---|
| B1 | X1 |
| B2 | |
| B3 | |
| B4 | |
| B5 | |

| *2 Grades of Nondescript* | *1 Grade of Scrap* |
|---|---|
| N1 | S |
| N2 | |

Tobbacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

**§ 29.5656 Key to standard grademarks.**

| *Groups* | *Qualities* |
|---|---|
| B—Binder. | 1—Fine. |
| X—Nonbinder. | 2—Good. |
| N—Nondescript. | 3—Fair. |
| S—Scrap. | 4—Poor. |
| | 5—Low. |

[F.R. Doc. 62-8625; Filed, Aug. 27, 1962; 8:55 a.m.]

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

## PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

### Miscellaneous Amendments

Under the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the United States Department of Agriculture hereby further amends the regulations governing the grading and inspection of egg products (7 CFR, as amended, Part 55).

*Statement of consideration.* At the request of industry leaders, a meeting was held in Omaha, Nebraska, on February 28, 1962, to discuss changes in the regulations which would aid in assuring a uniformly high quality in egg products produced by official plants. The meeting was attended by private and governmental research personnel working in the field and processor representatives. As a result of this meeting, a tentative proposal for changes was prepared on March 27, 1962. This was given limited circulation among the egg products processors with a request for comment.

Notice of proposed rule making was published in the FEDERAL REGISTER on Wednesday, June 27, 1962, and opportunity was afforded interested persons to comment thereon. Due consideration has been given to all comments received and to all information available to the Agricultural Marketing Service. The amendments conform in most respects to the proposal set forth in the notice and deviations therefrom are made pursuant to comments of interested persons or in the interests of clarity.

The amendments: (1) Provide for laboratory analysis on samples of egg products from nonofficial plants submitted by the applicant; (2) change lot size for dried eggs for sampling purposes from 2,500 pounds to 15,000 pounds; (3) clarify requirements for facilities for sampling and testing to be furnished by the applicant; (4) restrict organoleptic examination of egg products from nonofficial plants to frozen whole eggs; (5) limit the type of soap that is used in lavatories; (6) modify the provisions relating to shell egg washing procedures and equipment; (7) eliminate the requirement of reexamination of egg liquid by plant employees when high quality shell eggs are broken; (8) provide for applying temperature requirements to liquid egg at time of draw-off instead of time of breaking; (9) reduce percentage of solids in egg products to which 10 percent salt is added to be eligible for extended holding prior to freezing; (10) provide for breaking shell eggs at temperatures above 70° F. when liquid is mechanically cooled; (11) permit the national supervisor to approve other satisfactory cooling and freezing methods upon written request; (12) provide for time limit for freezing products to start at time of draw-off, rather than at time of placing in the freezer; (13) change the size of apertures from No. 16 mesh to No. 10 mesh for screening dried eggs; and (14) eliminate requirement for alarm devices on pasteurizing equipment. Other minor changes are made for clarification.

The provisions of the regulations under the Agricultural Marketing Act of 1946, appearing in 7 §§ 55.4, 55.6, 55.18, 55.41, 55.43, 55.75, 55.77, 55.78, 55.79, 55.80, 55.81, 55.82, 55.83, 55.84, 55.85, 55.88, 55.91, 55.92, and 55.101 are amended to read, respectively, as follows:

**§ 55.4 Kinds of service available.**

* * * * *

(e) Condition inspection and laboratory analysis of frozen whole eggs which were prepared in nonofficial plants.

(f) Laboratory analysis of samples (with or without added ingredients) of dried and frozen egg products which were prepared in nonofficial plants and which are submitted to the laboratory by the applicant.

**§ 55.6 Basis of service.**

* * * * *

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn as follows: (1) When frozen eggs are packed in 30-pound or larger containers, a sufficient number of randomly selected containers equivalent to not less than the square root of the total number in the lot shall be selected. When frozen eggs are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof; (2) samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes, a lot shall consist of not more than 15,000 pounds. If the lot consists of less than four containers, the sample shall be drawn in approximately equal portions from each container in the lot.

**§ 55.18 Facilities to be furnished for use of graders and inspectors in performing service on a resident inspection basis.**

(a) Facilities for proper sampling, weighing, and examination of shell eggs and egg products shall be furnished by the official plant for use by inspectors and frozen egg graders. Such facilities shall include a candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a $1\frac{1}{16}''$ or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, a nonbreakable thermometer, and a satisfactory test kit for determining the bactericidal strength. (See § 55.99 (b)(1).)

**§ 55.41 Products not eligible for official identification.**

(a) Egg products which are prepared in nonofficial plants shall not be officially identified.

(b) Frozen whole eggs may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Each container of frozen whole eggs will be drilled and examined organoleptically and product which appears to be satisfactory shall for sampling purposes be placed in lots not exceeding 6,000 pounds. Samples for laboratory analyses will be taken from each lot as provided in § 55.6(b) and examined for direct microscopic bacterial count and for the presence of acetic and lactic acid. Frozen whole eggs shall be considered unsatisfactory if they contain acetic acid in any measurable quantity or if they contain lactic acid in excess of 7 milligrams per 100 grams of egg in combination with a direct microscopic bacterial count of more than 5,000,000 per gram of egg. The bacteriological analysis

shall be made in accordance with the methods prescribed in Standard Methods for the Examination of Dairy Products of the American Public Health Association. The chemical analyses shall be made in accordance with the methods prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists.

**§ 55.43 Supervision of marking and packaging.**

* * * * *

(c) *Labels for products sold under Government contract.* The grader or inspector in charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications include complete specific requirements with respect to labeling, and are made available to the grader or inspector in charge.

**§ 55.75 Plant requirements.**

* * * * *

(h) Shell egg storage rooms, either on or off the premises, shall be capable of precooling all shell eggs to meet the temperature requirements (set forth in § 55.85) for liquid eggs at time of draw-off. Such rooms shall be kept clean and free from objectionable odors and mold growth.

* * * * *

(n) Lavatory accommodations (including, but not being limited to, hot and cold running water, towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

**§ 55.77 General operating procedures.**

(a) All operations involving processing, storing, and handling of shell eggs, ingredients to be added, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as is practicable. Liquid egg products, other than whites, shall not be heated at any time during processing except as provided for in approved procedures for stabilization or pasteurization. (See § 55.101.) Stabilization procedures, when employed, shall be approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in bacterial growth and deterioration or breakdown in the egg meat.

**§ 55.78 Candling and transfer-room facilities.**

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

**§ 55.79 Candling and transfer-room operations.**

(a) Candling and transfer rooms shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Floors and benches shall be thoroughly cleaned daily.

**§ 55.80 Egg washing area.**

* * * * *

(b) [Deleted]

**§ 55.81 Egg cleaning operations.**

(a) All shell eggs with adhering dirt shall be cleaned prior to breaking. If eggs are cleaned by washing, the washing process shall be continuous and eggs shall not be allowed to stand or soak in water or washing solution. Notwithstanding the foregoing, eggs may be washed in immersion type washers in a continuous and controlled operation provided such operations are approved by the national supervisor. The washing solution shall be changed with sufficient frequency to maintain it in reasonably clean condition. Washed eggs shall be spray-rinsed with water or water containing an approved sanitizing agent or may be immersed in water containing an approved sanitizing agent. Eggs not requiring cleaning may be immersed or sprayed with water containing an acceptable sanitizing agent. Eggs shall be dried prior to breaking sufficiently to prevent contamination or adulteration of the liquid eggs.

**§ 55.82 Breaking room facilities.**

* * * * *

(1) A suitable container bearing an identifying mark shall be provided for disposal of rejected liquid.

**§ 55.83 Breaking room operations.**

* * * * *

(h) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be re-examined by a limited licensed inspector before being emptied into the tank or churn except as otherwise approved by the national supervisor.

* * * * *

(m) [Deleted.]

(n)—(gg) [Renumber paragraphs (n) through (gg) of § 55.83 to read "(m) through (ff)," respectively.]

* * * * *

(s) Test kits shall be used to determine the bactericidal strength. (See § 55.99.)

**§ 55.84 Liquid egg cooling facilities.**

* * * * *

(c) If adequate liquid cooling facilities are not provided, shell egg temperatures shall be such that the liquid egg temperature specified in § 55.85 will be produced.

**§ 55.85 Liquid cooling operation.**

* * * * *

(c) All product, other than as provided in paragraph (d) of this section, liquid whites and product which is subjected to immediate stabilization or pasteurization, shall be cooled and held at 45° F. or less within one and one-half (1½) hours from time of draw-off of the liquid. For the purpose of this section, the time of draw-off is the time the product is placed into cans for freezing or transferred to vats or holding tanks for further processing or shipping. The time elapsed between time of breaking and draw-off shall not exceed 45 minutes. If the 45 minutes are not used up, the unused portion may be added to the one and one-half (1½) hour time requirement.

(d) Egg products containing 25½ percent or more egg solids, to which 10 percent salt has been added, may be accumulated up to four (4) hours at a temperature not exceeding 60° F.: *Provided,* That immediately thereafter the product is packaged and placed in a freezer. Liquid eggs, other than whites, if to be held more than eight (8) hours, shall be reduced to a temperature of 40° F. or less within one and one-half (1½) hours from time of draw-off and held at 40° F. or less until stabilizing or pasteurizing operations are begun or until delivered to the consumer.

* * * * *

(g)(1) Liquid whites that are to be stabilized by removal of glucose and dried shall be held at a temperature not exceeding 70° F.: *Provided,* That the stabilization process is begun within eight (8) hours from time of draw-off. If to be held longer than eight (8) hours prior to stabilization, the liquid whites shall be cooled immediately after draw-off to 55° F. and held at that temperature or lower until stabilizing is begun. Drying shall be carried out as soon as possible after the removal of the glucose and the capacity of the drier shall be sufficient to handle the volume of product stabilized so that the storage of stabilized liquid white will not be necessary as a regular operating procedure.

(2) Liquid whites, that are to be frozen, may be broken at temperatures not exceeding 70° F. and if not cooled, shall be processed in a continuous operation and placed in a freezer immediately after draw-off. Liquid whites which are to be frozen, but which are to be held temporarily prior to freezing, shall be chilled to a temperature of 55° F. or lower within one and one-half (1½) hours from time of draw-off.

* * * * *

(l) Notwithstanding provisions of paragraph (b) of this section, shell eggs exceeding 70° F. may be broken: *Provided,* That the liquid is immediately mechanically cooled prior to draw-off to the temperatures specified in paragraphs (c) through (g) of this section.

(m) Upon written request and under such conditions as may be prescribed by the national supervisor, liquid cooling and handling temperatures not otherwise provided for in this section may be approved.

**§ 55.88 Freezing operations.**

* * * * *

(b) All egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. within 60 hours from time of draw-off. The temperature of products not solidly frozen shall be taken at the center of the package to determine compliance with this section.

§ 55.91 **Spray process drying facilities.**

* * * * *

(i) Sifters of approved construction and sifting screens shall be no coarser than the opening size specified for No. 10 mesh (U.S. Bureau of Standards). Sifters must be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 55.92 **Spray process drying operations.**

* * * * *

(d) All powder shall be sifted through a No. 10 or finer mesh screen (U.S. Bureau of Standards); and the screen shall be replaced whenever torn or worn.

§ 55.101 **Pasteurization of liquid eggs.**

(a) *Pasteurizing facilities.* Adequate pasteurizing equipment of approved construction shall be provided so that all of the liquid egg will be processed as provided in paragraph (b) of this section. The pasteurizing equipment shall be provided with a holding tube, an automatic flow diversion valve with attached thermal controls, and recording devices which will control the flow of egg liquid in such a manner as will accomplish pasteurization as set forth in paragraph (b) of this section and will record temperatures of the heated egg liquid at the flow diversion valve continuously and automatically during the process. Refrigerated holding vats of sufficient capacity shall be provided to hold liquid eggs prior to and after pasteurization.

(b) *Pasteurizing operations.* The strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes and not more than 4 minutes. The flow diversion valve shall be adjusted so that all liquid not meeting the temperature requirements shall be diverted to a receiving tank. The sanitary pipe leading from the flow diversion valve shall be dismantled, cleaned, and sanitized and the flow diversion valve flushed with cold water whenever a 30-minute time interval has elapsed between use and re-use. The pasteurizing equipment shall be dismantled, cleaned, and sanitized at the end of each day's operation. If the eggs are pasteurized within 30 minutes after time of breaking, they need not be chilled to 45° F. prior to pasteurization. Immediately after pasteurization, the liquid eggs shall be cooled as provided in § 55.85 unless they are dried immediately. Any other procedure for pasteurization must be submitted in writing and approved by the national supervisor prior to use.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 22d day of August 1962.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 62-8609; Filed, Aug. 27, 1962; 8:52 a.m.]

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

[Farm Marketing Quotas for Extra Long Staple Cotton (Bulletin 2, Amdt. 5)]

## PART 722—COTTON

### Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

FARM NORMAL YIELD

The purpose of this amendment is to clarify the definition of the "Normal yield" for any year for a farm. Such amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.). In order that such amended definition may be used by county committees in connection with determination of farm normal yields it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.102(b)(4) of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, 7758, 10093, 27 F.R. 5977, 6117) is amended to read as follows:

§ 722.102 **Definitions.**

* * * * *

(b) *Terms relating to farms.* * * *

(4) "Normal yield" for any year means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the county normal yield for the year for which the farm normal yield is being established, and the actual yield for the farm for the years for which acceptable data are available. The burden shall be upon the producer to prove the accuracy of the yield data furnished by the producer for any year for the farm and such data shall be subject to review and approval by the county committee. If the producer fails to prove to the satisfaction of the county committee that the yield data made available for any year are accurate or complete, the county committee shall appraise a normal yield for the farm taking into consideration the factors set forth above. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(Secs. 301, 375; 52 Stat. 38, 66, as amended; 7 U.S.C. 1301, 1375)

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

Signed at Washington, D.C., on August 23, 1962.

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

[F.R. Doc. 62-8626; Filed, Aug. 27, 1962; 8:56 a.m.]

## PART 728—WHEAT

### Subpart—1963-64 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1963 CROP OF WHEAT

*Correction*

In F.R. Doc. 62-8253, appearing at page 8241 of the issue for Saturday, August 18, 1962, the following changes are made in the table in § 728.1307 *Wheat acreage apportioned to countries for 1963:*

1. Under "Alabama", the "County wheat base acreage" for Henry County should read "387" instead of "287";
2. Under "Kentucky", the "Acreage apportioned to counties from State allotments"—"Reserve appeals and corrections", should read "102" instead of "012";
3. Under "Minnesota", the "County wheat base acreage—Total" should read "1,055,799" instead of "1,005,799".

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

[Grapefruit Reg. 13, Amdt. 1]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the pub-

lic interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of grapefruit.

(b) It is, therefore, ordered that:

The provisions in subparagraphs (2) and (3) of paragraph (b) of Grapefruit Regulation 13 (§ 905.331; 27 F.R. 5942) are hereby amended by deleting the date "August 27, 1962," wherever it appears and substituting therefor the date "September 3, 1962".

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

Dated: August 23, 1962.

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

[F.R. Doc. 62-8608; Filed, Aug. 27, 1962; 8:51 a.m.]

## PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

### Expenses of Prune Administrative Committee for 1962-63 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the August 10, 1962, issue of the FEDERAL REGISTER (27 F.R. 7989) regarding a proposal to approve expenses of the Prune Administrative Committee for the 1962-63 crop year and fix the rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the time prescribed therefor.

After consideration of all relevant matters presented, including those in the notice and the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is hereby found and determined that the expenses of the Prune Administrative Committee and rate of assessment for the crop year beginning August 1, 1962, shall be as follows:

**§ 993.313 Expenses of the Prune Administrative Committee and rate of assessment for the 1962-63 crop year.**

(a) *Expenses.* Expenses in the amount of $70,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1962, and ending July 31, 1963, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of the marketing agreement, as amended, and this part, an assessment at the rate of 50 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1962, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that a rate of assessment fixed for a particular crop year shall be applicable to all prunes received by a handler from producers and dehydrators during such year; and (2) the current crop year began on August 1, 1962, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

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

Dated: August 23, 1962.

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

[F.R. Doc. 62-8624; Filed, Aug. 27, 1962; 8:55 a.m.]

# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

### Nonpayment of Fee

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (d) of § 242.17 is amended to read as follows:

**§ 242.17 Ancillary matters, applications.**

* * * * *

(d) *General.* An application under this section shall be made only during the hearing and shall not be held to constitute a concession of alienage or deportability in any case in which the respondent does not admit his alienage or deportability. The respondent shall have the burden of establishing that he is eligible for any requested benefit or privilege and that it should be granted in the exercise of discretion. The respondent shall not be required to pay a fee on more than one application (including a motion to reopen the proceeding in conjunction therewith) within paragraphs (a) and (c) of this section. Nothing contained herein is intended to foreclose the respondent from applying for any benefit or privilege which he believes himself eligible to receive in proceedings under this part.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers a benefit upon persons affected thereby.

Dated: August 22, 1962.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 62-8610; Filed, Aug. 27, 1962; 8:52 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

## PART 204—RESERVES OF MEMBER BANKS

### Termination of Designations of Reserve Cities

1. Effective immediately, Part 204 is amended by adding thereto § 204.54 reading as follows:

**§ 204.54 Termination of designations of reserve cities.**

In accordance with paragraph (e) of § 204.51, as revised effective July 28, 1962, member banks in Topeka, Kansas, and Wichita, Kansas, have submitted written requests for the termination of the designations of such cities as reserve cities, and, acting pursuant to such paragraph (e) the Board of Governors has granted such requests. Accordingly, the designations of Topeka, Kansas, and Wichita, Kansas, as reserve cities are hereby terminated effective August 23, 1962.

2. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act and the prior publication described in section 4(c) of such Act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.1(e) of the Board's rules of procedure (Part 262) and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11, 38 Stat. 261 as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended; sec. 19, 48 Stat. 54, as amended; 12 U.S.C. 461, 462, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
*Assistant Secretary.*

[F.R. Doc. 62-8583; Filed, Aug. 27, 1962; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter V—National Aeronautics and Space Administration

## PART 1245—PATENTS

### SUBPART 1—PATENT WAIVER REGULATIONS

### Grant of Nonexclusive License to Contractors

New § 1245.111 added.

**§ 1245.111 Grant of nonexclusive license to contractors.**

In the case of each reported invention which is determined to have been made in the performance of work under a contract of the Administration under the conditions of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)), the Contractor will be granted a nonexclusive, irrevocable, royalty-free license to practice such invention together with the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. Such license and right is nontransferable except to the successor of that part of the Contractor's business to which the invention pertains.

(42 U.S.C. 2457(f), 2473(b)(1))

*Effective date.* This § 1245.111 is effective July 16, 1962.

JAMES E. WEBB,
*Administrator.*

[F.R. Doc. 62-8598; Filed, Aug. 27, 1962; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket C-149]

## PART 13—PROHIBITED TRADE PRACTICES

### Donenfeld's, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1680 *Manufacture or preparation.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(a) *Maker or seller;* § 13.1900-40(b) *Place.*

(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, Donenfeld's, Inc., et al., Dayton, Ohio, Docket C-149, June 19, 1962]

*In the Matter of Donenfeld's, Inc., a Corporation, and Ralph Donenfeld and Stanley R. Donenfeld, Individually and as Officers of Said Corporation*

Consent order requiring furriers in Dayton, Ohio, to cease violating the Fur Products Labeling Act by failing to disclose on labels, invoices, and in advertising, the names of animals producing certain furs; failing to disclose on labels when fur products were composed of cheap or waste fur and to identify the manufacturer, etc.; failing to show on invoices and in advertising when furs were artificially colored or composed of flanks, and to use the terms "Persian Lamb" and "Dyed Mouton" as required; failing to show on invoices the country of origin of imported furs, and invoicing bleached and dyed fur as natural; and failing in other respects to comply with requirements of the Act.

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

*It is ordered,* That respondents Donenfeld's, Inc., a corporation, and its officers, and Ralph Donenfeld and Stanley R. Donenfeld, 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 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, advertising, offering for sale, transportation, or distribution, of any fur product which is 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. 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.

B. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such product as to the country of origin of imported furs used in the fur product.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with nonrequired information.

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

D. Failing to show that fur products are composed in whole or substantial part of flanks, when such is the fact.

E. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

F. Failing to set forth the information required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence in accordance with Rule 30 of the aforesaid rules and regulations.

G. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

H. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

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

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

D. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

E. Failing to show that fur products are composed in whole or substantial part of flanks, when such is the fact.

F. Failing to set forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of one or more sections containing different animal furs.

G. Failing to set forth the item number or mark assigned to a fur product.

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

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Fails to disclose that the fur product is composed in whole or in substantial part of flanks, when such is the fact.

C. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

D. Fails to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

E. Fails to set forth all parts of information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

*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: June 19, 1962.

By the Commission.

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

[F.R. Doc. 62-8584; Filed, Aug. 27, 1962; 8:46 a.m.]

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[Docket C-148]

## PART 13—PROHIBITED TRADE PRACTICES

### John Gerber Co.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin:* § 13.235-50 *Maker or seller, etc.:* § 13.235-50(a) *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40 (b) *Place*.

(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, The John Gerber Company, Memphis, Tenn., Docket C-148, June 18, 1962]

Consent order requiring a furrier in Memphis, Tenn., to cease violating the Fur Products Labeling Act by failing to show on invoices of fur products the true animal name of the fur and the country of origin of imported fur, by advertising falsely in newspapers that prices were reduced due to a special purchase when the fur products concerned were the property of an independent third party operating temporarily and conducting a sales promotion on the premises under respondent's name; and by failing to keep adequate records disclosing the facts upon which price and value claims in advertising were based.

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

*It is ordered*, That respondent The John Gerber Company, a Tennessee corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is 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. Falsely or deceptively invoicing fur products by:

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

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Represents directly or by implication that prices of fur products are reduced from regular or usual prices due to special purchases, when such is not the fact.

B. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

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

Issued: June 18, 1962.

By the Commission.

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

[F.R. Doc. 62-8585; Filed, Aug. 27, 1962; 8:46 a.m.]

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[Docket 8443]

## PART 13—PROHIBITED TRADE PRACTICES

### Frank A. Gordon et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* §13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place*.

(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, Frank A. Gordon trading as Gordon of California et al., San Francisco, Calif., Docket 8443, June 26, 1962]

*In the Matter of Frank A. Gordon, an Individual Trading as Gordon of California, and Ida Gordon, Individually*

Order requiring a San Francisco furrier to cease violating the Fur Products Labeling Act by failing to show on labels and invoices when the fur in a fur product was dyed and the country of origin of imported furs; failing to label fur products with the true animal name of the fur used; and failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered*, That respondents Frank A. Gordon, individually and trading as Gordon of California or under any other trade name, and Ida Gordon, individually, 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, offering for sale, transportation or distribution, of fur products, in commerce, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which are 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:

A. Misbranding fur products by:

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

(2) Failing to set forth on labels affixed to fur products the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

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

(2) Failing to set forth on invoices pertaining to fur products the item number or mark assigned to a fur product.

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

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

Issued: June 26, 1962.

By the Commission.

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

[F.R. Doc. 62-8586; Filed, Aug. 27, 1962; 8:46 a.m.]

[Docket C-144]

## PART 13—PROHIBITED TRADE PRACTICES

### Herter's, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Herter's, Inc., et al., Waseca, Minn., Docket C-144, May 29, 1962]

*In the Matter of Herter's, Inc., a Corporation, George L. Herter, Berthe E. Herter, Clara Howald, Howard W. Herbst, Individually and as Officers of Said Corporation*

Consent order requiring sellers in Waseca, Minn., to cease violating the Textile Fiber Products Identification Act by falsely labeling, invoicing, and advertising as "Nylodown", sleeping bags which did not contain either nylon or down, and failing to set forth in advertising "Nylodown", "duck", and "flannel" sleeping bags the information as to fiber content required to be disclosed.

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

*It is ordered,* That respondents Herter's, Inc., a corporation, and its officers, and George L. Herter, Berthe E. Herter, Clara Howald and Howard W. Herbst, 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, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

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

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

2. By using the term "Nylodown" or words or terms of similar import to describe textile fiber products or portions of textile fiber products which are not composed of nylon and down.

B. Misbranding textile fiber products by falsely or deceptively stamping, tagging or labeling such products by the use of words, symbols or depictions which constitute or imply the name or designation of a fiber which is not present in the product.

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

*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: May 29, 1962.

By the Commission.

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

[F.R. Doc. 62-8587; Filed, Aug. 27, 1962; 8:47 a.m.]

[Docket C-145]

## PART 13—PROHIBITED TRADE PRACTICES

### Livingston Bros., Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-15 *Comparative;* § 13.155-40 *Exaggerated as regular and customary;* § 13.235 *Source or origin:* § 13.235-50 *Maker or seller, etc.:* § 13.235-50(a) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *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, Livingston Bros., Inc., San Francisco, Calif., Docket C-145, May 29, 1962]

Consent order requiring a San Francisco furrier to cease violating the Fur Products Labeling Act by such practices as advertising in newspapers which represented prices of fur products as reduced from regular prices which were in fact fictitious, and as reduced from higher prices without giving the time of such compared higher prices; and which represented falsely that fur products offered for sale were the stock of a business in liquidation.

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

*It is ordered,* That respondent Livingston Bros., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the 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, advertising, offering for sale, transportation, or distribution of any fur product, which is 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. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale, of fur products, and which:

A. Represents, directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business.

B. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

C. Uses previous higher prices as comparatives without giving the time of such compared prices.

D. Represents directly or by implication that fur products offered for sale are the stock of a business in a state of liquidation, when such is not the fact.

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

Issued: May 29, 1962.

By the Commission.

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

[F.R. Doc. 62-8588; Filed, Aug. 27, 1962; 8:47 a.m.]

[Docket C-153]

## PART 13—PROHIBITED TRADE PRACTICES

### Dennis Hartman et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-125

*Individual or private business being:* § 13.15–125(a) *Association;* § 13.15–125 (u) *Nonprofit organization.* Subpart—Using misleading name—Vendor: § 13.-2395 *Individual or private business being association or guild.*

(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, Dennis Hartman doing business as National Poetry Association, etc., West Los Angeles, Calif., Docket C-153, June 22, 1962]

*In the Matter of Dennis Hartman, an Individual, Doing Business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society and National Art Association*

Consent order requiring an individual in West Los Angeles, Calif., engaged under various trade names in soliciting original manuscripts for publication largely through competitions in educational institutions and in publishing anthologies of poetry, essays, drawings, etc., to cease representing falsely by use of his trade names and his designation as secretary in his promotional materials that the organizations sponsoring the competitions and publishing the anthologies were nonprofit institutions or groups of persons associated together to promote interest in literary or artistic works, and that he was acting in the name of such a group.

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

*It is ordered,* That Dennis Hartman, an individual, doing business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation of literary or artistic manuscripts for publication, or with the offering for sale, sale or distribution of published anthologies or other literary or artistic works, or of any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association or any other words or names of similar import or meaning to designate, describe or refer to the respondent's business; or from otherwise representing, directly or by implication, that any business organized or operated for profit is composed of persons who are associated together for the purpose of promoting interest in poetry, essays, drawings, or other literary or artistic works;

2. Representing, directly or by implication, that any business organized or operated for profit is an eleemosynary or nonprofit institution;

3. Using the title of Secretary or any other title commonly used by officers of associations or eleemosynary organizations;

4. Representing, directly or by implication, that respondent is acting in the name of or with the approval of or is sponsored by any eleemosynary organization.

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

Issued: June 22, 1962.

By the Commission.

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

[F.R. Doc. 62-8589; Filed, Aug. 27, 1962; 8:47 a.m.]

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[Docket C-152]

## PART 13—PROHIBITED TRADE PRACTICES

### Novel Manufacturing Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–55 *Direct dealing advantages;* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence;* § 13.170–40 *Fire-extinguishing or fire-resistant;* § 13.195 *Safety:* § 13.195–60 *Product;* § 13.230 *Size or weight;* § 13.250 *Success, use or standing.*

(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, Novel Manufacturing Corp. et al., New York, N.Y., Docket C-152, June 22, 1962]

*In the Matter of Novel Manufacturing Corp., a Corporation, and Russell Weith and Alan Weston, Individually and as Officers of Said Corporation*

Consent order requiring New York City distributors of toy playhouses to cease making misrepresentations in advertising concerning safety and flameproof features of the playhouses and other products, as well as the material, construction, size, pricing, etc., as in the order below indicated.

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

*It is ordered,* That respondents Novel Manufacturing Corp., a corporation, and its officers, and Russell Weith and Alan Weston, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of playhouse toy products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) By use of the terms flameproof, fireproof, fire-resistant, fire-retardant, or any other terms or descriptions, that the product is noncombustible or free from the hazard of fire.

(b) That the type of material and manner of construction employed by respondents results in a product of such durability, sturdiness and stability as to afford safe shelter for children from the elements of the weather year round.

(c) By or through the use of any pictorial illustration or textual description that the product is larger or more commodious than is actually the fact.

(d) That their product is of a value comparable to any other product retailing at a higher price unless the merchandise to which their product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, where the claim is made.

(e) That any saving is afforded in the purchase of respondents' product as compared to the purchase of another product unless the merchandise to which respondents' product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, in which the claim is made.

(f) That the purchaser is buying the product direct from the factory.

(g) That the respondents are manufacturers of the product.

(h) That respondents have any particular number of satisfied customers, unless such claim is based upon affirmative proof of customer satisfaction exclusive of the number of sales.

2. Failing to disclose clearly and conspicuously that there is danger to children of fire or asphyxiation from the use of the product.

3. Failing to disclose clearly and conspicuously that the product is not complete or ready for use.

4. Failing to disclose clearly and conspicuously that the product is not inherently or independently rigid without the addition of, or necessity for, substantial interior structural support.

*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: June 22, 1962.

By the Commission.

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

[F.R. Doc. 62-8591; Filed, Aug. 27, 1962; 8:48 a.m.]

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[Docket 7121o.]

## PART 13—PROHIBITED TRADE PRACTICES

### National Retailer-Owned Grocers, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or

acceptance of commission, brokerage or other compensation under 2(c): § 13.805 Buyers' association.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Central Retailer-Owned Grocers, Inc. (Chicago, Ill.), et. al., Docket 7121, May 14, 1962]

*In the Matter of National Retailer-Owned Grocers, Inc., a Corporation, Central Retailer-Owned Grocers, Inc., a Corporation, A. G. Tick Tock Stores, Inc., a Corporation, Allied Grocers of Indiana, Inc., a Corporation, Associated Grocers Co., Inc., a Corporation, Associated Grocers, Inc. (Wis.), a Corporation, Associated Grocers, Inc. (Mo.), a Corporation, Associated Grocers, Inc. (Kans.), a Corporation, Associated Grocers of Alabama, Inc., a Corporation, Associated Grocers of Colorado, Inc., a Corporation, Associated Grocers Coop., Inc., a Corporation, Associated Grocers of East Michigan, Inc., a Corporation, Associated Grocers of Oklahoma, Inc., a Corporation, Associated Grocers of Port Arthur, Inc., a Corporation, Associated Grocers Wholesale Co., a Corporation, Associated Wholesale Grocers Co., Inc., a Corporation, Associated Wholesale Grocers of Dallas, Inc., a Corporation, Bibb Grocery Co., Inc., a Corporation, Central Grocers Coop., Inc., a Corporation, Dixie Saving Stores, Inc., a Corporation, Grand Rapids Wholesale Grocery Co., a Corporation, Grocers Wholesale Coop., Inc., a Corporation, Kansas Service Grocers, Inc., a Corporation, Lake Erie Coop. Grocers Company, a Corporation, Miami Retail Grocers, Inc., a Corporation, Muskegon Wholesale Company, Coop., a Corporation, Panhandle Associated Grocers, Inc., a Corporation, Progressive Associated Grocers, Inc., a Corporation, Redman Bros. of Lansing, Inc., a Corporation, South Plain Associated Grocers, Inc., a Corporation, The Sylvester Company, a Corporation, The Tusco Grocers, Inc., a Corporation, United A-G Stores Coop., Inc., a Corporation, United Grocers Coop. Assn., a Corporation, Weona Food Stores, Inc., a Corporation, White Villa Grocers, Inc., a Corporation, and Central Florida Cooperative, Inc., a Corporation*

Order requiring a cooperative purchasing organization and its 35 grocery wholesaler members, operating warehouses in 16 midwestern and southern states, to cease accepting unlawful brokerage in violation of section 2(c) of the Clayton Act, such as lower prices, discounts, and promotional allowances received from suppliers of private label merchandise and shared in by such members in the form of patronage dividends; and dismissing the complaint as to National Retailer-Owned Grocers, Inc., the evidence being insufficient to justify an order against it.

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

*It is ordered*, That respondent Central Retailer-Owned Grocers, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device in connection with the purchase of food, grocery and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for its own account or on behalf of its members when it is acting as agent, representative or controlled intermediary of its members.

*It is further ordered*, That respondents, A. G. Tick Tock Stores, Inc.; Allied Grocers of Indiana, Inc.; Associated Grocers Co., Inc.; Associated Grocers, Inc. (Wis.); Associated Grocers, Inc. (Mo.); Associated Grocers, Inc. (Kans.); Associated Grocers of Alabama, Inc.; Associated Grocers of Colorado, Inc.; Associated Grocers Coop., Inc.; Associated Grocers of East Michigan, Inc.; Associated Grocers of Oklahoma, Inc.; Associated Grocers of Port Arthur, Inc.; Associated Grocers Wholesale Co.; Associated Wholesale Grocers Co., Inc.; Associated Wholesale Grocers of Dallas, Inc.; Bibb Grocery Co., Inc.; Central Grocers Coop., Inc.; Dixie Saving Stores, Inc.; Spartan Stores, Inc. (formerly Grand Rapids Wholesale Grocery Co.); Grocers Wholesale Coop., Inc.; Kansas Service Grocers, Inc.; Spartan Grocers, Inc. (formerly Lake Erie Coop. Grocers Company); Miami Retail Grocers, Inc.; Muskegon Wholesale Company, Coop.; Panhandle Associated Grocers, Inc.; Progressive Associated Grocers, Inc.; Redman Bros. of Lansing, Inc.; South Plains Associated Grocers, Inc. (erroneously named in the complaint as South Plain Associated Grocers, Inc.); The Sylvester Company; The Tusco Grocers, Inc.; United A-G Stores Coop., Inc.; United Grocers Coop. Assn.; Weona Food Stores, Inc.; White Villa Grocers, Inc.; Certified Grocers of Florida, Inc. (formerly Central Florida Cooperative, Inc.), all corporations, and their officers agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food, grocery and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or any allowance or discount in lieu thereof upon any purchase where they are represented by Central Retailer-Owned Grocers, Inc., or any other agent, representative, or intermediary controlled by them.

*It is further ordered*, That the complaint as to respondent National Retailer-Owned Grocers, Inc., be, and it hereby is, dismissed.

*It is further ordered*, That respondents, with the exception of National Retailer-Owned Grocers, Inc., 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 above order.

Issued: May 14, 1962.

By the Commission, Commissioner Elman dissenting.

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

[F.R. Doc. 62-8590; Filed, Aug. 27, 1962; 8:48 a.m.]

[Docket C-147]

## PART 13—PROHIBITED TRADE PRACTICES

### Sue Brett, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Sue Brett, Inc., et al., New York, N.Y., Docket C-147, June 8, 1962]

*In the Matter of Sue Brett, Inc., a Corporation, and Jack Baker and Florence Baker, Individually and as Officers of Said Corporation*

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by selling dresses so highly flammable as to be dangerous when worn.

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

*It is ordered*, That respondent Sue Brett, Inc., a corporation, and its officers, and respondents Jack Baker and Florence Baker, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

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

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

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

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

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

*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: June 8, 1962.

By the Commission.

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

[F.R. Doc. 62-8592; Filed, Aug. 27, 1962; 8:48 a.m.]

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[Docket C-146]

## PART 13—PROHIBITED TRADE PRACTICES

### Wesco Products Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Wesco Products Company, Inc., Chicago, Ill., Docket C-146, May 29, 1962]

Consent order requiring Chicago distributors of automotive repair or replacement parts to cease discriminating in price in violation of section 2(a) of the Clayton Act by classifying some favored jobbers as warehouse distributors and thus allowing them higher discounts than competing jobbers who purchase at the regular jobber prices.

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

*It is ordered,* That the respondent Wesco Products Company, Inc., a corporation, and said respondent's officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale and distribution of automotive repair or replacement parts, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality:

By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's said products.

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

Issued: May 29, 1962.

By the Commission.

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

[F.R. Doc. 62-8593; Filed, Aug. 27, 1962; 8:49 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

TOLERANCES FOR RESIDUE OF DDT

1. No comments were received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of June 30, 1962 (27 F.R. 6236), with reference to establishing tolerances of 50 parts per million for residues of the insecticide DDT in or on peppermint hay and spearmint hay, and no request was received for referral of the proposal to an advisory committee. After consideration of all available data, the Commissioner has concluded that the tolerances established in this order will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 512; 21 U.S.C. 346a(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.147) are amended by adding thereto a new item, reading as set forth below:

**§ 120.147 Tolerances for residues of DDT.**

* * * * *

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

(Sec. 408, 68 Stat. 512; 21 U.S.C. 346a(c))

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Oregon State University, Agricultural Experiment Station, Corvallis, Oregon, and other relevant material, and no comments having been received on the proposed amendment published June 30, 1962 (27 F.R. 6236), has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive DDT in peppermint oil and spearmint oil. Pesticide tolerances are concurrently being established to permit 50 parts per million in the peppermint and spearmint hay from which these oils are to be extracted. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

**§ 121.1093 DDT.**

Tolerances of 100 parts per million are established for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl)ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl)ethane) in or on peppermint oil and spearmint oil, when present therein as a result of the application of this insecticide to the growing peppermint and spearmint crops.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 409, 68 Stat. 512 as amended; 72 Stat. 1786; 21 U.S.C. 346a, 348)

Dated: August 22, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-8606; Filed, Aug. 27, 1962; 8:51 a.m.]

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## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

COLORANTS IN FOOD CONTAINERS AND EQUIPMENT; EDITORIAL REVISION

The following amendments to § 121.91 are for the purpose of more accurately identifying the items involved, and no changes are made in extension dates.

1. Section 121.91 is amended by deleting therefrom the following items appearing in the FEDERAL REGISTER of July 21, 1962 (27 F.R. 6928):

Barium sulfate (pigment white 21, 22, 23) * * *
Cadmium mercury sulfide * * *
Cadmium zinc sulfide (pigment yellow 35) * * *
Pigment blue 15 * * *
Pigment green 7 (Monastral GT 710D) * * *

Pigment orange 13 (pyrazalone YB-3) * * *
Pigment red 108 (cadmium red 598G) * * *
Pigment yellow 17 (benzidine yellow) * * *
Quinacridone red * * *
Chromium oxide green * * *
Pigment green No. 7 (Zulu green 614G) * * *
Pigment red 108 (cadmium light 1405) * * *
Pigment yellow 52 (benzidine yellow 12220) * * *

2. Section 121.91 is further amended by adding thereto the following new items:

MISCELLANEOUS

| Product | Specified uses or restrictions | Effective date of statute extended to— | Progress report required by— |
|---|---|---|---|
| Pigment white 21 (barium sulfate), Color Index No. 77120. | Colorant in food containers and equipment. | July 1, 1963 | Jan. 1, 1963 |
| Pigment orange 23 (cadmium mercury sulfide), Color Index No. 77201. | Colorant in food containers and equipment; no migration of mercury or cadmium. | do | Do. |
| Pigment red 113 (cadmium mercury sulfide), Color Index No. 77201. | do | do | Do. |
| Pigment yellow 35 (cadmium zinc sulfide), Color Index No. 77117. | Colorant in food containers and equipment; no migration of cadmium. | do | Do. |
| Pigment blue 15 (phthalocyanine blue), Color Index No. 74160. | Colorant in food containers and equipment. | do | Do. |
| Pigment green 7 (phthalocyanine green), Color Index No. 74260. | do | do | Do. |
| Pigment orange 13 (benzidine orange), Color Index No. 21110. | do | do | Do. |
| Pigment red 108 (cadmium selenide), Color Index No. 77196. | Colorant in food containers and equipment; no migration of cadmium or selenium. | do | Do. |
| Pigment yellow 17 (benzidine yellow), Color Index No. 21105. | Colorant in food containers and equipment. | do | Do. |
| Quinacridone red | Colorant in polyethylene in food packaging. | do | Do. |
| Pigment green 17 (chromium oxide green), Color Index No. 77288. | Colorant in food containers and equipment. | do | Do. |

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes made are editorial in nature or within the purview of sec. 2, of Public Law 87-19 (sec. 2, 75 Stat. 42; 21 U.S.C. note).

*Effective date:* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. 342, note)

Dated: August 22, 1962.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 62-8604; Filed, Aug. 27, 1962; 8:51 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

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

FORFEITURE

1. In § 3.900, paragraphs (b) and (d) are amended to read as follows:

**§ 3.900 General.**

* * * * *

(b)(1) Except as provided in subparagraph (2) of this paragraph, any offense committed prior to January 1, 1959, may cause a forfeiture and any forfeiture in effect prior to January 1, 1959, will continue to be a bar on and after January 1, 1959. (Section 3, Public Law 85-857.)

(2) Effective September 2, 1959, forfeiture of benefits may not be declared except under the circumstances set forth in §§ 3.901(d), 3.902(d), or 3.903. Forfeitures declared before September 2, 1959, will continue to be a bar on and after that date. (38 U.S.C. 3503(d) and 3505)

* * * * *

(d) When the person primarily entitled has forfeited his rights by reason of fraud or a treasonable act determination as to the rights of any dependents of record to benefits under § 3.901(c) or 3.902(c) may be made upon receipt of an application. (38 U.S.C. 3503(b) and 38 U.S.C. 3504(b))

2. The cross references following § 3.900 are deleted.

3. Section 3.901 is revised to read as follows:

**§ 3.901 Fraud.**

(a) *Definition.* An act committed when a person knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Veterans Administration (except laws relating to insurance benefits).

(b) *Effect on claim.* For the purposes of paragraph (d) of this section, any person who commits fraud forfeits all rights to benefits under all laws administered by the Veterans Administration other than laws relating to insurance benefits.

(c) *Forfeiture before September 2, 1959.* Where forfeiture for fraud was declared before September 2, 1959, in the case of a veteran entitled to disability compensation, the compensation payable except for the forfeiture may be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(1) Service-connected death benefit payable.

(2) Amount of compensation payable but for the forfeiture.

No benefits are payable to any person who participated in the fraud causing the forfeiture.

(d) *Forfeiture after September 1, 1959.* After September 1, 1959, forfeiture by reason of fraud may be declared only

(1) Where the person was not residing or domiciled in a State as defined in § 3.1(i) at the time of commission of the fraudulent act; or

(2) Where the person ceased to be a resident of or domiciled in a State as defined in § 3.1(i) before expiration of the period during which criminal prosecution could be instituted; or

(3) The fraudulent act was committed in the Philippine Islands.

Where the veteran's rights have been forfeited, no part of his benefit may be paid to his dependents. (38 U.S.C. 3503 (a), (d), (e))

4. The cross references following § 3.901 are deleted.

5. Section 3.902 is revised to read as follows:

**§ 3.902 Treasonable acts.**

(a) *Definition.* An act of mutiny, treason, sabotage or rendering assistance to an enemy of the United States or of its allies.

(b) *Effect on claim.* For the purposes of paragraph (d) of this section, any person determined by the Veterans Administration to be guilty of a treasonable act forfeits all gratuitous benefits under laws administered by the Veterans Administration which he may be receiving or would have been entitled to receive in the future.

(c) *Forfeiture before September 2, 1959.* Where forfeiture for treasonable acts was declared before September 2, 1959, the Administrator may pay any part of benefits so forfeited to the dependents of the person except that the amount may not be in excess of that which the dependent would be entitled to as a death benefit.

(1) *Compensation.* Whenever a veteran entitled to disability compensation has forfeited his right, any part of the compensation payable except for the forfeiture may be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(i) Service-connected death benefit payable.

(ii) Amount of compensation payable but for the forfeiture.

No benefits are payable to any person participating in the treasonable act causing the forfeiture.

(2) *Pension.* Whenever a veteran entitled to pension has forfeited his right, any part of the pension payable except for the forfeiture provision may be paid to his wife, and children. The total amount payable will be the lesser of these amounts:

(i) Non-service-connected death benefit payable.

(ii) Amount of pension being paid the veteran at the time of forfeiture.

No benefits are payable to any person who participated in the treasonable act causing the forfeiture.

(d) *Forfeiture after September 1, 1959.* After September 1, 1959, forfeiture by reason of a treasonable act may be declared only

(1) Where the person was not residing or domiciled in a State as defined in § 3.1(i) at the time of commission of the act; or

(2) Where the person ceased to be a resident of or domiciled in a State as defined in § 3.1(i) before expiration of the period during which criminal prosecution could be instituted; or

(3) The treasonable act was committed in the Philippine Islands.

No part of the benefits forfeited by the person primarily entitled shall be paid to any dependent. (38 U.S.C. 3503 (d), (e), 3504).

(e) *Children.* A treasonable act committed by a child or children, regardless of age, who are in the widow's custody and included in an award to her will not affect the award to the widow.

6. The cross references following § 3.902 are deleted.

7. Section 3.903 is revised to read as follows:

**§ 3.903 Subversive activities.**

(a) *Definition.* Any offense for which punishment is prescribed:

(1) In title 18, United States Code, sections 792, 793, 794, 798, 2381 through 2385, 2387 through 2390, and chapter 105;

(2) In the Uniform Code of Military Justice, Articles 94, 104 and 106 (10 U.S.C. 894, 904, and 906);

(3) In the following sections of the Atomic Energy Act of 1954: Sections 222 through 226 (42 U.S.C. 2272–2276); and

(4) In the following sections of the Internal Security Act of 1950: Sections 4, 112, and 113 (50 U.S.C. 783, 822, and 823).

(b) *Effect on claim.* (1) Any person who is convicted after September 1, 1959, of subversive activities shall from and after the date of commission of such offense have no right to gratuitous benefits under laws administered by the Veterans Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such person.

(2) The Attorney General will notify the Veterans Administration in each case in which a person is indicted or convicted of an offense listed in paragraph (a) (1), (3), and (4) of this section. The Secretary of Defense or the Secretary of the Treasury, as may be appropriate, will notify the Veterans Administration in each case in which a person is convicted of an offense listed in paragraph (a) (2) of this section.

(c) *Presidential pardon.* Where any person whose right to benefits has been so terminated is granted a pardon of the offense by the President of the United States, the right to such benefits shall be restored as of the date of such pardon, if otherwise eligible. (38 U.S.C. 3505)

8. The cross reference following § 3.903 is deleted.

9. Former § 3.903 has been revised and redesignated § 3.904 to read as follows:

**§ 3.904 Effect of forfeiture after veteran's death.**

(a) *Fraud.* Whenever a veteran has forfeited his right by reason of fraud his surviving dependents upon proper application may be paid pension, compensation, or dependency and indemnity compensation, if otherwise eligible. No benefits are payable to any person who participated in the fraud causing the forfeiture. (38 U.S.C. 3503(c))

(b) *Treasonable acts.* Death benefits may be authorized as provided in paragraph (a) of this section where forfeiture by reason of a treasonable act was declared before September 2, 1959. Otherwise, no award of gratuitous benefits may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture. (38 U.S.C. 3504(c))

(c) *Subversive activities.* Where the veteran was convicted of subversive activities after September 1, 1959, no award of gratuitous benefits may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture unless the veteran had been granted a pardon of the offense by the President of the United States. If pardoned, his surviving dependents upon proper application may be paid pension, compensation or dependency and indemnity compensation if otherwise eligible. (38 U.S.C. 3505(a))

10. Immediately following § 3.904, the following cross references are added to read as follows:

CROSS REFERENCES: Effective dates; forfeiture. See § 3.400(m).
Reductions and discontinuances; fraud. See § 3.500(k).
Reductions and discontinuances; treasonable acts or subversive activities. See § 3.500 (t).
Adjustments and resumptions. See § 3.669.
Burial benefits. See § 3.1609.
Servicemen's indemnity. See § 3.1816.

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

These regulations are effective August 28, 1962.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 62–8619; Filed, Aug. 27, 1962; 8:53 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

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

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2757]

[Utah 060709]

### UTAH

### Withdrawing Lands for Fish Hatchery and Other Uses

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under jurisdiction of the Bureau of Sport Fisheries and Wildlife for establishment and operation of the Jones Hole National Fish Hatchery and for the development, conservation, utilization and maintenance of recreational resources, and the surface and subsurface water resources thereof (Executive Order No. 10355 of May 26, 1952):

SALT LAKE MERIDIAN

T. 3 S., R. 25 E.,
Sec. 1, lots 2, 3, SW¼NE¼, SE¼NW¼, and W½SE¼.

Containing 263.23 acres.

Management plans of the Bureau of Sport Fisheries and Wildlife for the utilization or development of the lands or any portions thereof for the preservation of recreational resources and the development of recreational facilities shall be coordinated with the National Park Service to assure that all resource values are given full consideration. Management plans may provide for cooperation with the State of Utah and its appropriate agencies for the protection, development, and propagation of fish and wildlife resources.

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

AUGUST 22, 1962.

[F.R. Doc. 62–8597; Filed, Aug. 27, 1962; 8:50 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Miscellaneous Amendments

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Guatemala", under Postal Union Mail, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Money in cash, banknotes, and values payable to the bearer. Such articles found in letters received in Guatemala are not delivered unless the addressees comply with special formalities and pay domestic insurance fees.

Articles prohibited as parcel post are prohibited in the postal union mail.

II. In country "Ireland", under Parcel Post, the item *Insurance* is amended to show that the limit of indemnity is increased to $1,000. As so amended, the item reads as follows:

*Insurance.* The following insurance fees and limits of indemnity apply:

| Limit of indemnity: | *Fee* |
|---|---|
| Not over $10 | $0.20 |
| From $10.01 to $25 | .25 |
| From $25.01 to $50 | .35 |
| From $50.01 to $100 | .55 |
| From $100.01 to $200 | .60 |
| From $200.01 to $300 | .65 |
| From $300.01 to $400 | .70 |
| From $400.01 to $500 | .75 |
| From $500.01 to $600 | .80 |
| From $600.01 to $700 | .85 |

| Limit of indemnity—Continued | *Fee* |
|---|---|
| From $700.01 to $800 | $0.90 |
| From $800.01 to $900 | .95 |
| From $900.01 to $1,000 | 1.00 |

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE
$25.75 (U.S.)
TWENTY-FIVE DOLLARS AND
SEVENTY-FIVE CENTS
77.25 GOLD FRANCS

See Part 133 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, bullion, valuable jewelry, or any other precious article must be insured.

III. In country "Laos", under Postal Union Mail the item *Observations* is amended to include additional post offices that are closed. As so amended, the item reads as follows:

*Observations*. The following post offices are closed: Phongsaly, Samneua, Xiengkhouang, Muongsai, Tchépone, Namtha, Honeisai, and Muongsing.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 62-8613; Filed, Aug. 27, 1962; 8:52 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 908 ]

[Docket No. AO-250-A3]

### HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 474, 864) on proposals to amend the marketing agreement and Order No. 908, as amended (7 CFR Part 908), hereinafter referred to collectively as the "order" regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 19, 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. 62-7215; 27 F.R. 6982). No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-7215; 27 F.R. 6982) 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.

*Amendment of the marketing agreement and order, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Referendum order.* Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period February 1, 1961, through January 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and in that portion of the State of California that is south of a line drawn due east and west through the Post Office in Turlock, California, in the production of Valencia oranges for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of Valencia oranges grown in Arizona and designated part of California. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

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

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

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

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

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

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

Dated: August 23, 1962.

JOHN P. DUNCAN, Jr.,
*Acting Secretary.*

*Order[1] Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California*

**§ 908.0 Findings and determinations.**

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, upon proposed amendments to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes,

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

so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is, therefore, ordered,* That, on and after the effective date hereof, all handling of Valencia oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. The provisions of § 908.4 *Production area* are revised to read as follows:

§ 908.4 **Production Area.**

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 908.20 [Amendment]

2. Section 908.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.31 [Amendment]

3. The amount "$10" in § 908.31 is replaced by "$15."

4. A new § 908.33 is added as follows:

§ 908.33 **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 Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.55 [Amendment]

5. The second sentence in § 908.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 908.60."

§ 908.56 [Amendment]

6. The following is added to the end of the sentence in § 908.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 908.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 908.57.

§ 908.60 [Amendment]

8. The proviso and all subsequent language in § 908.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 908.66 [Amendment]

9. Paragraphs (a), (b), and (c) of § 908.66 are revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the Post Office in Turlock, California, and north of a line drawn due east and west through the Post Office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.67 [Amendment]

10. The first sentence in § 908.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 908.83 [Amendment]

11. Subparagraph (3) of § 908.83(c) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

[F.R. Doc. 62-8263; Filed, Aug. 27, 1962; 8:55 a.m.]

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[ 7 CFR Part 909 ]

[Docket No. AO-85-A3]

## HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

### Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indio, California, on May 24, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 3858) on proposed amendment of the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), hereinafter called the "order" regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, 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 July 25, 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. 62-7456; 27 F.R. 7436). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-7456; 27 F.R. 7436) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

*Amendment of the amended marketing agreement and order.* Annexed

hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that Part of Riverside County, California, Situated South and East of White Water, California" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, Situated South and East of White Water, California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Referendum order.* Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1961, through July 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the production of grapefruit for market, to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of grapefruit grown in the aforesaid production area. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

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

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

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

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

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

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

Dated: August 23, 1962.

JOHN P. DUNCAN, Jr.,
*Acting Secretary.*

*Order [1] Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in That Part of Riverside County, California, Situated South and East of White Water, California*

**§ 909.0 Findings and determinations.**

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Indio, California, on May 24, 1962, upon a proposed amendment of the marketing agreement, as amended, and to Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit covered thereunder.

*It is, therefore, ordered,* That, on and after the effective date hereof, all handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. A new § 909.32 is added as follows:

**§ 909.32 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 grapefruit; the expense of the projects to be paid from funds collected under § 909.41.

**§ 909.40 [Amendment]**

2. The first sentence of §909.40 is revised to read as follows: "The Administrative Committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds may be necessary to carry out the functions of the committee under this part during each fiscal period."

**§ 909.41 [Amendment]**

3. The first sentence of § 909.41(a) is revised to read as follows: "Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, his pro rata share of the expenses, including inspection expenses, which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period."

**§ 909.51 [Amendment]**

4. The second sentence of § 909.51(a) is revised to read as follows: "Whenever the committee finds that the conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes it deems advisable to be handled during that period; and the recommen-

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

dation may include different size limitations for any variety handled to any of the marketing zones described in § 909.56."

§ 909.53 [Amendment]

5. The first sentence of § 909.53 is revised to read as follows: "Whenever the Secretary finds from the recommendation and information submitted by the Administrative Committee or from other available information, that limiting the handling of any variety of grapefruit to particular grades or sizes would tend to effectuate the declared policy of the act, he shall so limit the handling of that variety for a specified period; and the limitation may prescribe different size requirements for the handling of such variety by the initial handler thereof directly to the marketing zones specified."

6. A new § 909.56 is added as follows:

§ 909.56 Marketing zones.

(a) Zone 1: The States of California and Arizona.

(b) Zone 2: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(c) Zone 3: The States not enumerated in zones 1, 2, and 4.

(d) Zone 4: All export markets and the States of Hawaii and Alaska.

[F.R. Doc. 62-8622; Filed, Aug. 27, 1962; 8:54 a.m.]

## [ 7 CFR Part 990 ]

## HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

### Notice of Proposed Exemption of Certain Grape Varieties From Volume Regulation

Notice is hereby given that need for volume regulation is likely and there is under consideration a proposal to exempt certain varieties of grapes from any volume regulation which may be established for the 1962-63 crop year beginning July 1, 1962, under the marketing agreement and Order No. 990 (7 CFR Part 990), hereinafter referred to collectively as the "order", regulating the handling of Central California grapes for crushing. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is based on a determination and recommendation of the Grape Crush Administrative Committee and other available information that the varieties of grapes hereinafter set forth and produced in the nine-county area covered by the order are of such small production and restricted usage or in such short supply relative to demand that the exemption of such varieties from any volume regulation for the 1962-63 crop year would not tend to affect adversely the attainment of the purposes of the order.

The varieties of grapes hereinafter set forth would be exempt, pursuant to § 990.58(b), from such volume regulation and related setaside as may be established and effective pursuant to §§ 990.53 and 990.54, as applicable. However, such varieties would not be exempted from the other provisions of the order such as those pertaining to weight and sugar content determinations, reports and records, and assessments.

Should free and surplus percentages be established for 1962-63, it would be necessary in computing such percentages to make appropriate allowance for the tonnages of grape varieties as may be exempted.

The proposal is as follows:

§ 990.205 Exemption.

The following varieties of grapes for crushing are exempt from any volume regulation established for the 1962-63 crop year (July 1, 1962-June 30, 1963): Aleatico, Alicante Ganzin, Almission, Alvarelhao, Barbera, Beclan, Boaldoce, Catarratto, Emerald Riesling, Experimental No. 100, Experimental No. 101, F-5, Franken Riesling,[1] French Colombard, Freisa, Grand Noir, Grey Riesling, Green Hungarian, Grignolino, Inzolia, Johannisberger Riesling,[2] Lenoir, Malvasia Bianca, Malvoisie, Mataro, Mondeuse,[3] Muscat Bordolaise, Muscat Canelli[4] Niagara, Nebbiolo, Pagadebito, Pedro Ximenes, Pedro Zumbom, Petit Bouschet, Petite Sirah,[5] Peverella, Royalty, Rubired, Ruby Cabarnet, S-26, St. Emilion,[6] St. Macaire, Salvador, Sauvignon, Sauvignon Vert,[7] Scarlet, Semillon, Souzao, Tinta Cao, Tinta Madera, Touriga, Trousseau, Valdepenes, Verdona, Walschriesling, White No. 2, and Zinfandel.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Dated: August 22, 1962.

FLOYD F. HEDLUND,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 62-8620; Filed, Aug. 27, 1962; 8:54 a.m.]

[1] Franken Riesling includes Sylvener.

[2] Johannisberger Riesling includes White Riesling.

[3] Mondeuse includes Crabb's Black Burgundy and Refosco.

[4] Muscat Canelli includes Muscat de Frontignon.

[5] Petit Sirah includes Durif.

[6] St. Emilion includes Trebbiano and Ugni Blanc.

[7] Sauvignon Vert includes Colombard.

## [ 7 CFR Part 990 ]

## HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

### Notice of Proposed Establishment of Desirable Free Tonnage for 1962-63 Crop Year

Notice is hereby given that need for volume regulation is likely and there is under consideration a proposal to establish for the 1962-63 crop year (July 1, 1962-June 30, 1963) a desirable free tonnage of grapes for crushing of 1,167,000 tons at 22 degrees Balling, which handlers may freely acquire and use in such crop year. The proposal is based on the recommendation and marketing policy report, pursuant to § 990.47, of the Grape Crush Administrative Committee and other available information. The desirable free tonnage would be established pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed desirable free tonnage is derived from the following estimated factors: (1) A desirable carryout (free inventory only) on June 30, 1963, of 56,764,000 proof gallons of products of grapes produced in the State of California—the same quantity as the reported comparable carryover on June 30, 1962; (2) a disappearance (total product need), including trade demand requirements and production losses but excluding any disposition of setaside, of 64,412,000 proof gallons, during the 1962-63 crop year, of products of grapes produced in the State of California—the same quantity as the reported comparable disappearance during the 1961-62 crop year; (3) a desirable crush during the 1962-63 crop year for the State of California of 1,337,000 tons of grapes at 22 degrees Balling, the equivalent of item (2); and (4) a crush of 170,000 tons of 1962 crop grapes at 22 degrees Balling, produced in California outside the nine-county area covered by the marketing agreement and order. The subtraction of item (4) from item (3) results in a desirable free tonnage of grapes for crushing of 1,167,000 tons at 22 degrees Balling for the nine-county area, which handlers may freely acquire and use during the 1962-63 crop year.

Such desirable free tonnage includes tonnages of grape varieties which may be exempted from any volume regulation for the 1962-63 crop year. If free and surplus percentages are established for such crop year, it will be necessary in computing such percentages to make appropriate allowance for the exempt tonnages.

The proposal is as follows:

§ 990.204 Desirable free tonnage.

The desirable free tonnage of grapes for crushing which handlers may freely acquire and use during the 1962-63 crop year (July 1, 1962-June 30, 1963) is 1,167,000 tons at 22 degrees Balling.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Dated: August 22, 1962.

FLOYD F. HEDLUND,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 62-8621; Filed, Aug. 27, 1962; 8:54 a.m.]

## Agricultural Stabilization and Conservation Service

### [ 7 CFR Part 1002 ]

[Docket No. AO–71–A44]

### MILK IN NEW YORK-NEW JERSEY MARKETING AREA

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 301 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Woodbridge Motor Lodge, U.S. Route 9, Woodbridge, New Jersey, beginning at 10:00 a.m., e.d.t., on September 18, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Hudson-Mohawk Independent Milk Producers' Cooperative, Inc., and Mutual Federation of Independent Cooperatives, Inc.:

*Proposal No. 1.* Provide in § 1002.71(c) for direct-delivery differentials at the same rates and applicable to the same zones as specified in the order as effective prior to December 1, 1961, at the plant where the milk of producers is first received or delivered, either in cans or from farm bulk tanks.

Proposed by Mutual Federation of Independent Cooperatives, Inc.:

*Proposal No. 2.* Provide that the point of pricing of bulk tank milk be the mileage zone of the plant to which a pool bulk tank unit delivers its milk, with the plant in the lowest mileage zone governing in cases where such unit delivers to plants in two or more zones.

Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., and United Milk Producers of New Jersey:

*Proposal No. 3.* Direct-delivery differentials as contained in § 1002.71(c) should be retained and apply to all milk received at plants located within the specified areas regardless of whether it is delivered in cans or in bulk tanks.

Proposed by Dairymen's League Cooperative Association, Inc.:

*Proposal No. 4.* The rate per hundredweight to be paid as a direct-delivery differential on can milk produced in the 0–80 mileage zone is to be determined by the availability of milk. Class I-A and I-B utilization percentage of total Federal Order No. 2 pool will be the determining factor as to the rate to be paid by handlers to producers as a direct-delivery differential. For plants located in the areas specified, the following flexible table should be applicable:

DIRECT-DELIVERY DIFFERENTIAL

[Dollars per hundredweight]

| Mileage zone | Percentage utilization in class I-A and I-B | | | | |
|---|---|---|---|---|---|
| | Under 45 | 45 and over but under 50 | 50 and over but under 55 | 55 and over but under 60 | 60 and over |
| 1-10 | $0.10 | $0.15 | $0.20 | $0.25 | $0.30 |
| 11-30 | .05 | .10 | .15 | .20 | .25 |
| 31-50 | | .05 | .10 | .15 | .20 |
| 51-70 | | | .05 | .10 | .15 |
| 71-80 | | | | .05 | .10 |

NOTE 1. Utilization percentages above are based on a 12-month moving average.

2. When the direct-delivery differential was established, the class I-A and I-B utilization percentage was 55 to 60 percent. Since August 1961 the percentage is in the bracket 45 to 50.

3. This table for direct-delivery differentials will work in the opposite direction from the one used for nearby differentials; that is, under the direct-delivery the lower the percent of class I-A and I-B the lower the differential to be paid while under the nearby differential the lower the percent of Class I-A and I-B the higher the differential to be paid.

*Proposal No. 5.* Direct delivery differentials should be applicable on bulk tank milk, the rates for which to be determined on the evidence presented at the hearing and in conformity with Proposal No. 4.

*Proposal No. 6.* Clarification is sought as to whether cooperative associations marketing bulk tank milk may establish the pricing point of such milk as (1) the township zone of the farm, or (2) the zone location of the handler's plant.

Proposed by Association of Ice Cream Manufacturers of New York State; Milk Dealers Association of Metropolitan New York, Inc., and Mifflin Creamery Co. Inc., et al.:

*Proposal No. 7.* Amend § 1002.70 as follows:

Delete the second proviso which reads: "*Provided further,* That for milk received in a bulk tank unit there may be no charge to the producer for service incident to moving the milk off the farm, if such charge reduces the net price to the farmer below that specified in this section" and substitute therefor the following: "*Provided further,* That for milk received in a bulk tank unit there may be deducted a tank service charge when it is authorized in writing by the producer and it is made not later than the date on which the producer is required to be paid."

Proposed by the Milk Dealers Association of Metropolitan New York, Inc., and Mifflin Creamery Co. Inc., et al.:

*Proposal No. 8.* Delete § 1002.71(c) (Direct-Delivery Differentials).

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

*Proposal No. 9.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereof that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 23, 1962.

H. L. FOREST,
*Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62–8627; Filed, Aug. 27, 1962; 8:56 a.m.]

### [ 7 CFR Parts 1125, 1133, 1136 ]

[Docket Nos. AO–226–A8, AO–275–A9, AO–309–A4]

### MILK IN PUGET SOUND, INLAND EMPIRE AND GREAT BASIN MARKETING AREAS

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Federal Courthouse Building, 1010 5th Street, Seattle, Washington, beginning at 10:00 a. m., P.d.t., on September 14, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Puget Sound, Inland Empire and Great Basin marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals No. 1 and No. 2 have been made by the following:

United Dairymen's Association.
Inland Empire Dairy Association.
Spokane Milk Producers Association.
Federated Milk Producers Association, Inc.
Hi-Land Dairyman's Association.
Weber Central Dairy Association.

*Proposal No. 1.* That the basic formula price to be used in computing the price for Class I milk under each of the following orders shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12. Adjustments of the several Class I price differentials appropriate in relation to the proposed change in the basic formula price will also be considered.

This proposal affects the following marketing areas and order provisions: Puget Sound, § 1125.50; Inland Empire, § 1133.50 and Great Basin, § 1136.51.

Under this proposal evidence will be received only with respect to change in the basic formula prices used to compute Class I prices.

*Proposal No. 2.* That all class and producer prices under the orders for the Puget Sound and Inland Empire marketing areas be stated on a 3.5 percent butterfat basis.

Proposed by Foremost Dairies, Inc., for amendment of the order regulating the Puget Sound marketing area:

*Proposal No. 3.* Make changes in order language as shown below in order to exempt from the regular reporting requirement of the order any handler who operates a nonpool plant, a part of the premises of which is used as a "loading station" only for the purpose of receiving van loads of regulated fluid milk products in consumer packages for breakdown and distribution on retail and wholesale routes.

A. Change the opening paragraph of § 1125.30 to read as follows: "On or before the 8th day of each month and in detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1125.15(a) shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants (other than a plant which serves as a distributing point for packaged products in any of the forms prescribed in § 1125.41(a) received only from fluid milk plants or country plants) from which skim milk or butterfat in any of the forms specified in § 1125.41(a) is disposed of to any place or establishment within the marketing area other than a plant, and each cooperative association which is a handler pursuant to § 1125.15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month:".

B. Eliminate from subparagraph (3) of § 1125.41(b) the words "and to nonpool plants subject to the conditions of § 1125.44(c) (2) and (3)".

C. Change § 1125.44(c)(1) to read as follows:

(c) To a nonpool plant:

(1) Except as provided for in subparagraphs (2) and (3) of this paragraph, as Class I milk if the transfer or diversion is:

(i) To a nonpool plant located outside the marketing area;

(ii) To the plant of a person holding designation as a producer-handler at the time of the transfer or diversion; or

(iii) To a nonpool plant located in the marketing area which is engaged in the distribution of milk for consumption in fluid form to the extent that skim milk or butterfat in any of the forms specified in § 1125.41(a) are disposed of:

(*a*) To any place or establishment other than a plant; or

(*b*) To any other nonpool plant distributing milk in fluid form, and the remainder of such transfer or diversion shall be allocated to uses other than those covered by § 1125.54(a) to the extent that such other Class II milk uses are available at such nonpool plant, except that if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified Class I milk.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

*Proposal No. 4.* Make such changes as may be necessary to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of the notice of hearing and the orders may be inspected at the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be procured from the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., or from the offices of the market administrators listed below or may be there inspected:

200 Bigelow Building, Fourth and Pike Streets, Seattle 1, Wash.

West 933 Third Avenue, Room 212, Spokane 4, Wash.

1935 South Main Street, Suite 339, Salt Lake City, Utah.

Signed at Washington, D.C., on August 23, 1962.

H. L. FOREST,
*Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62-8628; Filed, Aug. 27, 1962; 8:56 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### CALIFORNIA

### Notice of Proposed Withdrawal and Reservation of Land

AUGUST 20, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Los Angeles 0170115, for the withdrawal of certain lands from location and entry, under the general mining laws, subject, however, to existing withdrawal and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation dated February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such lands for the San Bernardino-Holcomb Valley Campground, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

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

The determination of the Secretary 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:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 1 E.,
Sec. 32, S½S½NE¼SW¼NE¼, S½S½NW¼SE¼NE¼, SW¼SE¼NE¼, SE¼SE¼NE¼, S½NW¼SE¼, W½NE¼SE¼.

The above described area contains 65 acres of Federal land. The lands are located in San Bernardino County, California.

ROLLA E. CHANDLER,
*Manager, Land Office, Riverside.*

[F.R. Doc. 62-8594; Filed, Aug. 27, 1962; 8:49 a.m.]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service of the United States Department of Agriculture has filed an application, Serial Number Colorado-078071, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a ski area, campgrounds, picnic area, rest stop, and recreation area. It is located in the Arapaho and San Juan National Forests.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 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 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:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

*Breckenridge Ski Area*

T. 6 S., R. 78 W.,
Sec. 34: E½, E½W½, except that portion of MS 19959—approximately 620.00 acres.
Sec. 35: All, except those portions of MS 19959, 2533, 13343, and 13774—approximately 620.00 acres.
Sec. 36: Lots 3, 4, 8, 9 and N½NW¼, except all of those portions of the following: MS 15733, 3537, 3637A, 3539, 2630, 1807, 2533, 13774 and 13343—approximately 100.00 acres.

T. 7 S., R. 78 W.,
Sec. 1: Lots 3, 4, S½NW¼, SW¼, except those portions of MS 13774, 13343, 16786 and 13846—approximately 200.00 acres.
Sec. 2: All, except a portion of MS 13774—approximately 600.00 acres.
Sec. 3: Lots 1, 2, S½NE¼, N½N½SE¼, S½S½NW¼, N½N½SW¼ — approximately 279.87 acres.
Total area, approximately 2,419.87 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

*Barlow Creek Campground*

T. 41 N., R. 10 W.,
Sec. 33: SW¼, N½SE¼.
Total area, 240 acres.

*Cushman Gulch Campground*

T. 38 N., R. 12 W.,
Sec. 2: Lot 4, SW¼NW¼.
Total area, 81.76 acres.

*Scotch Creek Campground*

T. 39 N., R. 11 W.,
Sec. 11: SE¼SW¼, SW¼SE¼;
Sec. 14: NW¼NE¼, NE¼NW¼.
Total area, 160 acres.

*Groundhog Campground*

T. 41 N., R. 12 W.,
Sec. 19: Lot 4, SE¼SW¼;
Sec. 30: Lots 1, 2, E½NW¼.
Total area, 244.13 acres.

*Long Meadow Campground*

T. 38 N., R. 4 W.,
Sec. 24: E½NE¼, NE¼SE¼.
Total area, 120 acres.

*Lake View Campground*

T. 38 N., R. 3 W.,
Sec. 19: Lots 2, 3, 6.
Total area, 163.17 acres.

*Goose Neck Picnic Ground*

T. 38 N., R. 3 W.,
Sec. 17: E½SW¼, E½SW¼SW¼;
Sec. 20: E½NW¼, NE¼NW¼NW¼.
Total area, 190 acres.

*Snowshoe Campground*

T. 38 N., R. 3 W.,
Sec. 18: S½NE¼, N½SE¼.
Total area, 160 acres.

*Haviland Lake Recreation Area*

T. 38 N., R. 9 W.,
Sec. 25: NE¼NW¼, W½NE¼, NW¼SE¼.
Total area, 160 acres.

*Lizard Head Pass Rest Stop*

T. 41 N., R. 9 W.,
Sec. 18: Lot 4, SE¼SW¼.
T. 41 N., R. 10 W.,
Sec. 13: SE¼SE¼.
Total area 119.63

Aggregate total area 1,638.69 acres.

The above described areas in the Arapaho National Forest aggregate 2,419.87 acres, and those in the San Juan National Forest aggregate 1,638.69 acres.

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

[F.R. Doc. 62-8595; Filed, Aug. 27, 1962; 8:49 a.m.]

### MICHIGAN, MISSISSIPPI, ARKANSAS, LOUISIANA AND INDIANA

### Notice of Proposed Withdrawal and Reservation of Land

AUGUST 22, 1962.

The United States Department of Agriculture, Washington 25, D.C., has filed application serial No. BLM 062875 for the withdrawal of public domain lands, described below, from all forms of appropriation, entry or sale under the public land laws, subject to valid existing rights..

The applicant desires the land to be formally added to the National Forests, hereafter identified, to promote efficient management of lands and national resource conservation therewith.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

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

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

The lands involved in the application, which are to be added to the National Forests as hereafter indicated, are as follows:

*Huron National Forest, Michigan*

Michigan Meridian

T. 27 N., R. 4 E.,
Sec. 7, S½SE¼—80.00 acres.
Sec. 8, SW¼SW¼—40.00 acres.
T. 26 N., R. 5 E.,
Sec. 29, SE¼SE¼NE¼—10.00 acres.
T. 25 N., R. 6 E.,
Sec. 6, Beginning 66 ft. east of southwest corner of sec. 6, thence north 660 ft. to a point, thence east 330 ft. to a point, south 660 ft., west 330 ft. to beginning being a parcel described as lot 16 in unrecorded Plat of Grantor, containing—5.00 acres.
T. 25 N., R. 8 E.,
Sec. 3, NW¼SW¼—40.00 acres.
Total, 175.00 acres.

*Manistee National Forest, Michigan*

Michigan Meridian

T. 23 N., R. 10 W.,
Sec. 26, Commencing at the northeast corner of NW¼NE¼, thence west 495 ft., south 302 ft., northeast to a point 105 ft. 6 in. south of point of beginning, north 105 ft. 6 in. to beginning, containing—2.31 acres.
T. 23 N., R. 11 W.,
Sec. 21, Commencing at the northeast corner of NE¼NW¼, west 396 ft., south 330 ft., east 396 ft., north 330 ft., to beginning, containing—3.00 acres.
T. 17 N., R. 12 W.,
Sec. 4, S½N½SW¼NW¼—10.00 acres.
Sec. 16, South 2 acres of S½S½NE¼SE¼—2.00 acres.
Sec. 17, E½E½E½SW¼SE¼—5.00 acres.
Sec. 28, Beginning at southeast corner of NE¼, thence west 13 rods, north 13 rods, east 13 rods, south 13 rods to beginning, and E½SE¼—81.16 acres.
T. 18 N., R. 12 W.,
Sec. 36, E½SE¼SW¼—20.00 acres.
T. 15 N., R. 13 W.,
Sec. 11, SW¼NE¼NW¼SE¼, SE¼NE¼NW¼SE¼, SE¼NW¼SE¼SE¼, SW¼SW¼NW¼SE¼SE¼, SE¼SW¼SE¼SE¼ except the SW¼SW¼NW¼SE¼SW¼SE¼SE¼—10.59 acres.
T. 17 N., R. 13 W.,
Sec. 8, N½N½NE¼NE¼—10.00 acres.
Sec. 14, NE¼SE¼—40.00 acres; and the following lots in the Village of Marlborough as shown on plat of said village recorded December 23, 1902, in Liber 1 of Plats, Page 10, records of Lake County:
Block 12, lots 1 to 92, inclusive—23.53 acres.
Block 13, lots 1 to 138, inclusive.
Block 20, lots 1 to 138, inclusive—120.00 acres.
Block 21, lots 1 to 174, inclusive.
Sec. 24, S½NW¼NW¼NW¼, N½SW¼NW¼NW¼—10.00 acres.
Sec. 28, E¾ of S½NE¼NE¼—15.00 acres.
T. 18 N., R. 13 W.,
Sec. 5, NW¼NW¼SW¼, N½SW¼NW¼SW¼—15.00 acres.
Sec. 6, N½S½NE¼NE¼—10.70 acres.
Sec. 19, East 660 ft. of N½S½N½NW¼, east 660 ft. of S½N½NW¼, west 330 ft. of east 900 ft. of N½S½NW¼, east 660 ft. of N½S½NW¼, east 660 ft. of N½S½NW¼, except east 13 ft. for highway, east 660 ft. of S½NW¼, except east 15 ft. and south 33 ft. for highway—34.50 acres.
Sec. 20, N½NE¼SE¼—10.00 acres.
Sec. 28, the following described lots of the Village of Unora (Unora Park) as shown on plat of said Village recorded January 15, 1915 in Liber 1 of Plats, Page 28, records of Lake County:
Block 8, lots 1 to 27, inclusive;
Block 9, lots 1 to 54, inclusive;
Block 10, lots 1 to 54, inclusive;
Block 11, lots 1 to 54, inclusive;
Block 12, lots 1 to 54, inclusive;
Block 13, lots 1 to 54, inclusive;
Block 14, lots 1 to 54, inclusive;
Block 15, lots 1 to 54, inclusive;
Block 16, lots 1 to 54, inclusive;
Block 17, lots 1 to 54, inclusive;
Block 18, lots 1 to 54, inclusive;
Block 19, lots 1 to 54, inclusive;
Block 20, lots 1 to 27, inclusive;
Block 21, lots 1 to 24, inclusive;
Block 22, lots 1 to 48, inclusive;
Block 23, lots 1 to 48, inclusive;
Block 24, lots 1 to 48, inclusive;
Block 25, lots 1 to 48, inclusive;
Block 26, lots 1 to 48, inclusive;
Block 27, lots 1 to 48, inclusive;
The area above described in Blocks 8 to 27, inclusive, contains 61.00 acres.
Sec. 29, S½S½SW¼NW¼—10.00 acres.
T. 19 N., R. 13 W.,
Sec. 7, SE¼NW¼SE¼, NW¼NE¼SW¼, SE¼NE¼SW¼NE¼NE¼, SW¼NW¼SE¼, NW¼NE¼SE¼, SE¼NE¼SE¼—100.00 acres.
Sec. 15, NW¼SW¼SE¼—10.00 acres.
Sec. 16, That part of the E½SE¼SW¼ lying south of railroad, parcel beginning 13 rods south of northwest corner of SW¼NW¼, east 80 rods, south 12 rods, west 80 rods, north 12 rods to beginning—14.69 acres; NE¼SW¼SW¼ lying north of Pere Marquette Railroad—7.50 acres.
Sec. 17, SW¼NW¼SW¼, NE¼NE¼SW¼, NE¼NW¼SW¼—60.00 acres; S½SW¼SW¼, NE¼SW¼SW¼, commencing at northeast corner of NE¼SE¼SE¼ south along east line to north line of Pere Marquette Railroad, northwesterly along said railroad to north line of NE¼SE¼SE¼, east to beginning—0.61 acres; S½SE¼NW¼SE¼, W½NE¼NE¼SE¼, lying east of Pere Marquette Railroad, E½NW¼NE¼SE¼ lying east of Pere Marquette Railroad, E½NE¼NE¼SE¼, N½NE¼SE¼, west of Pere Marquette Railroad, W½NE¼NW¼SE¼, SW¼NW¼SE¼, N½SE¼NW¼SE¼, SW¼SW¼SE¼, S½SE¼SE¼—73.89 acres.
Sec. 18, SE¼SW¼NE¼ lying south of Manistee East and West right-of-way, SW¼SE¼NE¼ lying south of Manistee East and West right-of-way—11.00 acres.
Sec. 19, SE¼NE¼NW¼, SE¼SE¼SE¼, SE¼NE¼SW¼, SE¼SE¼SW¼—40.00 acres.
Sec. 20, S½SE¼SW¼, NW¼SE¼SW¼, SW¼NE¼NE¼—40.00 acres.
Sec. 22, NE¼NE¼NW¼, SW¼NW¼, except that part west of Pere Marquette Railroad, NE¼NW¼NW¼, SW¼NW¼NW¼, except Railroad SW¼SE¼NW¼, N½SE¼SE¼NW¼—60.00 acres.
Sec. 29, SE¼SW¼NW¼, NE¼SW¼NE¼—20.00 acres.
Sec. 30, NE¼NW¼NE¼, NW¼NW¼NE¼, SE¼NW¼NE¼, NE¼SE¼NE¼, SE¼SW¼NE¼, SW¼NW¼SE¼, SE¼NE¼SE¼, SW¼NE¼NW¼, south 10 acres of north 20 acres of NW¼NW¼—90.00 acres.
Sec. 33, NW¼NW¼NE¼, SE¼NW¼NW¼, E½SW¼NW¼NW¼, E½NE¼SW¼NW¼, W½SW¼SW¼NW¼, E½NW¼SW¼NW¼—40.00 acres.
T. 21 N., R. 13 W.,
Sec. 3, SE¼SW¼NE¼—10.00 acres.
Sec. 4, That part of lot 4 lying west of north and south one-quarter line—9.86 acres.
Sec. 6, S½N½NE¼SW¼—10.00 acres.
Sec. 17, SE¼NE¼NW¼—10.00 acres.
Sec. 23, N½S½SE¼SE¼—5.00 acres.
T. 22 N., R. 13 W.,
Sec. 19, NW¼SE¼NW¼—10.10 acres.
T. 17 N., R. 14 W.,
Sec. 20, NW¼NW¼SW¼NE¼, SE¼NW¼SW¼NE¼, NE¼SW¼SW¼NE¼—7.50 acres.
Sec. 21, W½SW¼NW¼, SE¼SW¼NW¼, SW¼—190.00 acres.
T. 18 N., R. 14 W.,
Sec. 13, E½NW¼NW¼SE¼, E½NE¼SW¼SE¼, W½SE¼NW¼SE¼—15.00 acres.
Sec. 24, W½NW¼SE¼NW¼, W½SW¼SE¼NW¼, SE¼SE¼NW¼, W½SE¼NE¼NW, E½W½NW¼NE¼NW¼—27.50 acres.
T. 21 N., R. 14 W.,
Sec. 3, W½W½SW¼SE¼—10.00 acres.
Sec. 11, NW¼NE¼SE¼—10.00 acres.
Sec. 12, Parcel commencing at northwest corner of SW¼NW¼, thence south along west line of SW¼NW¼ 440 ft., thence east and parallel to north line of said description to a point 50 ft. west of west line of right-of-way, thence northerly and parallel with right-of-way to north line of SW¼NW¼, thence west along north line to beginning—11.00 acres; N½N½SE¼NE¼—10.00 acres.
T. 18 N., R. 15 W.,
Sec. 24, N½SW¼NW¼—20.00 acres.
Sec. 25, NE¼NE¼NW¼, N½NW¼NW¼—30.00 acres.
Sec. 35, E½NW¼NW¼—20.00 acres.
T. 20 N., R. 15 W.,
Sec. 3, E½SE¼SW¼, NW¼SE¼NW¼, SE¼ of south 40 acres of lot 3, NW¼ of south 40 acres of lot 3—50.00 acres.
Sec. 4, SE¼NW¼SE¼, NE¼NW¼SE¼—20.00 acres.
Sec. 5, lot 3, N½SW¼NW¼SW¼NW¼—62.80 acres.
Sec. 6, lot 3, part of lot 4 lying between north 20 acres and south 10 acres, W½ of lot 1 lying north of south 41 acres lot 1, NW¼ of south 41 acres of lot 1, SW¼ of lot 8—124.95 acres.
Sec. 7, NW¼NW¼NE¼, SE¼NE¼NE¼—20.00 acres.
Sec. 8, S½SW¼NW¼, SW¼NW¼NW¼, NE¼SW¼NW¼, NE¼SE¼NE¼—50.00 acres.
Sec. 9, NE¼NW¼SE¼, NW¼SE¼SE¼, NE¼SW¼SE¼, N½NE¼NE¼—50.00 acres.
Sec. 10, E½NE¼NE¼, NE¼NE¼SE¼, W½SE¼SE¼, NW¼SW¼SE¼, SW¼NW¼SE¼, SW¼NE¼NW¼—80.00 acres.
Sec. 11, SE¼SW¼SE¼, NW¼SW¼SE¼, N½SE¼SW¼—40.00 acres.
Sec. 12, S½NE¼SW¼, NE¼NE¼—60.00 acres.
Sec. 14, W½NW¼NE¼—20.00 acres.
Sec. 15, SW¼NE¼NW¼, SE¼NW¼NW¼, NW¼SE¼NW¼, NE¼SW¼NE¼, NE¼NW¼SW¼—50.00 acres.
Sec. 17, NE¼NE¼NW¼, SE¼NW¼NW¼, S½SE¼NW¼, NE¼SE¼NE¼—50.00 acres.
Sec. 34, NW¼NE¼, except the SW¼NW¼NE¼ and except north 5 acres of the N½E½NW¼NE¼, NE¼SE¼SW¼, SE¼SE¼SW¼, SE¼NE¼SW¼, SE¼SE¼NW¼, N½SW¼SE¼—85.00 acres.
T. 22 N., R. 15 W.,
Sec. 32, NW¼SW¼—40.00 acres.
T. 20 N., R. 16 W.,
Sec. 1, SE¼NE¼SE¼, E½W½SW¼SE¼, W½SW¼SW¼, W½ of lot 10, SE¼ of lot 10, N½SW¼NW¼, SW¼SW¼NW¼, S½SE¼NW¼, SE¼SW¼NE¼, SW¼ of lot 7, NW¼SW¼NE¼, N½SE¼NE¼, E½W½ of lot 2, W½W½ of lot 2, NW¼ of lot 6—208.46 acres.

Sec. 2, NE¼SW¼NW¼, E½SE¼NW¼, NE¼SW¼, except northerly 60 ft. of southerly 930 ft. of easterly 132 ft. of westerly 264 ft. (except easement on the easterly 7½ ft. thereof) of the NE¼SW¼, except the south 60 ft. of the east 132 ft. of the west 924 ft. of the NE¼SW¼, SW¼SW¼SE¼—78.20 acres.
Sec. 5, S½NW¼SW¼, W½ of lot 10—40.00 acres.
Sec. 6, lot 8—40.00 acres.
Sec. 9, E½E½NE¼NW¼—10.00 acres.
Sec. 11, NE¼NW¼NE¼, SW¼NE¼SE¼, S½E½E½SE¼NW¼, SE¼SE¼SW¼—35.00 acres.
Sec. 12, SE¼SE¼NW¼, S½SW¼NW¼, NE¼NE¼SW¼, N½SW¼SW¼, E½SE¼NE¼, NW¼NW¼NE¼, E½NE¼NE¼, NE¼NW¼SE¼—120.00 acres.
Sec. 13, NW¼SW¼NE¼, NE¼SE¼NW¼, except commencing at a point 300 ft. south and 570.9 ft. west of northeast corner of SE¼NW¼, thence west 60 ft. at right angles, north 125 ft., east 60 ft. to a point 568.8 ft. west of east line of SE¼NW¼, thence south 125 ft. to beginning; W½NE¼NW¼, NW¼NW¼SW¼—49.83 acres.

T. 20 N., R. 17 W.,
Sec. 9, SW¼NE¼—40.00 acres.
Sec. 17, E½SW¼SW¼SE¼, N½SW¼SE¼, S½SE¼SE¼, E½SE¼SW¼SE¼—50.00 acres.
Sec. 19, E½SE¼NW¼SE¼, except the NW¼E½SE¼NW¼SE¼, E½NE¼NW¼SE¼, SW¼SW¼, except SW¼E½SE¼SW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, except the E½NE¼NW¼SW¼, E½SE¼NE¼SW¼, NW¼NW¼, except NE¼E½SE¼NW¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, W½SW¼SW¼NW¼, E½SW¼SW¼NW¼—175.84 acres.
Sec. 20, E½NE¼NE¼SE¼, E¼SE¼NE¼SE¼, W½NE¼SE¼, E½W½SW¼NW¼, W½NW¼NW¼—60.00 acres.
Sec. 21, E½NE¼NW¼SE¼, W½SW¼NW¼SE¼, E½SE¼NE¼NE¼, W½SW¼NW¼NE¼, S½NE¼NW¼, E½NW¼NW¼NW¼, E½SW¼NW¼NW¼, W¾ of N½NE¼NW¼, W½SW¼SW¼NW¼, E½SW¼SW¼NW¼, W½SE¼SW¼NW¼, NW¼SE¼NW¼, W½SW¼SE¼NW¼, W½NE¼NE¼SW¼, E½SW¼NE¼SW¼, W½NW¼NW¼SW¼, W½SW¼NW¼SW¼—115.00 acres.
Sec. 28, E½SE¼SW¼SW¼—5.00 acres.
Total, 3,297.52 acres.

The areas above described contain in the aggregate 3,472.52 acres.

*Holly Springs National Forest, Mississippi*

Choctaw Meridian

T. 24 N., R. 4 E.,
Sec. 1, SW¼SE¼—39.48 acres.

*Kisatchie National Forest, Louisiana*

Louisiana Meridian

T. 22 N., R. 4 W.,
Sec. 2, SE¼NE¼—34.65 acres.

*Ozark National Forest, Arkansas*

Fifth Principal Meridian

T. 16 N., R. 32 W.,
Sec. 10, NE¼NW¼—40.00 acres.

*Hoosier National Forest, Indiana*

Second Principal Meridian

T. 7 N., R. 1 E.,
Sec. 13, SE¼SW¼—40.00 acres.
Sec. 24, NW¼NE¼, N½NW¼, SE¼NW¼—160.00 acres.
T. 8 N., R. 2 E.
Sec. 32, NE¼NE¼—40.00 acres.
Total, 240.00 acres.

JOSEPH P. HAGAN,
*Acting Manager.*

[F.R. Doc. 62-8596; Filed, Aug. 27, 1962; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

[Dockets 13915, 13916]

## WORLD WIDE AIRLINES, INC.

### Notice of Oral Argument

Applications for Interim Certification under Public Law 87-528:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 10, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

World Wide Airlines, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for World Wide Airlines, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 23, 1962.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 62-8615; Filed, Aug. 27, 1962; 8:53 a.m.]

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[Docket No. 13256 etc.; Order No. E-18728]

## TRANS WORLD AIRLINES, INC.

### Order of Consolidation and Institution of Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of August 1962: In the matter of the application of Trans World Airlines, Inc., for amendment of its certificate of public convenience and necessity for Route 2 under section 401(g) of the Federal Aviation Act of 1958, as amended; deletion of Terre Haute, Indiana, Docket Nos. 13256, 13306, and 13258.

On December 8, 1961, Trans World Airlines, Inc. (TWA), filed an application (Docket 13256), pursuant to section 401 (g) of the Federal Aviation Act of 1958, as amended (the Act), for an amendment of its certificate of public convenience and necessity for Route 2 so as to delete Terre Haute, Indiana. TWA is authorized by its certificate to serve Terre Haute as an intermediate point between St. Louis and Indianapolis, on segment 2 of Route 2. TWA alleges that the public convenience and necessity do not require its services at Terre Haute and that the deletion of Terre Haute from its certificate would be in the public interest.

Also on December 8, 1961, Lake Central Airlines, Inc. (Lake Central), filed an application (Docket 13258), pursuant to section 401(g) of the Act, for amendment of its certificate of public convenience and necessity so as to extend segment 4 of Route 88 from the present terminal point, Indianapolis, Indiana to the new terminal point, St. Louis, Missouri, via the intermediate point Terre Haute, Indiana.[1]

On December 21, 1961, Ozark Air Lines, Inc. (Ozark), filed an application (Docket 13306), pursuant to section 401 (g) of the Act for amendment of its certificate of public convenience and necessity so as to add as an intermediate point on segment 2 of Route 107 Terre Haute, thereby authorizing service between Indianapolis and Davenport, Iowa-Moline, Illinois, via various intermediate points, including Terre Haute; and between Indianapolis and St. Louis, via various intermediate points, including Terre Haute. Ozark requests that its certificate be further amended so as to permit direct service between Terre Haute and St. Louis (provided Ozark has operated at least two daily round trips to the one intermediate point Mattoon-Charleston, Illinois), and to permit a minimum of one stop between Indianapolis and St. Louis.

Terre Haute would lose its sole east-west service, if it were deleted from TWA's certificate.[2] Both Lake Central and Ozark seek authority to replace this service in the event TWA's application is granted, since the city is in the area of overlap between the systems of Ozark and Lake Central. Therefore, the Board believes the issues raised by the three applications can best be resolved in a single formal investigation of the need for east-west air service at Terre Haute.

The Aeronautics Commission of Indiana has requested that it be permitted to intervene in Docket 13256.

Based upon the foregoing it is concluded that a proceeding should be instituted to determine whether the deletion of Terre Haute from TWA's certificate for Route 2 is in the public interest and, if so, whether the public convenience and necessity require east-west air service at Terre Haute by either Lake Central or Ozark.

*Accordingly, it is ordered:*

1. That the application in Docket 13256 be set down for hearing;
2. That Dockets 13258 and 13306 be and they hereby are consolidated for hearing and decision in Docket 13256;
3. That the petition to intervene in Docket 13256 filed by the Aeronautics Commission of Indiana be and hereby is granted;
4. That copies of this order shall be served upon Trans World Airlines, Inc., Ozark Air Lines, Inc., Lake Central Airlines, Inc., the City of Terre Haute, and the Aeronautics Commission of Indiana, which are hereby made parties to the consolidated proceeding in Docket 13256; and

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[1] Segment 4 of Route 88 extends from the terminal point Indianapolis, Indiana via Dayton, Ohio, to Columbus, Ohio, thence (1) to the terminal point Cleveland, Ohio, via Mansfield, Ohio, and (2) to the terminal point Akron-Canton, Ohio.

[2] Lake Central presently serves Terre Haute in a north-south direction between Chicago and Evansville on its segment 7. In addition, Lake Central provides service eastward from Terre Haute to Indianapolis and Cincinnati via Bloomington.

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] MABEL MCCART,
*Acting Secretary.*

[F.R. Doc. 62-8616; Filed, Aug. 27, 1962; 8:53 a.m.]

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[Docket 13879]

## QUAKER CITY AIRWAYS, INC., AND ADMIRAL AIRWAYS, INC.

### Notice of Oral Argument

Application for Interim Certification under Public Law 87-528:

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 10, 1962, at 2:30 p.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Quaker City Airways, Inc., d/b/a Admiral Airways, Inc., will be allotted one hour for the presentation of its argument. The Bureau of Economic Regulation and air carriers opposing the grant of this authority will be allotted a total of one hour for argument. These parties will be expected to divide the one hour allotted to them and to notify this office not later than September 6, 1962, of the allocation and name of the representative who will present the argument. Counsel for Quaker City Airways, Inc., d/b/a Admiral Airways, Inc., may reserve not to exceed one-quarter of its allotted time for rebuttal.

Dated at Washington, D.C., August 23, 1962.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 62-8617; Filed, Aug. 27, 1962; 8:53 a.m.]

# FEDERAL MARITIME COMMISSION

## WALL SHIPPING CO., INC. AND SECURITY STORAGE CO.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15, Shipping Act, 1916, as amended.

Agreement No. 8984 is between Wall Shipping Company, Inc., of New York, with offices also in Baltimore and Washington, D.C., and Security Storage Company, of Washington, D.C. Both parties are eligible to carry on the business of forwarding pursuant to section 15, Shipping Act, 1916.

The agreement provides for the performance by Wall Shipping Company of forwarding services for Security Storage. Wall is to retain the forwarding fees and ocean freight brokerage will be divided equally.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., or at the Commission's field offices located at:

45 Broadway,
New York 4, N.Y.

New Federal Building
701 Loyola Street,
New Orleans, La.

180 New Montgomery Street,
San Francisco, Calif.

They may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: August 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 62-8618; Filed, Aug. 27, 1962; 8:53 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-14943 etc.]

## MINERAL RESOURCES, INC., ET AL.

### Notice of Applications and Date of Hearing

AUGUST 21, 1962.

Mineral Resources, Inc., et al. (Successor to Chesapeake Industries, Inc., formerly Bass & Vessels, et al.), Docket Nos. G-14943, G-5192, G-5232; Producing Properties, Inc. (Operator), et al. (Successor to Christiana Oil Corporation (Operator), et al., formerly Southwestern Exploration Company (Operator), et al.), Docket Nos. G-16146, G-6406, G-6407, G-10726, G-10745, G-10762, G-12532; C. E. Ridenour d/b/a Ridenour Oil and Gas Company (Operator), et al (Successor to Neil C. Mathews), Docket Nos. CI60-102, G-4241, G-4457; Lawrence W. Curtin, et al. (Successor to George W. Walker, et al., Assignees of Neil J. Sharp and Mabel I. Sharp), Docket Nos. CI61-103,[1] G-4414; J. M. Zachary, et al. (Successor to Mapenza Oil Company, et al., formerly Makin Oil Company, et al), Docket Nos. CI61-114, G-6551, G-9401, G-12644; Aztec Oil & Gas Company (Successor to Raymond Oil Company, Inc. (Operator), et al.), Docket Nos. CI61-924, G-18283; Coastal States Gas Producing Company (Successor to Ray H. Bettis and G. Frederick Shepherd), Docket Nos. CI61-1008, CI61-1009, CI61-1010, CI61-1011, G-10102, G-17091, G-18646; Paul D. Little (Successor to Dalport Oil Corporation, et al), Docket Nos. CI62-690, G-8887; Texas Pacific Coal and Oil Company (Successor to Woodson Oil Company), Docket Nos. CI62-742, G-18954.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to a predecessor in interest. These sales, as represented in the respective applications, amendments and supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

C. E. Ridenour d/b/a Ridenour Oil and Gas Company (Operator) amended his certificate application in Docket No. CI60-102 on June 16, 1960, to incorporate a sale of natural gas originally authorized to Neil C. Mathews in Docket No. G-4241.

Aztec Oil & Gas Company proposes in Docket No. CI61-924 to continue a sale previously authorized to Raymond Oil Company, Inc. in Docket No. G-18283. On December 12, 1960, Raymond filed an abandonment application in Docket No. CI61-923, citing as reason therefor complete assignment of its interest to Aztec. Such filing was accepted and is pending as a petition to vacate the certificate issued in Docket No. G-18283 and the Docket No. CI61-923 designation was cancelled.

Coastal States Gas Producing Company proposes in Docket No. CI61-1009 to continue a sale covered by Roy H. Bettis, et al.'s, pending Docket No. G-18645. Coastal has been substituted for Bettis, et al., in Docket No. G-18645, consequently, the application in Docket No. CI61-1009 should be dismissed as moot.

Texas Pacific Coal and Oil Company (Assignee of The Prudential Company of America) proposes in Docket No. CI62-742 to continue a sale authorized to Woodson Oil Company (Assignor of Prudential) in Docket No. G-18954. On January 2, 1962, Woodson filed a motion for recission of the certificate issued in Docket No. G-18954, citing as reason therefor its complete assignment of interest to Prudential.

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 September 25, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the pro-

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[1] Dissenting statement of Vice Chairman Murphy filed as part of original document.

[1] Joint 7(b), 7(c) filing.

ceedings 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 September 14, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further*, If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 62-8582; Filed, Aug. 27, 1962; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Drouth Order 62]

## KENTUCKY

### Authorizing Railroads To Transport Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of drouth conditions existing in certain portions of the State of Kentucky, hereinafter referred to as the disaster area, the Secretary of the United States Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates.

*It is ordered*, That carriers by railroad participating in the transportation of hay to the counties of Ballard, Calloway, Graves, Logan, McCracken and Todd, all located in the State of Kentucky, referred to herein as the disaster area, be, and they are hereby authorized under section 22 of the Interstate Commerce Act to establish and maintain until November 23, 1962, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered*, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture, or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

*It is further ordered*, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of Section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

*It is further ordered*, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 23d day of August 1962.

By the Commission, Vice-Chairman Walrath.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 62-8614; Filed, Aug. 27, 1962; 8:52 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4579]

## AUTOMATED PROCEDURES CORP.

### Order Summarily Suspending Trading

AUGUST 22, 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, August 23, 1962, through September 1, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 62-8599; Filed, Aug. 27, 1962; 8:50 a.m.]

[File No. 70-4054]

## COLUMBIA GAS OF PENNSYLVANIA, INC.

### Notice of Proposed Acquisition of Capital Stock of Industrial Development Corporation

AUGUST 22, 1962.

Notice is hereby given that Columbia Gas of Pennsylvania, Inc. ("Pennsylvania"), 800 Union Trust Building Pittsburgh 19, Pennsylvania, a wholly-owned public-utility subsidiary company of The Columbia Gas System, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said application, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

Pennsylvania proposes to purchase, at par, 5,800 shares of capital stock, $10 par value, of RIDC Industrial Development Fund ("RIDC"), at a total cost of $58,000.

The application states that RIDC was organized as a corporation under the Pennsylvania Business Development Credit Corporation Law by Regional Industrial Development Corporation of Southwestern Pennsylvania for the purpose, generally, of promoting, stimulating, developing, and advancing the business prosperity and economic welfare of southwestern Pennsylvania and of its citizens through loans, investments, other business transactions, and promotional activities. It is stated that RIDC is to begin with a fund of $11,000,000, of which $1,000,000 will be raised by the sale of stock to utility companies, manufacturers, businesses, and other interested parties and $10,000,000 will be obtained from participating financial institutions. As set forth in its Articles of Incorporation, RIDC is authorized to issue 100,000 shares of capital stock, $10 par value, which stock is to be fully paid and nonassessable. Pennsylvania has

been informed that as of June 11, 1962, subscriptions for capital stock totaled $444,000, representing firm commitments by utility companies. Industrial and foundation subscriptions are expected to amount to $500,000.

Under the Pennsylvania statute, RIDC shall set apart, as an earned surplus, all of its net earnings in each and every year, until such earned surplus shall equal twice the total of the capital and paid-in surplus then outstanding. All of the corporate powers of the corporation shall be exercised by the board of directors, consisting of 15 persons. Six members will be elected by the holders of capital stock and eight members by the participating financial institutions. The Secretary of Commerce of Pennsylvania will be a director ex officio.

The application states that expenses to be incurred by Pennsylvania in connection with the proposed transaction are estimated at $200. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 10, 1962 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8600; Filed, Aug. 27, 1962; 8:50 a.m.]

[File No. 70-4058]

## COLUMBIA GAS OF PENNSYLVANIA, INC. AND COLUMBIA GAS SYSTEM, INC.

### Notice of Proposed Intrasystem Issuance and Acquisition of Common Stocks, Issuance of Holding Company's Common Stock to Nonaffiliate Company in Exchange for Assets and Assumption of Liabilities of Such Nonaffiliate

AUGUST 22, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, New York, a registered holding company, and its wholly-owned subsidiary company, Columbia Gas of Pennsylvania, Inc. ("Pennsylvania"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 9(b) (1), 10, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Columbia and Pennsylvania have entered into an agreement with The Ambridge Gas Company ("Ambridge"), a nonaffiliated gas utility company, whereby Pennsylvania is to acquire substantially all of the assets of Ambridge, which as of March 31, 1962, amounted to $133,097. In exchange, Pennsylvania is to (1) assume substantially all liabilities of Ambridge, which amounted to $43,424 as of March 31, 1962, and (2) deliver to Ambridge not exceeding 5,461 shares of common stock of Columbia. The filing states that the number of shares of common stock of Columbia to be delivered by Pennsylvania to Ambridge in connection with the proposed acquisition of assets was determined as a result of arm's-length bargaining. Sixteen and one-half shares of common stock of Columbia (plus additional shares, if necessary, to eliminate the issuance of fractional shares to any of Ambridge's sixteen shareholders) are to be given for each of the 330 shares of common stock of Ambridge presently outstanding.

Pennsylvania proposes to acquire from Columbia, for delivery to Ambridge, the necessary number of shares of Columbia's common stock and, in exchange therefor, proposes to issue its common stock to Columbia in an aggregate par amount equal to the net book value of the assets of Ambridge being acquired by Pennsylvania in the proposed transactions. Pennsylvania will pay cash in lieu of fractional shares. Based on the accounts as of March 31, 1962, an aggregate of 3,586 shares of Pennsylvania's common stock, having an aggregate par value of $89,650, would be required to be delivered to Columbia, together with $23 in cash. Columbia proposes to record the receipt of such shares at their aggregate par value. The issue by Columbia of its common stock will be recorded at the same aggregate amount, some $50,971 less than the current market value for such shares.

Ambridge, a Pennsylvania corporation, serves an area with an estimated population of 4,500 within the Borough of Ambridge, Pennsylvania. The service area of Ambridge is completely surrounded by the service area of Pennsylvania. Ambridge purchases its entire supply of natural gas from The Manufacturers Light and Heat Company, a subsidiary company of Columbia, and its utility plant consists mainly of distribution facilities, stated on its books at original cost. Ambridge's gross utility plant as of March 31, 1962, was $136,486, and the reserve for depreciation amounted to $61,085, or 44.8 percent thereof. Its gross operating revenues for the 12 months ended March 31, 1962, were $221,838. Its pro forma net income for such period is stated at $8,217 or approximately 5.8 percent of the current market price of the Columbia shares to be given in exchange for the net assets being acquired.

Pennsylvania's gross utility plant as of March 31, 1962, was $83,487,828, and its reserve for depreciation amounted to $16,656,577, or 20 percent thereof. Its gross operating revenues are estimated to total $73,622,751 for the calendar year 1962.

The joint application-declaration states that Pennsylvania and Ambridge have filed applications with the Pennsylvania Public Utility Commission for approval of (i) the transfer by Ambridge and the acquisition by Pennsylvania of the assets of Ambridge and (ii) the issuance and sale by Pennsylvania of its common stock to Columbia. A copy of the order or orders of said commission, when issued, and a statement of the fees and expenses incident to the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than September 10, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as it is to be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-8601; Filed, Aug. 27, 1962; 8:50 a.m.]

[File No. 1-4597]

## INDUSTRIAL ENTERPRISES, INC.

### Order Summarily Suspending Trading

AUGUST 22, 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, August 23, 1962, through September 1, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 62-8602; Filed, Aug. 27, 1962; 8:50 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

## WILLEM LODEWIJK COHEN

### Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Willem Lodewijk Cohen, Amsterdam, The Netherlands, $2,426.28 in the Treasury of the United States. Claim No. 61488. Vesting Order No. 17129.

Executed at Washington, D.C., on August 21, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 62-8580; Filed, Aug. 27, 1962; 8:45 a.m.]

## RUDOLF VON GOLDSCHMIDT-ROTHSCHILD ET AL.

### Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Rudolf von Goldschmidt-Rothschild, Blonay sur Vevey, Switzerland, $401.51 in the Treasury of the United States.

Lucy von Spiegl, Blonay sur Vevey, Switzerland, $401.51 in the Treasury of the United States.

Erich von Goldschmidt-Rothschild, New York, New York, $401.51 in the Treasury of the United States.

Minka Strauss, Paris, France, $200.75 in the Treasury of the United States.

Alix de Rothschild, Paris, France, $200.75 in the Treasury of the United States.

Lucy Antoinette Bürki, Neuchatel, Switzerland, $100.37 in the Treasury of the United States.

Carl Maximilian Schuster, Rome, Italy, $100.37 in the Treasury of the United States.

Nadine Minka Mauthner, Frankfurt (Main), Germany, $100.38 in the Treasury of the United States.

Mathilde Krug, Konigstein (Taunus), Billandpark, Germany, $100.38 in the Treasury of the United States.

Claim No. 63755. Vesting Order No. 16680.

Executed at Washington, D.C., on August 21, 1962.

For the Attorney General.

PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 62-8581; Filed, Aug. 27, 1962; 8:45 a.m.]

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