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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

ELIGIBLE CORN

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 7248 and 10031, containing the specific requirements for the 1961-crop corn price support program, are hereby amended as follows:

Section 421.238(e)(1) is amended to make farm-stored ear corn containing not in excess of 21 percent moisture if tested through March 1962, and not in excess of 19 percent moisture if tested during April 1962, eligible for support.

§ 421.238 Eligible corn.

(e) * * *

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through March 1962, 19.0 percent if tested for loan during April 1962, and 16.0 percent if tested for loan during May 1962.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 13, 1962.

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

[F.R. Doc. 62-2635; Filed, Mar. 16, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

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

PART 26—GRAIN STANDARDS

Barley

MISCELLANEOUS AMENDMENTS

On December 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12132) a notice of a proposal to amend the Official Grain Standards of the United States for Barley (7 CFR 26.201–26.203) promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74). No public hearings were held but interested persons were afforded an opportunity to submit written data, views, and arguments on the proposal.

Consideration has been given to information received in writing and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information, the introductory text of § 26.201(c), and §§ 26.201(d) and 26.203(g)(3), (4), and (5) of the Official Grain Standards of the United States for Barley are revised to read respectively as hereinafter set forth. The definition of Two-rowed Barley, in § 26.203(g)(3)(i), was changed so as to conform the terminology used therein with that in § 26.203(g)(4) and (5), as revised. The change in § 26.203(g)(3)(i) was not specifically proposed in the aforementioned notice of rule making. However, since such change was necessarily implied in the notice, it is found upon good cause that further notice and public procedure with respect thereto are unnecessary.

§ 26.201 Terms defined.

* * * * *

(c) *Barley.* The class Barley shall be any barley with white hulls which is grown east of the Rocky Mountains or in Alaska and may include not more than 10 percent of black barley or of barley of the class Western Barley, either singly or in any combination. This class shall be divided into the following three subclasses:

* * * * *

(d) *Western Barley.* The class Western Barley shall be any barley with white hulls which is grown west of the Great Plains area of the United States and may include not more than 10 percent of black barley or of barley of the class Barley, either singly or in any combination, except that barley grown in the State of Alaska shall not be classified as Western Barley. (See paragraph (c) of this section.)

* * * * *

§ 26.203 Grades, grade requirements, and grade designations.

* * * * *

(g) *Special grades, special grade requirements, and special grade designations for barley.* * * *

(3) *Two-rowed Barley*—(i) *Requirements.* Two-rowed Barley shall consist of two-rowed barley of the class Barley, or of the class Western Barley, which does not meet the requirements for the special grades Choice Malting Two-rowed Barley and Malting Two-rowed Barley, and may contain not more than 10 percent of six-rowed barley.

(ii) *Grade designation.* Two-rowed Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not two-rowed, and there shall be added to, and made a part of, the grade cording to the grade requirements of the class, the word "Two-rowed".

(4) *Choice Malting Two-rowed Barley*—(i) *Requirements.* Choice Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal type; which does not contain more than 3.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for grade No. 1 Western Barley except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the numerical grade; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 5.0 percent of thin barley; which does not contain more than 5.0 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

(ii) *Grade designation.* Choice Malting Two-rowed Barley shall meet the special grade requirements for Choice Malting Two-rowed Barley and shall be graded and designated according to the class and grade requirements of the standards applicable to such barley if it were not Choice Malting Two-rowed, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Choice Malting Two-rowed".

(5) *Malting Two-rowed Barley*—(i) *Requirements.* Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which does not contain more than 5.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for any of the grades No. 1 to No. 3 Western Barley, inclusive, except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the numerical grade; which does not meet the requirements for the special grade Choice Malting Two-rowed Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 10.0 percent of thin barley; which does not contain more than 10.0 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by

heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided,* That Malting Two-rowed Barley of the grade No. 1 shall contain not less than 80 percent of mellow kernels; and may not contain more than 3.0 percent of varietal types of barley other than Betzes, Hannchen, or Hanna, or more than 7.0 percent of thin barley, or more than 7.0 percent of skinned and/or broken kernels.

(ii) *Grade designation.* Malting Two-rowed Barley shall be graded and designated according to the special grade requirements for malting two-rowed barley and to the class and grade requirements applicable to such barley if it were not Malting Two-rowed, and there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Malting Two-rowed".

The foregoing amendments shall become effective July 1, 1962.

Done at Washington, D.C., this 13th day of March 1962.

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

[F.R. Doc. 62-2628; Filed, Mar. 16, 1962; 8:49 a.m.]

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

[Grapefruit Reg. 6]

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

Limitation of Shipments

§ 905.318 Grapefruit Regulation 6.

(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 the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon 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 public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 13, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 19, 1962, and ending at 12:01 a.m., e.s.t., April 2, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: March 14, 1962.

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

[F.R. Doc. 62-2631; Filed, Mar. 16, 1962; 8:49 a.m.]

[Navel Orange Reg. 11]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.311 Navel Orange Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein

were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 18, 1962, and ending at 12:01 a.m., P.s.t., March 25, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 15, 1962.

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

[F.R. Doc. 62–2693; Filed, Mar. 16, 1962; 11:47 a.m.]

[Valencia Orange Reg. 4]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.304 Valencia Orange Regulation 4.

(a) *Findings.* (1) Pursuant 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, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges 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 public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 18, 1962, and ending at 12:01 a.m., P.s.t., March 25, 1962, are hereby fixed as follows:

(i) District 1: 2,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: March 15, 1962.

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

[F.R. Doc. 62–2694; Filed, Mar. 16, 1962; 11:47 a.m.]

[Lemon Reg. 12]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.312 Lemon Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons 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 public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 18, 1962, and ending at 12:01 a.m., P.s.t., March 25, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 14, 1962.

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

[F.R. Doc. 62–2645; Filed, Mar. 16, 1962; 8:50 a.m.]

[Grapefruit Reg. 6]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.306 Grapefruit Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District 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 the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such 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 public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 19, 1962, and ending at 12:01 a.m., e.s.t., March 26, 1962, is hereby fixed at 195,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 15, 1962.

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

[F.R. Doc. 62–2663; Filed, Mar. 16, 1962; 9:06 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Compensation for Services Performed With Respect to Reserve and Surplus Tonnage Raisins

The Raisin Administrative Committee has submitted a proposal, adopted by unanimous vote, to establish a schedule of payments for services on reserve and surplus tonnage raisins held for the account of the Committee. The Committee is established under, and its proposal is made pursuant to, Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action establishes the said schedule of payments, as hereinafter set forth, and recognizes increases in labor and other costs for the services involved since similar schedules were established in the 1959–60 crop year.

The schedule of payments is issued in this document as § 989.401. The previously applicable schedule appears as § 989.166(g) in the presently effective administrative rules and regulations, as revised (Subpart—Administrative rules and regulations; 7 CFR 989.101–989.180; 26 F.R. 2385), and is deleted therefrom by an amendment in a separate document published in this issue of the FEDERAL REGISTER.

After consideration of all relevant matters, including the proposal submitted by the Raisin Administrative Committee and other available information, said schedule of payments is hereby established pursuant to § 989.66(f), as follows:

§ 989.401 Payment for services performed with respect to reserve and surplus tonnage raisins.

(a) *Payment for crop year of acquisition*—(1) *Receiving, storing, and handling.* Each handler shall, beginning with the crop year which began September 1, 1961, be compensated at the rate of $6.00 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

(2) *Inspection.* Each handler shall be reimbursed by the Committee for inspection costs applicable to the reserve and surplus pool raisins received and held by him for the account of the Committee. Such payment shall be made at the currently applicable rate per ton paid by such handler to the inspection service and on the quantity reported by the handler. The Committee shall pay the cost of any inspection required by it of any such pool raisins while they are being held for its account: *Provided,* That the cost of inspection of any raisins substituted, pursuant to § 989.66(b)(3), by a handler for raisins in the reserve or surplus pools, or which he received by transfer from another handler by purchasing, as permitted pursuant to § 989.166, a portion or all of such other handler's share of an offer, shall be borne by the handler and shall not be reimbursed to him by the Committee.

(3) *Fumigation.* Each handler shall be paid an allowance for fumigation at the rate of $1.50 per ton of reserve and surplus tonnage raisins received during the crop year of acquisition and held by him for the account of the Committee during all or any part of such crop year.

(b) *Additional payment for surplus tonnage raisins held beyond the crop year of acquisition.* Each handler holding surplus tonnage raisins for the account of the Committee on September 1 of any crop year (beginning with September 1, 1962) which were also held by him as such on August 15 of the preceding crop year, shall be compensated: (1) For storing and handling such raisins at the rate of $1.20 per ton for the period ending November 30 of the then current crop year or any part thereof, 60 cents per ton for the next 3 months, or any part thereof, 20 cents per ton for the next 3 months, or any part thereof, and 20 cents per ton for the last 3 months of the crop year, or any part thereof; and (2) for fumigation services at the rate of 15 cents per ton for each fumigation reasonably required to maintain such raisins in good condition.

(c) *Payment of rental on boxes containing surplus tonnage raisins held beyond the crop year of acquisition.* Each handler and each producer, dehydrator, or other person who furnishes boxes in which surplus tonnage raisins are held for the account of the Committee on September 1 of any crop year (beginning with September 1, 1962) which were also so held on August 15 of the preceding crop year, shall be compensated for the use of such boxes at the rate of 20 cents per average net weight of raisins in a sweatbox, with equivalent rates for raisins in containers other than sweatboxes. The average net weight of raisins in each type of container shall

be the industry average as computed by the Committee, for the containers in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the containers on the next succeeding September 1.

(d) *Payment for other services*—(1) *General.* In addition to the payments provided in paragraphs (a), (b), and (c) of this section, handlers shall be compensated for other services performed with respect to reserve and surplus tonnage raisins as set forth in this paragraph.

(2) *Transportation.* The Committee may arrange with any handler for transporting reserve or surplus tonnage raisins. Payment for such transportation shall be based on then prevailing haulage rates within the production area for the type of transportation required.

(3) *Packing.* A handler who accepts an offer by the Committee to pack surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by or acceptable to the Committee. In considering the amount of compensation to be paid, the Committee shall take into account, among other factors, the particular varietal type of raisins to be packed, the particular pack or package required, and the quantity and quality of the raisins to be packed.

(4) *Redelivery.* In the event the Committee removes surplus tonnage raisins of a previous crop year from a handler upon the request provided for in § 989.66(f) and such handler subsequently desires redelivery to him of surplus tonnage raisins for contract packing, or other purpose, he shall reimburse the Committee in advance of such redelivery for the net costs to it of the removal, storage, and redelivery of such raisins: *Provided,* That the Committee may waive payment by the handler of part or all of such costs if it determines that such waiver is reasonably necessary to the prompt and favorable disposition of the raisins involved.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking procedure, and 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) in that: (1) The relevant provisions of this regulatory program require that handlers and others shall be compensated for services with respect to reserve and surplus tonnage raisins held for the account of the Committee in accordance with a schedule of payments established by the Raisin Administrative Committee and approved by the Secretary; (2) the schedule of payments established herein was unanimously adopted by the Raisin Administrative Committee, composed of representatives of the various segments of the industry concerned with the payments; and (3) the schedule of payments should become effective promptly to permit payment to handlers for such services already, and those soon to be, performed by them with respect to reserve and surplus tonnage raisins acquired by them since September 1, 1961.

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

Dated: March 14, 1962, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 62–2629; Filed, Mar. 16, 1962; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Amendment of Administrative Rules and Regulations

Notice was published in the FEDERAL REGISTER (26 F.R. 12520) on December 27, 1961, regarding a proposed revision of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The time for receipt of written data, views, or arguments was extended to 5 p.m., e.s.t., February 16, 1962, by action published in the FEDERAL REGISTER (27 F.R. 697) on January 24, 1962.

The proposed revision of the rules and regulations omits the provisions of § 989.166(g) *Payment to handlers for services performed with respect to reserve and surplus tonnage raisins.* The provisions of said paragraph (g) were to be changed and issued in a separate new subpart. It is now urgent that provision for such payments be made effective promptly so payments can be made to handlers for services already completed by them and for services which they will complete soon, for the current crop year which began September 1, 1961. However, issuance of a revision of the rules and regulations requires some additional time to consider written data, views, or arguments received pursuant to the notice on matters other than the payments. Hence, it is necessary to delete from the existing rules and regulations the provisions of § 989.166(g) so as to permit such provisions, with some changes, to be issued promptly as a new schedule of payments. Such schedule, as § 989.401, is contained in a separate document published in this issue of the FEDERAL REGISTER.

After consideration of all relevant matters, it is concluded that the administrative rules and regulations should be amended by deleting therefrom § 989.166 (g).

Therefore, the administrative rules and regulations, as revised (Subpart—Rules and Regulations; 7 CFR 989.101–989.180; 26 F.R. 2385) are hereby amended by deleting therefrom § 989.166 (g).

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) This amendment merely removes from the administrative rules and regulations certain provisions with respect to payment for services performed on reserve and surplus tonnage raisins so that a new schedule of payments may be issued in a separate document published in this issue of the FEDERAL REGISTER; (2) prompt action is required to permit such schedule to be so issued and payments made for services already, and those soon to be, completed; and (3) the amendment requires no compliance or other action of handlers.

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

Dated: March 14, 1962, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 62–2630; Filed, Mar. 16, 1962; 8:49 a.m.]

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

[Milk Order No. 30]

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

Order Amending Order

§ 1030.0 Findings and determinations.

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

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

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

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

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

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

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued February 7, 1962, and the decision of the Under Secretary containing all amendment provisions of this order, was issued February 21, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

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

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

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

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

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

1. Delete § 1030.50 and substitute therefor the following:

§ 1030.50 Basic formula price.

The basic formula price 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 month. Such price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1030.82. The basic formula price shall be rounded to the nearest full cent.

§ 1030.52 [Amendment]

2. In § 1030.52 (a) and (b) change the phrase "the basic formula price plus" to "the basic formula price for the preceding delivery period plus".

3. Replace § 1030.52(c) with the following:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the basic formula price.

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

Effective date: April 1, 1962.

Signed at Washington, D.C., on March 14, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2634; Filed, Mar. 16, 1962; 8:50 a.m.]

same manner as, and is applicable only of the aforesaid order, as hereby

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Amending Order

Sec.

AUTHORITY: §§ 1126.0 to 1126.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1126.0 Findings and determinations.

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

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

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

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

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

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

(5) It is hereby found that the necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of: (i) Other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

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

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued January 9, 1962, and the decision containing all amendment provisions of this order, was issued February 23, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

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

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

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

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

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

DEFINITIONS

§ 1126.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1126.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or em-

ployee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1126.3 Department.

"Department" means the United States Department of Agriculture or such other Federal Agency as is authorized to perform the price reporting functions specified in this subpart.

§ 1126.4 Person.

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

§ 1126.5 Cooperative association.

"Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the Association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1126.6 North Texas marketing area.

"North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 1126.7 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 1126.8 Distributing plant.

"A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.

§ 1126.9 Supply plant.

"Supply plant" means any plant approved by the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and

(a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 1126.20; or

(b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 1126.20 and 15 percent or more of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to (a) or (b) of this section during each of the immediately preceding months of September through December: *Provided* That, to remain a supply plant during August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk, or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 1126.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 1126.10 Pool plant.

"Pool plant" means (a) a distributing plant, (b) a supply plant, or (c) any plant located within the marketing area, which has been approved by a municipal health authority having jurisdiction in the marketing area, at which milk is received from dairy farmers holding permits or authorization from such health authority and which is operated by a cooperative association having member producers whose milk is delivered directly to the pool plants of other handlers.

§ 1126.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 1126.10.

§ 1126.12 Handler.

"Handler" means: (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 1126.41(b)(5), § 1126.42, § 1126.46(a)(5), the proviso in § 1126.53 and § 1126.97.

(d) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered to have been received by such cooperative association at the pool plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 1126.46(a)(5) and the proviso in § 1126.53.

§ 1126.13 Producer.

"Producer" means any person, except a producer-handler, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: *Provided,* That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than half the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 1126.14 Producer milk.

"Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 1126.13.

§ 1126.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 1126.41(a)(1) and (2).

§ 1126.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in: (a) receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant), which are reprocessed or converted to another product in the pool milk plant during the month.

§ 1126.17 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from producers;

(c) Disposes of no other source milk as Class I milk; and

(d) Receives from pool plants an amount of milk equal to not more than 5 percent of his own production.

§ 1126.18 Base milk.

"Base milk" means producer milk received by a handler during any of the months of March through June of each year which is not in excess of each producer's daily average base computed pursuant to § 1126.80 multiplied by the number of days in such month.

§ 1126.19 Excess milk.

"Excess milk" means milk received by a handler during any of the months of March through June which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 1126.80.

§ 1126.20 Reserve supply credit.

The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

MARKET ADMINISTRATOR

§ 1126.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1126.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recomend amendments to the Secretary.

§ 1126.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1126.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1126.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1126.30 to 1126.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 1126.33; or

(3) Made payments pursuant to §§ 1126.90 to 1126.95, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 1126.51(a) and the Class I butterfat differential pursuant to § 1126.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 1126.51(b) and the Class II butterfat differential pursuant to § 1126.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 1126.72 or § 1126.73, as applicable, and the butterfat differential computed pursuant to § 1126.91, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 1126.31(a).

REPORTS, RECORDS AND FACILITIES

§ 1126.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products on routes wholly outside the marketing area; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 1126.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1126.32 Other reports.

(a) Each producer-handler shall make reports to the market-administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

(c) Each handler, with respect to fluid milk products disposed of for animal feed, shall report to the market administrator such information and at such

time as the market administrator may prescribe.

§ 1126.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 1126.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1126.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 1126.30 shall be classified by the market administrator pursuant to the provisions of §§ 1126.41 to 1126.46, inclusive.

1126.41 Classes of utilization.

Subject to the conditions set forth in §§ 1126.43 and 1126.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk: *Provided,* That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided,* That, the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month;

(3) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(4) Disposed of in the form of fluid milk products and used for livestock feed subject to inspection (at his discretion) by the market administrator;

(5) In shrinkage allocated to: (i) Receipts of other source milk in the form of fluid milk products, (ii) receipts of milk of producers in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat physically received from producers' farms by the operator of a pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form at a pool plant from both producers and other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d) and which are not disposed of in bulk as milk in fluid form to the pool plant of another handler;

(6) In inventory at the end of the month of fluid milk products; and

(7) That portion of fortified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section.

§ 1126.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between (1) the total of the pounds of skim milk and butterfat physically received from producers at a pool plant by the operator of such pool plant, plus the pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d), and (2) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products.

§ 1126.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 1126.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant including transfers made by a cooperative association pursuant to § 1126.12 (c) and (d) shall be classified:

(a) As Class I milk if transferred or diverted for not more than 7 days during the month in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:

(1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 1126.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: *Provided,* That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton, and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee, and Wood in the State of Texas; Carter, Cleveland, Comanche, Grady, Murray, and Muskogee in the State of Oklahoma; and Benton, Franklin, Sebastian, and Scott in the State of Arkansas;

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside the marketing area or inside any of the counties named in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 1126.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the

market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract the pounds of skim milk and butterfat in packaged fluid milk products received at such plant and the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as an ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced; and

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3), an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 1126.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made has been removed, or if any of the solids, other than butterfat, contained in milk have been added to the product in any form, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to all of the milk solids, other than butterfat, contained in such product, plus all the water originally associated with an amount of nonfat dry milk equal in weight to such solids.

§ 1126.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1126.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 1126.41(b)(5)(ii).

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 1126.44 (a); and

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

Minimum Prices

§ 1126.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 1126.51 Class prices.

Subject to the provisions of §§ 1126.52 and 1126.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85

for the months of March through June, and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the asme milk being accounted for the second time as Class I milk) under this Part and Parts 1127, 1128, 1129, and 1130 of this Chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 118.0.

(4) Subtract from the standard utilization percentage computed pursuant to subparagraph (3) of this paragraph the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph and round to the nearest full percentage. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and the preceding month, excluding the deviation percentage for the preceding month when it is in the opposite direction from the deviation percentage of the current month, and excluding when it is the same direction, any amount by which such deviation percentage exceeds the deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviation percentages, as the case may be, computed pursuant to subparagraph (5) of this paragraph and increase or decrease, respectively, the Class I price by such sum: *Provided,* That after the first month in which this provision is effective if such adjustment varies from that for the preceding month by less than 4 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

(b) *Class II milk.* The Class II price per hundredweight, rounded to the nearest one-tenth cent, shall be as follows:

(1) For each of the months of April, May and June the higher of:

(i) the price computed pursuant to § 1126.50(b) less 14 cents; or

(ii) The price computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

(2) For each of the months of July through March, the higher of the prices computed pursuant to § 1126.50(b) or subdivision (ii) of subparagraph (1) of this paragraph.

§ 1126.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1126.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 1126.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 1126.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk, the price specified in § 1126.50(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: *Provided,* That for purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1126.46(a) (1) through (9) and the corresponding steps in § 1126.46(b) for such plant less 5 percent of the receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1126.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1126.55 Cheddar cheese credit.

On and after the effective date hereof through March 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 1126.46 (a) (8) and the corresponding step of § 1126.46(b) less any overage deducted pursuant to § 1126.46(a) (11) and the corresponding step of § 1126.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: *Provided,* That in the event the plant at which Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such usage determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plant.

Application for Provisions

§ 1126.60 Producer-handlers.

Sections 1126.40 through 1126.46, 1126.50 through 1126.53, 1126.70 through 1126.73, 1126.80 through 1126.81, and 1126.90 through 1126.97 shall not apply to a producer-handler.

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b) or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such

plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

Determination of Uniform Price

§ 1126.70 Computation of value of milk.

The value of milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1126.46(a) (11) and the corresponding step of (b) by the applicable class price(s);

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a) (8) and the corresponding step of § 1126.46(b) for the current month: *Provided,* That such hundredweight of skim milk and butterfat for which an amount is computed shall not exceed the hundredweight of skim milk and butterfat allocated to Class II milk pursuant to paragraph (a) (3) and (4) and the corresponding step of paragraph (b) of § 1126.46 plus the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 1126.46(a) (8) and the corresponding step of § 1126.46 (b) both for the preceding month;

(d) Add the amount computed by multiplying the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at the pool plant, adjusted by the Class I butterfat differential, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a) (3) and the corresponding step of paragraph (b);

(e) In any month in which total receipts of producer milk by all handlers are 110 percent or more than Class I sales by all handlers, add the amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1126.46(a) (4) and the corresponding step of paragraph (b) by the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at a pool plant of the same location as the nonpool plant supplying such other source milk, adjusted by the Class I butterfat differential: *Provided,* That if such handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk shall be considered to have been received from the plants in sequence starting with the nonpool plant at which the smallest location differential is applicable; and

(f) Deduct the amount of any credits computed for such handler pursuant to § 1126.55.

§ 1126.71 Computation of aggregate value used to determine uniform price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1126.70 for all handlers who made the reports prescribed in § 1126.30 and who made the payments pursuant to § 1126.93 for the preceding month;

(b) Add not less than one-fourth of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 1126.94;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1126.91(a) and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the location differentials to producers pursuant to § 1126.91(b).

§ 1126.72 Computation of uniform price.

For each of the months of July through February the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1126.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1126.73 Computation of Uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform price per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 1126.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 1126.71;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

Determination of Base

§ 1126.80 Computation of daily average base for each producer.

For the months of March through June the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 1126.81;

(a) Divide the total pounds of producer milk received from such producers at a pool plant(s) during the immediately preceding base-forming period of August through January by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 153, whichever is greater. However, in the application of this provision prior to August 1961, the months of September through December 1960, shall be used in lieu of

the August through January period and the figure, 112, shall be used in lieu of the figure, 153; and

(b) In the case of producers delivering milk to a plant which was not a pool plant during the entire base forming period, a daily average base for each such producer shall be calculated pursuant to paragraph (a) of this section on the basis of his deliveries of milk to such plant during August through January: *Provided,* That records of such deliveries to the plant are made available to the market administrator.

§ 1126.81 Base rules.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1126.80 to each person for whose account producer milk was delivered to pool plants during the base-forming period; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns; *And provided further,* That if a base(s) is transferred to a producer already holding a base which was either earned by such producer, or transferred to him, a new base shall be computed by adding together the total deliveries during the base-forming period of all persons in whose name such bases were earned and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of the base-forming period, or by 153 whichever is greater.

PAYMENTS

§ 1126.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 1126.72 and 1126.73, adjusted by the butterfat differential computed pursuant to § 1126.91(a) and the location differential computed pursuant to § 1126.91(b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 1126.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1126.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 1126.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 1126.91 Butterfat and location differentials to producers.

(a) In making payments pursuant to § 1126.90 (a) or (c), there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	*Butterfat differential (cents)*
20.0–29.99 cents	3
30.0–39.99 cents	4
40.0–49.99 cents	5
50.0–59.99 cents	6
60.0–69.99 cents	7
70.0–79.99 cents	8
80.0–89.99 cents	9
90.0–99.99 cents	10
$1.00–$1.10	11

(b) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 and the applicable uniform price for base milk computed pursuant to § 1126.73 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

§ 1126.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 1126.93, and out of which he shall make all payments to handlers pursuant to §§ 1126.94 and 1126.95.

§ 1126.93 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 1126.70 is greater than the amount required to be paid producers by such handler pursuant to § 1126.90.

§ 1126.94 Payments out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 1126.70 is less than the amount required to be paid producers by such handler pursuant to § 1126.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *And provided further,* That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 1126.93, 1126.95, 1126.96 or 1126.97.

§ 1126.95 Adjustment of accounts—(a) Payments.

Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1126.90, 1126.93, 1126.94, 1126.96, 1126.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next fol-

lowing the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1126.96 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1126.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 1126.97 Expenses of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 1126.46 and (b) milk from producers (including such handler's own production).

§ 1126.98 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8(c)(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1126.100 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1126.101.

§ 1126.101 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1126.102 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1126.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1126.110 Agents.

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

§ 1126.111 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Effective Date: April 1, 1962.

Signed at Washington, D.C., on March 14, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-2633; Filed, Mar. 16, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-20]

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

Revocation of Reporting Point

The purpose of this amendment to § 601.7001 of the regulations of the Administrator is to revoke the Willow, Alaska, Intersection as a reporting point.

The designation of VOR Federal airway No. 438 and its associated control areas from Shuyak, Alaska, to Fairbanks, Alaska, has obviated the requirement for the Willow Intersection as a designated reporting point. Accordingly, action is taken herein to revoke the Willow Intersection as a reporting point.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are not necessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

In the text of § 601.7001 (14 CFR 601.7001) "Willow INT: The INT of the Anchorage, Alaska, VOR 004° T radial and the Skwentna, Alaska, RR southeast course." is deleted.

This amendment shall become effective 0001 e.s.t. May 3, 1962.

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

Issued in Washington, D.C., on March 13, 1962.

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

[F.R. Doc. 62-2594; Filed, Mar. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-30]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to § 608.48 of the regulations of the Administrator is to increase the designated altitudes and/or the times of designation of the Las Vegas, Nev., Restricted Areas R-4806 and R-4808 and the Tonopah, Nev., Restricted Area R-4807.

The Department of Defense has stated an urgent and immediate requirement for the alteration of the Tonopah/Las Vegas Restricted Area Complex to permit greater utilization of the entire area, in support of a classified project, and has justified this requirement as being a matter in the interest of national defense. However, in order to reduce the impact of this restricted area complex on aeronautical operations, floors have been established for R-4806 and R-4807 which will permit transit of these areas on Sundays only.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days' notice.

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

In § 608.48 *Nevada* (26 F.R. 6233; 27 F.R. 205) the following changes are made:

1. R-4806 Las Vegas, Nev., is amended to read:

R-4806 Las Vegas, Nev.
Boundaries. Beginning at latitude 37°17'-00'' N., longitude 115°18'00'' W.; to latitude 36°26'00'' N., longitude 115°18'00'' W.; to latitude 36°26'00'' N., longitude 115°23'00'' W.; to latitude 36°35'00'' N., longitude 115°-37'00'' W.; to latitude 36°35'00'' N., longitude 115°42'00'' W.; to latitude 36°41'00'' N., longitude 115°42'00'' W.; to latitude 36°-41'00'' N., longitude 115°56'00'' W.; to latitude 37°06'00'' N., longitude 115°56'00'' W.; to latitude 37°06'00'' N., longitude 115°35'-00'' W.; to latitude 37°17'00'' N., longitude 115°35'00'' W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Nellis AFB, Nev.

2. R-4807 Tonopah, Nev., is amended to read:

R-4807 Tonopah, Nev.
Boundaries. Beginning at latitude 36°51'-00'' N., longitude 116°33'30'' W.; to latitude 37°26'30'' N., longitude 117°04'30'' W.; to latitude 37°53'00'' N., longitude 117°01'00'' W.; to latitude 37°53'00'' N., longitude 116°-55'00'' W.; to latitude 37°47'00'' N., longitude 116°55'00'' W.; to latitude 37°33'00'' N., longitude 116°43'00'' W.; to latitude 37°33'-00'' N., longitude 116°26'00'' W.; to latitude 37°53'00'' N., longitude 116°26'00'' W.; to latitude 37°53'00'' N., longitude 116°11'00'' W.; to latitude 37°42'00'' N., longitude 116°-11'00'' W.; to latitude 37°42'00'' N., longitude 115°53'00'' W.; to latitude 37°33'00'' N., longitude 115°53'00'' W.; to latitude 37°33'-00'' N., longitude 115°48'00'' W.; to latitude 37°28'00'' N., longitude 115°48'00'' W.; to latitude 37°28'00'' N., longitude 116°00'00'' W.; to latitude 37°16'00'' N., longitude 116°-00'00'' W.; to latitude 37°16'00'' N., longitude 116°34'00'' W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

3. R-4808 Las Vegas, Nev., is amended to read:

R-4808 Las Vegas, Nev.
Boundaries. Beginning at latitude 36°41'-00'' N., longitude 115°56'00'' W.; to latitude 36°41'00'' N., longitude 116°26'30'' W.; to latitude 36°51'00'' N., longitude 116°26'30'' W.; to latitude 36°51'00'' N., longitude 116°-33'30'' W.; to latitude 37°16'00'' N., longitude 116°34'00'' W.; to latitude 37°16'00'' N., longitude 116°00'00'' W.; to latitude 37°28'-00'' N., longitude 116°00'00'' W.; to latitude 37°28'00'' N., longitude 115°35'00'' W.; to latitude 37°06'00'' N., longitude 115°35'00'' W.; to latitude 37°06'00'' N., longitude 115°56'00'' W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

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

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

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

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

[F.R. Doc. 62-2625; Filed, Mar. 16, 1962; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8058 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Gold Seal Chinchillas, Inc., and Estell G. Streets

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.75 *Free goods or services;* § 13.170 *Qualities or properties of product or service;* § 13.170-72 *Productive;* § 13.205 *Scientific or other relevant facts;* § 13.260 *Terms and conditions;* § 13.285 *Value.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1625 *Free goods or services;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions;* § 13.1775 *Value.*

(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, Gold Seal Chinchillas, Inc., et al., Tacoma, Wash., Docket 8058, Oct. 24, 1961]

Consent order requiring a Tacoma, Wash., seller of chinchilla breeding stock to cease misrepresenting—directly and through his salesmen, by written and oral statements—the ease and simplicity of raising such animals for profit, their rate of production, value of the animals raised, the returns to be expected from sale of the pelts, and the terms and conditions of the sale of such animals.

The order to cease and desist is as follows:

It is ordered, That respondent Gold Seal Chinchillas, Inc., a corporation, and its officers and respondent Estell G. Streets, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of chinchilla breeding stock in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith

cease and desist from representing, directly or by implication:

(1) That the earnings or profits which may be derived through raising chinchillas for pelts is any amount in excess of the amount usually and customarily earned by growers of chinchillas purchased from respondents;

(2) That a mated pair of chinchillas purchased from respondents will produce breeding stock in any number in excess of the number usually and customarily produced by them; or that every two pairs of chinchillas purchased from respondents will produce at least fifty mated pairs of top quality breeding stock within four years;

(3) That every fifty pairs of offspring from chinchillas purchased from respondents will produce 200 or more top quality pelts each year for the pelting market; or that the number of top quality pelts produced from fifty pairs of such chinchillas is any number in excess of the number of top quality pelts usually and customarily produced by breeding stock purchased from respondents;

(4) That forty pairs of chinchillas will result in an annual income of $6,472.50 to $26,250.00; or that thirty pairs of chinchillas will result in an annual income of from $4,315 to $17,500 or that a grower of chinchillas starting with two mated pairs will at the end of 3½ years or less have an annual income from pelts of from $8,630 to $35,000; or that the earnings or profits which may be derived through raising chinchillas for pelts is any amount in excess of the amount usually and customarily earned by growers of chinchillas purchased from respondents under usual and normal conditions;

(5) That the value of two pairs of chinchillas purchased from respondents, and their offspring, will be $4,900 at the end of the first year, or $34,300 at the end of the third year; or that the value of two pairs of said chinchillas and their offspring at the end of any year will be any value in excess of the actual value of said animals;

(6) That a pair of young unproven chinchillas is given free or any other thing of value is given free unless such is the fact;

(7) That a purchaser of respondents' breeding stock will receive for the average chinchilla pelt produced any amount in excess of the amount usually and customarily received therefor.

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

It is ordered, That the above-named respondents 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: October 24, 1961.

By the Commission.

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

[F.R. Doc. 62-2596; Filed, Mar. 16, 1962; 8:45 a.m.]

[Docket No. 8375 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

H. L. Klebanow & Son, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-40 *Federal Trade Commission Act.*

(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, H. L. Klebanow & Son, Inc., et al., New York, N.Y., Docket 8375, Oct. 24, 1961]

In the Matter of H. L. Klebanow & Son, Inc., a Corporation, and Hyman L. Klebanow and Bernard Klebanow, Individually and as Officers of Said Corporation

Consent order requiring New York City importers to cease invoicing fabrics imported from Italy as "95% Wool 5% Nylon" when they contained substantially less than 95 percent wool, and when the so-called wool fibers were actually reprocessed wool.

The order to cease and desist is as follows:

It is ordered, That respondents H. L. Klebanow & Son, Inc., a corporation, and its officers, and Hyman L. Klebanow and Bernard Klebanow, 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 apparel fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly in sales invoices, shipping memoranda, or in any other manner from:

1. Misrepresenting the name and amount of the constituent fibers of which their products are composed.

2. Describing, designating or in any way referring to any product or portion of a product which is "reprocessed wool" as "wool".

3. Using the word "wool" to describe, designate or in any way refer to any product or portion of a product which is not the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat, or hair of the camel, Alpaca, Llama, or Vicuna which has never been reclaimed from any woven or felted product; provided however, nothing herein shall prohibit the use of the terms "reprocessed wool" or "reused wool" when the products or those portions thereof referred to are composed of such fibers.

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

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

Issued: October 24, 1961.

By the Commission.

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

[F.R. Doc. 62-2597; Filed, Mar. 16, 1962; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-210; Order No. 244]

PART 1—RULES OF PRACTICE AND PROCEDURE

Ex Parte Communications

MARCH 13, 1962.

The Commission desires to take all appropriate measures to assure the public and all interested parties that its proceedings will be conducted in a scrupulously fair and impartial manner. We believe that the rule herein adopted, together with existing provisions of our rules, will serve to make it plain that any instance of possible departure from high standards of ethical conduct will be promptly and carefully examined by the entire Commission.

It appears that the amendment adopted herein pertains to Commission practice and procedure and hence that section 4 of the Administrative Procedure Act is not applicable.

The Commission finds:

(1) The amendment adopted herein is necessary and appropriate for the purposes of administration of the Federal Power and Natural Gas Acts.

(2) Good cause exists that the amendment herein adopted becomes effective forthwith.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h) and the Natural Gas Act, as amended, particularly sections 15 and 16 thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o) orders:

Section 1.4, Rules of Practice and Procedure, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (d) to read as follows:

(d) In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in administrative proceedings pending before this Commission, it is hereby provided: In a contested proceeding, no party thereto, or his counsel, agent, or other person acting on his behalf, shall communicate, ex parte, with any member of the Commission or of his personal staff, with the hearing examiner, or with any employee responsible for aiding the Commission in the preparation of a decision

in such proceeding, with respect to the merits of that or a factually related proceeding. If a communication of this kind is received, the person (or persons) to whom the representations have been made shall promptly and fully inform the Commission of the substance of the communication and the circumstances thereof, so that the Commission will be enabled to take appropriate action.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-2611; Filed, Mar. 16, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT (BUTYLATED HYDROXYTOLUENE); BHA (BUTYLATED HYDROXYANISOLE); STEARYL MONOGLYCERIDYL CITRATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Charles Pfizer and Company, Inc., 235 East Forty-Second Street, New York 17, New York, and other relevant material, has concluded that the following regulations should issue with respect to the food additive stearyl monoglyceridyl citrate as an emulsion stabilizer in shortenings containing emulsifiers and with respect to the food additives BHT (butylated hydroxytoluene) and BHA (butylated hydroxyanisole) as antioxidants in the emulsion stabilizer. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121; 121.1034 (26 F.R. 1984, 7127, 8283), 121.1035 (26 F.R. 1984, 3247, 5677, 7127, 8283)) are amended in the following respects:

1. Section 121.1034(b) is amended by adding thereto the following new subparagraph (4):

§ 121.1034 BHT (butylated hydroxytoluene) as an antioxidant.

* * * * *

(b) * * *

(4) In emulsion stabilizers for shortenings containing emulsifiers, with or without BHA (butylated hydroxyanisole), whereby the maximum amount of the antioxidant alone or of the total antioxidants in combination does not exceed 200 parts per million by weight (0.02 percent) of the emulsion stabilizer.

2. Section 121.1035(b) is amended by adding thereto the following new subparagraph (6):

§ 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.

* * * * *

(b) * * *

(6) In emulsion stabilizers for shortenings containing emulsifiers, with or without BHT (butylated hydroxytoluene), whereby the maximum amount of the antioxidant alone or of the total antioxidants in combination does not exceed 200 parts per million by weight (0.02 percent) of the emulsion stabilizer.

3. Part 121 is amended by adding to Subpart D the following new section:

§ 121.1080 Stearyl monoglyceridyl citrate.

The food additive stearyl monoglyceridyl citrate may be safely used in food in accordance with the following provisions:

(a) The additive is prepared by controlled chemical reaction of the following:

Reactant	*Limitation*
Citric acid	
Monoglycerides of fatty acids.	Prepared by the glycerolysis of edible fats and oils or derived from fatty acids conforming with § 121.1070.
Stearyl alcohol	Derived from fatty acids conforming with § 121.1070.

(b) The additive stearyl monoglyceridyl citrate, produced as described under paragraph (a) of this section, meets the following specifications:

Acid number	40 to 52.
Total citric acid	15 to 18 percent.
Saponification number	215–255.

(c) The additive is used or intended for use as an emulsion stabilizer in or with shortenings containing emulsifiers.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

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

[F.R. Doc. 62-2618; Filed, Mar. 16, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SODIUM LAURYL SULFATE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Interchemical Corporation, 224 McWhorter Street, Newark 5, New Jersey; Olin Mathieson Chemical Corporation, 275 Winchester Avenue, New Haven 4, Connecticut; and The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, and other relevant material, has concluded that the following regulations should issue with respect to the food additive sodium lauryl sulfate used as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended as follows:

1. Section 121.2517(b) (21 CFR 121.2517; 26 F.R. 6621) is amended to read as follows:

§ 121.2517 Emulsifiers used in the manufacture of paper and paperboard.

* * * * *

(b) The additives permitted are as follows:

List of substances	*Limitations*
Polysorbate 80, conforming to the identity prescribed in § 121.1009.	Used as an emulsifier to facilitate the application of release agents to paper and paperboard in an amount not to exceed 0.0008 pound per 1,000 square feet of the paper.
Sodium lauryl sulfate.	Complying with § 121.2541.

2. Part 121 is amended by adding to Subpart F the following new section:

§ 121.2541 Sodium lauryl sulfate.

Sodium lauryl sulfate may be safely used as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect; and the quantity that may become a component of food as a result of such use shall not be intended to, nor in fact, accomplish any physical or technical effect in the food itself.

(b) The use as an emulsifier and/or surface-active agent in any substance or article that is the subject of a regulation in this Subpart F conforms with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

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

[F.R. Doc. 62-2621; Filed, Mar. 16, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ALKYL KETENE DIMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hercules Powder Company, Wilmington 99, Delaware, and other relevant material, has concluded that the following regulation should issue with respect to the food additives alkyl ketene dimers used as an adjuvant in the manufacture of paper and paperboard employed in direct contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2538 Alkyl ketene dimers.

Alkyl ketene dimers may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The alkyl ketene dimers are manufactured by the dehydrohalogenation of the acyl halides derived from the fatty acids of animal or vegetable fats and oils.

(b) The alkyl ketene dimers are used as an adjuvant in the manufacture of paper and paperboard under such conditions that the alkyl ketene dimers and their hydrolysis products dialkyl ketones do not exceed 0.4 percent by weight of the paper or paperboard.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 12, 1962.

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

[F.R. Doc. 62-2619; Filed, Mar. 16, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COPOLYMER OF VINYL ACETATE AND CROTONIC ACID

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hazelton Laboratories, Inc., Post Office Box 30, Falls Church, Virginia, on behalf of the Kordite Company, Division of National Distillers and Chemical Corporation, Macedon, New York, and other relevant material, has concluded that the following regulation should issue with respect to the food additive, copolymer of vinyl acetate and crotonic acid, used as a heat-sealing coating for polyolefin film for packaging bakery products and confectionery. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2540 Copolymer of vinyl acetate and crotonic acid.

A copolymer of vinyl acetate and crotonic acid may be safely used as a coating or as a component of a coating which is the food-contact surface of polyolefin films intended for packaging food, subject to the provisions of this section.

(a) The copolymer may contain added optional substances to impart desired properties.

(b) The quantity of any optional substance does not exceed the amount reasonably required to accomplish the intended physical or technical effect nor any limitations further provided.

(c) Any optional substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation, and any substance that is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Optional substances as provided in paragraph (a) of this section include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for uses with a copolymer of vinyl acetate and crotonic acid and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	*Limitations*
Silica	
Japan wax	

(e) Copolymer of vinyl acetate and crotonic acid used as a coating or as a component of a coating conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Specifications.* (i) The chloroform-soluble portion of the water extractives of the coated film obtained with distilled water at 120° F. for 24 hours does not exceed 0.5 milligram per square inch of coated surface.

(ii) The chloroform-soluble portion of the *n*-heptane extractives of the coated film obtained with *n*-heptane at 70° F. for 30 minutes does not exceed 0.5 milligram per square inch of coated surface.

(2) *Conditions of use.* The copolymer of vinyl acetate and crotonic acid is used as a coating or as a component of a coating for polyolefin films for packaging bakery products and confectionery.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: March 12, 1962.

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

[F.R. Doc. 62-2620; Filed, Mar. 16, 1962; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Flammable or Extremely Flammable Substances; Exemption of Components From Label Declaration

Pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare, § 191.63(a) of the hazardous substances regulations (21 CFR 191.63; 26 F.R. 7333, 11214) is amended to read as set forth below:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(a) When the sole hazard from a substance in a self-pressurized container is that it generates pressure or when the sole hazard from a substance is that it is flammable or extremely flammable, the name of the component which contributes the hazard need not be stated.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment ordered relaxes existing requirements and since the Federal Hazardous Substances Labeling Act provides for such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1270)

Dated: March 12, 1962.

GEO. P. LARRICK,
Commisioner of Food and Drugs.

[F.R. Doc. 62-2622; Filed, Mar. 16, 1962; 8:48 a.m.]

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling Requirements; Deceptive Use of Disclaimers

Pursuant to authority provided by the Hazardous Substances Labeling Act (secs. 4, 10, 74 Stat. 375, 378; 15 U.S.C. 1263, 1269) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 191 is amended by adding thereto the following new section:

§ 191.102 Deceptive use of disclaimers.

A hazardous substance shall not be deemed to have met the requirements of section 2(p) (1) and (2) of the act if there appears in or on the label or in accompanying literature words, statements, designs, or other graphic material that in any manner negates or disclaims any of the label statements required by the act; for example, the statement on a toxic or irritant substance, such as "Harmless" or "Safe around pets."

The Commissioner of Food and Drugs finds that the promulgation of the regulation included in this order is in the best interests of the public health and safety and that since the amendment is interpretative in nature notice and public procedure are unnecessary in this instance.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 4, 10, 74 Stat. 375, 378; 15 U.S.C. 1263, 1269)

Dated: March 12, 1962.

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

[F.R. Doc. 62-2623; Filed, Mar. 16, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2628]

[Montana 044211(ND)]

[Montana 044794(ND)]

[Montana 013826(SD)]

NORTH DAKOTA

Partly Revoking Public Land Order No. 1312 of July 6, 1956, Which Withdrew Lands for Flood Control (Oahe Reservoir Project)

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

1. Public Land Order No. 1312 of July 6, 1956, which withdrew lands in North and South Dakota for use of the Department of the Army in connection with the Oahe Reservoir Project, is hereby revoked so far as it affects the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 138 N., R. 80 W.,
Sec. 8, lots 1, 2, NE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, lots 2 and 3;
Sec. 26, lot 6.
T. 139 N., R. 81 W.,
Sec. 4, lot 1;
Sec. 14, lot 1.

The areas described aggregate approximately 387 acres.

2. The lands released from withdrawal by paragraph 1 of this order are for the most part either patented, or embraced in applications filed by the city of Bismarck, under the provisions of the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended, and by the Fish and Wildlife Service. Lands applied for under the act of June 14, 1926, as amended, will not be subject to any other form of disposal under the public land laws until final action on the application has been taken. The lands in withdrawal application of the Fish and Wildlife Service will be segregated from use or disposal in acordance with the regulations in 43 CFR 295.11 until final action on the withdrawal application has been taken.

3. The lands are hereby restored to the operation of the public land laws, including the mining laws, and the mineral leasing laws for other than oil and gas, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on September 10, 1962, the State of North Dakota shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). They have been open to applications and offers under the mineral leasing laws for oil and gas.

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

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

MARCH 12, 1962.

[F.R. Doc. 62-2599; Filed, Mar. 16, 1962; 8:45 a.m.]

[Public Land Order 2629]

[Oregon 010868]

OREGON

Revoking Certain Reclamation Withdrawals (Crooked River Project)

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

1. The Departmental orders of April 27, 1909, and July 27, 1953, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 16 S., R. 18 E.,
Sec. 17, SW¼NE¼ and SE¼NW¼.
T. 16 S., R. 21 E.,
Secs. 32 and 34.
T. 17 S., R. 21 E.,
Sec. 2, N½ and N½S½;
Sec. 4, N½ and N½S½;
Sec. 6;
Sec. 8, S½N½ and S½;
Sec. 10, SE¼SW¼ and SW¼SE¼;
Sec. 14;
Sec. 12, W½SE¼.

T. 16 S., R. 22 E.,
Sec. 32, N½, NW¼SW¼, N½SE¼, and SE¼SE¼.
T. 17 S., R. 22 E.,
Sec. 4;
Sec. 6, E½NE¼ and N½NW¼;
Sec. 8, N½NE¼ and S½S½;
Sec. 10;
Sec. 18, NE¼, N½NW¼, W½SW¼, N½SE¼, and SE¼SE¼;
Sec. 22, W½NW¼, SE¼NW¼, SW¼, and S½SE¼.

The areas described aggregating approximately 7,200 acres, are in part withdrawn for other purposes.

2. The lands are situated in Crook County. The topography varies from gently sloping to rough and rugged, with soils ranging from deep to extremely shallow and rocky.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on September 11, 1962, the State of Oregon shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on September 11, 1962.

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

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

MARCH 13, 1962.

[F.R. Doc. 62-2600; Filed, Mar. 16, 1962; 8:46 a.m.]

[Public Land Order 2630]

[88159]

CALIFORNIA

Revoking Reclamation Withdrawals (Colorado River Storage Project)

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

The departmental orders of July 2, 1902; August 26, 1902; August 1, 1903; September 8, 1903; March 29, 1924; February 19, 1929; July 30, 1929; June 4, 1930; October 16, 1931, and any other order or orders withdrawing the following described lands for reclamation purposes under the said act of June 17, 1902, are hereby revoked:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 26 E.,
Sec. 16.
T. 6 N., R. 24 E.,
Secs. 5, 9, and 13;
Sec. 16, N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 17, 24, 29, and 33.
T. 7 N., R. 24 E.,
Sec. 16, S½NW¼ and SW¼.
T. 8 N., R. 23 E.,
Sec. 4, SE¼NE¼;
Sec. 9, W½SE¼ and SE¼SE¼;
Sec. 22, NE¼SE¼.
T. 10 N., R. 22 E.,
Sec. 25;
Sec. 26, lots 1, 2, 3, 4, (N½N½), SE¼NE¼.
T. 1 S., R. 24 E.,
Sec. 9, SE¼NW¼, NE¼SW¼NW¼, SW¼NE¼NW¼, SE¼NW¼NW¼, W½NW¼NW¼, and NE¼NE¼SW¼;
Sec. 12, lot 1;
Sec. 15, NW¼NE¼, SE¼NW¼, E½SW¼NW¼, NW¼SW¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, and lot 7;
Sec. 28, SW¼SW¼.
T. 3 S., R. 23 E.,
Sec. 36, lots 1 and 2.
T. 4 S., R. 23 E.,
Sec. 36, lot 1.
T. 8 S., R. 22 E.,
Secs. 1 to 12, incl.;
Secs. 14 to 22, incl.;
Secs. 27 to 32, incl.;
Sec. 33, N½, N½SE¼, and SW¼SE¼;
Sec. 34, N½;
Sec. 35, N½ and S½SW¼.
T. 10 S., R. 21 E.,
Sec. 1, E½ of lots 1 and 2 of NW¼;
Sec. 13;
Sec. 14, E½NW¼ and W½NE¼;
Secs. 23, 25, 35, and 36.
T. 11 S., R. 22 E.,
Sec. 7, E½;
Sec. 29.
T. 13 S., R. 23 E.,
Sec. 36, SW¼NW¼.
T. 14 S., R. 23 E.,
Sec. 1, E½E½.
T. 15 S., R. 23 E.,
Sec. 26, W½NW¼NW¼SW¼;
Sec. 27, SE¼NE¼NE¼SE¼, NE¼SE¼NE¼SE¼, S½S½SE¼, and S½SW¼;
Sec. 31, S½NE¼NE¼SE¼, SE¼NE¼SE¼, E½SW¼NE¼SE¼, SE¼SE¼, S½NE¼SW¼SE¼, and N½SE¼SW¼SE¼;
Sec. 32, S½NE¼NE¼, S½NE¼, SE¼, E½SW¼, SW¼SW¼, and NE¼NW¼SW¼;
Sec. 33, S½NW¼NW¼, SW¼NW¼, E½NW¼, SW¼, and E½;
Sec. 34;
Sec. 35, lots 6a, 9, 10, 13, W½NW¼.
T. 15 S., R. 24 E.,
Sec. 18, NE¼NW¼, N½NE¼, and SW¼NE¼.
T. 16 S., R. 21 E.,
Sec. 3, SW¼, SW¼NW¼, and W½SE¼;
Sec. 6, SW¼;
Sec. 7;
Sec. 8, SW¼ and NE¼;
Sec. 9, NW¼ and SE¼;
Sec. 15, W½, NE¼, and N½SE¼;
Sec. 16;
Sec. 17, W½, W½SE¼, and SE¼SE¼;
Secs. 18 and 19;
Sec. 20, N½, SE¼, and NE¼SW¼;
Sec. 21;
Sec. 22, W½, W½E½, and E½SE¼;
Sec. 25, SW¼;
Sec. 26, SE¼SE¼;
Sec. 35, E½E½;
Sec. 36.
T. 16 S., R. 23 E.,
Sec. 3, W½ and W½E½;
Sec. 4, N½ and SE¼;
Secs. 5, 6, 7, 8, 9, 10, 15, 18, 19, and 30, Patented portions.

The areas described aggregate 46,000 acres, more or less, of nonpublic lands.

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

MARCH 13, 1962.

[F.R. Doc. 62-2601; Filed, Mar. 16, 1962; 8:46 a.m.]

[Public Land Order 2631]

[Montana 044168]

SOUTH DAKOTA

Withdrawal for Air Force Use

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

1. 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 laws, and from leasing under the mineral leasing laws, and reserved for use of the Department of the Air Force for military purposes in connection with 97.5 acres reserved by Public Land Order No. 2449 of July 26, 1961:

BLACK HILLS MERIDIAN

T. 9 N., R. 1 E.,
Sec. 12, SE¼SW¼SW¼, NE¼SW¼SW¼SW¼, and S½SW¼SW¼SW¼.
T. 12 N., R. 2 E.,
Sec. 4, S½SW¼NW¼NE¼, W½NE¼SW¼NE¼, S½SW¼SW¼NE¼, NW¼SE¼SW¼NE¼, that portion of the NE¼SW¼SW¼NE¼, the SE¼NW¼SW¼NE¼ and the N½NW¼SW¼NE¼ lying easterly of the existing road; S½SE¼NE¼NW¼, N½NE¼SE¼NW¼, SW¼NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, NW¼SE¼SE¼NW¼, S½SE¼SE¼NW¼, N½N½NE¼NE¼SW¼, NE¼NW¼NE¼SW¼, and N½N½NW¼NW¼SE¼.
T. 12 N., R. 2 E.,
Sec. 33, NE¼NE¼SE¼NE¼, S½NE¼SE¼NE¼, SE¼SE¼NE¼, and NE¼NE¼NE¼SE¼.
T. 11 N., R. 3 E.,
Sec. 19, N½NE¼NE¼NE¼;
Sec. 20, NW¼NW¼NW¼NW¼.
T. 12 N., R. 3 E.,
Sec. 29, NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, S½NW¼SE¼NE¼, and SW¼SE¼NE¼.
T. 10 N., R. 6 E.,
Sec. 5, NE¼NE¼SW¼SW¼, S½NW¼NE¼SW¼SW¼, SW¼NE¼SW¼SW¼, S½N½NW¼SW¼SW¼, and S½NW¼SW¼SW¼.

The areas described aggregate approximately 135.40 acres.

2. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

3. The Department of the Air Force may issue permits revocable at will for authorized use of the land included in this order; but authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way is reserved to the Secretary or his authorized delegate, provided that no grants will be made under this authority without the approval of an authorized officer of the Department of the Air Force.

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

MARCH 13, 1962.

[F.R. Doc. 62-2602; Filed, Mar. 16, 1962; 8:46 a.m.]

[Public Land Order 2632]

[Colorado 046748]

COLORADO

Withdrawing Public Lands for Reclamation Purposes (Savery-Pot Hook Project)

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

1. Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for reclamation purposes, for making surveys, and irrigation investigations in connection with the Savery-Pot Hook Project:

SIXTH PRINCIPAL MERIDIAN

T. 11 N., R. 89 W.,
Sec. 4, lots 6 and 7.
T. 12 N., R. 89 W.,
Sec. 17, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, lot 5;
Sec. 20, lots 1 to 4 incl., 6 to 10 incl., 13 and 14;
Sec. 21, lots 1, 2, 3, 6, and 7;
Sec. 22, lot 4;
Sec. 28, lots 4, 6, and 8;
Sec. 29, lots 1, 2, and 5 to 9 incl.;
Sec. 30, lots 13 and 20;
Sec. 32, lots 1, 2, and 3;
Sec. 33, lots 2, 4, 7, 13 and 16.
T. 12 N., R. 90 W.,
Sec. 16, NE¼SE¼ and S½S½.
T. 11 N., R. 91 W.,
Sec. 1, lots 7, 8, 9, 10, 16, and 17;
Sec. 2, lots 7, 8, 9, 13, 14, 15, 16, 18, 19 and 20;
Sec. 3, lots 19 and 20;
Sec. 4, lots 5 to 11 incl., and 13 to 20 incl.;
Sec. 5, lots 5 to 20 incl.;
Sec. 6, lots 8 to 18 incl., and 21 to 23 incl.;
Sec. 7, lots 5 to 14 incl., 19 and 20;
Sec. 8, lots 1 to 14 incl.;
Sec. 9, lots 1 to 16 incl.;
Sec. 10, lots 1 and 2;
Sec. 11, lots 3 and 4;
Sec. 14, lot 16;
Sec. 15, lots 8 and 9;
Sec. 17, lots 1 to 7 incl.;
Sec. 18, lots 5, 6, 12, 13, and 20;
Sec. 19, lots 5, 6, 11, 12, 13, 14, 19 and 20;
Sec. 20, lot 3;
Sec. 22, lot 10;
Sec. 23, lots 1 and 8;
Sec. 30, lots 5 and 6.
T. 12 N., R. 91 W.,
Sec. 19, lots 5, 6, and 11 to 20 incl.;
Sec. 20, lots 3, 7, 8, 10, 11 and 14;
Sec. 21, SW¼NE¼, SE¼NW¼, and S½;
Sec. 22, lots 11 to 16 incl.;
Sec. 23, lot 13;
Sec. 26, lots 3 to 7 incl., and 9 to 16 incl.;
Sec. 27, lots 1 to 11 incl., 13, 15, and 16;
Sec. 28;
Sec. 29, lots 1, 4, 5, 8, 9, and 12 to 16 incl.;
Sec. 30, lots 5 to 20 incl.;
Sec. 31, lots 5 to 20 incl.;
Sec. 32, lots 1 to 12 incl.;
Sec. 33, lots 1 to 16 incl.;
Sec. 34, lots 1, 2, 4, 5, 7 to 10 incl.; 12, 13 and 16;
Sec. 35, lots 1 to 8 incl., and 11 to 14 incl.
T. 11 N., R. 92 W.,
Sec. 1, lots 5 to 8 incl., S½N½, and S½;
Sec. 2, lots 5 to 8 incl., S½N½, and S½;
Sec. 3, lots 5 to 8 incl., S½N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 4, lots 5 to 8 incl., S½N½, N½SW¼ and NW¼SE¼;
Sec. 5, lot 5;
Sec. 11, E½NE¼, NW¼NE¼, NW¼, NW¼ SW¼, and NE¼SE¼;
Sec. 12, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼.
T. 12 N., R. 93 W.,
Sec. 17, lots 6 to 13 incl., and 16 to 23 incl.;
Sec. 18, lots 1 to 4 incl., 7 to 10 incl., 12 to 18 incl., and SW¼SE¼.
T. 12 N., R. 94 W.,
Sec. 13, lots 2, 3, and 4, 7, 8, and 9;
Sec. 14, lots 1 and 5.
T. 8 N., R. 96 W.,
Sec. 6, lots 2, 6, 11, 14, 21, and 22;
T. 9 N., R. 96 W.;
Sec. 20, NE¼;
Sec. 29, lots 7, 8, 9, 10, 18, and S½NE¼;
Sec. 31, lots 21, 22, 23, 35, and 36;
Sec. 32, lots 6 to 10 incl., 12 and 13.
T. 7 N., R. 97 W.,
Sec. 5, lot 4, SW¼NW¼ and NW¼SW¼;
Sec. 6, lots 1, 2, 5, 6, and 13, S½NE¼, NE¼ SW¼, and N½SE¼.
T. 8 N., R. 97 W.,
Sec. 1, lots 14, 15, 17, 18, 19, 20 and S½;
Sec. 10, S½NE¼ and SE¼;
Sec. 11, S½NE¼, W½NW¼, SW¼, N½ SE¼, and SW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½;
Sec. 16, E½;
Sec. 21, lot 12, NE¼, N½SE¼, and SW¼ SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, lots 9, 10, 11, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 32, NE¼NW¼, SW¼NW¼, and W½ SW¼.
T. 6 N., R. 98 W.,
Sec. 5, lots 6, 7, 8, 12, 17, 21, and SW¼ NW¼;
Sec. 6, lot 8, SE¼NE¼ and E½SE¼;
Sec. 7, lot 9, NE¼ and E½SW¼;
Sec. 8, lots 6, 7, and 17;
Sec. 16, lots 1 to 4, incl., NW¼NW¼ and S½NW¼;
Sec. 17, lot 1;
Sec. 18, lot 8, and E½W½;
Sec. 19, lots 5, 6, and 12.
T. 7 N., R. 98 W.,
Sec. 1, lots 11 to 14, incl., S½SW¼ and NE¼SE¼;
Sec. 2, lot 21;
Sec. 11, E½NE¼;
Sec. 29, SE¼SW¼;
Sec. 32, lot 3, W½NW¼, NW¼SW¼, and W½SW¼SW¼.
T. 6 N., R. 99 W.,
Sec. 22, S½SE¼;
Sec. 23, SW¼NE¼, SE¼NW¼, and NE¼ SW¼;
Sec. 24, lot 1, N½NE¼, SW¼NE¼, and S½NW¼;
Sec. 27, lot 1.

The areas described aggregate approximately 23,746.41 acres.

The lands shall be administered by the Bureau of Land Management under applicable public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

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

MARCH 13, 1962.

[F.R. Doc. 62-2603; Filed, Mar. 16, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 695) has been filed by Chemore Corporation, 100 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to amend § 121.1059 to provide for the safe use in chewing gum base of polyvinyl acetate with an average molecular weight of 10,000.

Dated: March 12, 1962.

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

[F.R. Doc. 62-2614; Filed, Mar. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 690) has been filed by Ciba Pharmaceutical Company, Summit, New Jersey, proposing the issuance of a regulation to provide for the addition of zinc bacitracin at levels of 4 grams to 50 grams per ton to chicken and turkey feed containing reserpine in accordance with § 121.205. The zinc bacitracin is to be added for growth promotion and feed efficiency.

Dated: March 12, 1962.

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

[F.R. Doc. 62-2615; Filed, Mar. 16, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 721) has been filed by Pennsylvania Glass Sand Corporation, Hancock, West Virginia, proposing the issuance of a regulation to provide for the safe use of finely divided silicon dioxide in food and animal feed as an anticaking agent.

Dated: March 12, 1962.

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

[F.R. Doc. 62-2616; Filed, Mar. 16, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1112]

AIRWORTHINESS DIRECTIVES

General Electric CJ805-3, -3A, -3B Engines

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement or modification of the thrust reverser pump in General Electric CJ805-3, -3A, and -3B engines. This proposed action is deemed necessary since failure of the pump has resulted in asymmetric power conditions upon application of reverse thrust during the aircraft landing roll.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 17, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL ELECTRIC. Applies to all CJ805-3, -3A, and -3B engines equipped with GE P/N 105R684P5 or 105R684P6 thrust reverser actuating pumps.

Compliance required at next engine overhaul.

Instances of thrust reverser pump failure have occurred causing the reverser to be inoperative and resulting in asymmetric power conditions upon application of reverse thrust during the aircraft landing roll. To correct this unsafe condition replace reverser pumps GE P/N's 105R684P5 and 105R684P6 with GE P/N 105R684P10 reverser pump, or modify the reverser pumps to conform to the P/N 105R684P10 by reducing the width of the pump drive gears and enlarging the size of the pump shaft oil seal vent in accordance with GE Service Bulletins Nos. (3B)78-1 and (3)78-16. Pumps so modified shall be reidentified as P/N 105R684P10.

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

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

[F.R. Doc. 62-2593; Filed, Mar. 16, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 2]

[Docket No. R-175]

PRACTICE AND PROCEDURE; POLICY AND INTERPRETATIONS

Communications With the Commission, Individual Commissioners, and Presiding Officers; Order Terminating Proceeding

MARCH 13, 1962.

On May 22, 1959, the Commission instituted a proceeding on the above subject by the issuance of a notice of proposed rulemaking which was published in the FEDERAL REGISTER on June 3, 1959 (24 F.R. 4523).

In view of our Order No. 244 issued this day in Ex Parte Communications, Docket No. R-210, further proceedings herein are unnecessary.

The Commission orders: The proceeding in Docket No. R-175 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2610; Filed, Mar. 16, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 2187) for February and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

[Supplement 1 to Report No. 1]

HUMANE SLAUGHTER

INDICATING THOSE SPECIES SLAUGHTERED HUMANELY IN EACH ESTABLISHMENT UNDER FEDERAL MEAT INSPECTION

FEBRUARY 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Do.	2B	(*)	(*)			(*)	
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3T	(*)	(*)				
Do.	3Z	(*)	(*)				
Wilson and Co., Inc.	20A	(*)				(*)	
Hill Packing Co.	41E						(*)
Shonyo Packing Co.	93	(*)	(*)	(*)	(*)		
The Merchants Co.	116	(*)	(*)			(*)	
R. B. Rice Sausage Co., Inc.	144					(*)	
Kansas City Dressed Beef Co.	156	(*)					
Missouri Farmers Assn. Packing Division	159	(*)				(*)	
Do.	159A	(*)					
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
George A. Hormel & Co.	199A	(*)					
Estes Packing Co.	319	(*)	(*)				
Westport Packing Corp.	369	(*)					
Oldhams Farm Sausage Co., Inc.	392					(*)	
Neuhoff Bros.	406	(*)	(*)			(*)	
Dewitt Packing Corp.	456	(*)	(*)				
Eldridge Packing Co.	478	(*)					
Greendell Packing Corp.	542	(*)	(*)				
Perretta Packing Co., Inc.	571	(*)					
Stahl Meyer, Inc.	583	(*)					
McCook Packing Co.	660	(*)					
San Joaquin Packing Co.	671	(*)					
E. S. Read and Sons, Inc.	672	(*)	(*)	(*)			
Pioneer Provision Co.	742	(*)					
Acees Meat Co., Inc.	809	(*)					
John Morrell and Co.	836	(*)					
Pahler Packing Corp.	880	(*)					
City Packing Co.	891	(*)	(*)				
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893					(*)	
Vernon Calhoun Packing Co.	897	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Reitz Meat Products Co.	983	(*)				(*)	

37 establishments reported.

Done at Washington, D.C., this 13th day of March 1962.

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

[F.R. Doc. 62-2613; Filed, Mar. 16, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-074156]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 074156, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands in connection with the Eden Project and as a part of the Big Sandy Reservoir.

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 State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

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, WYOMING

T. 27 N., R. 106 W.,
Sec. 34: SW¼SE¼.

The above area contains 40 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-2626; Filed, Mar. 16, 1962; 8:49 a.m.]

Geological Survey

CERTAIN OFFICERS

Delegation of Authority

MARCH 13, 1962.

The following material is a portion of the Geological Survey Manual and the numbering system is that of the Manual. (Part 205 General Redelegations, Chapter 4, Procurement.)

Survey Order 214 (26 F.R. 2418) and Amendment No. 1 (26 F.R. 3499) are revoked.

.1 *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205, General Delegations dated November 30, 1961 (26 F.R. 11748), redelegation of authority to officials and employees of the Geological Survey is hereby made.

.2 *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespective of the amount involved, to: Executive Officer.

B. With respect to contracts for helicopter services not exceeding $100,000 in amount, to: Procurement Officer, Management Officer, Denver, Colorado, Management Officer, Menlo Park, California.

C. With respect to contracts not exceeding $25,000 in amount, to: Chief, Branch of Service and Supply, Procurement Officer.

D. With respect to contracts not exceeding $5,000 in amount, to: Assistant Procurement Officer, Management Officers, Denver, Colorado; Menlo Park, California; and Fairbanks, Alaska.

E. With respect to contracts for construction, including drilling, not exceeding $2,000, to: Branch Chiefs, Water Resources Division, Branch Area Chiefs, Water Resources Division, Chief, Instrumentation Unit, Research Section, Surface, Water Branch, Water Resources Division, Columbus, Ohio.

F. With respect to contracts for test drilling and construction not exceeding $1,000, to: Heads of Field Offices, Water Resources Division.

G. With respect to contracts for test drilling or other sampling processes not exceeding $1,000, to: Heads of Field Offices, Branch of Mineral Classification, Conservation Division.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 62-2598; Filed, Mar. 16, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 253]

KURT O. W. WAHLE ET AL.

Order Conditionally Restoring Export Privileges

In the matter of Kurt O. W. Wahle, Europaische Verkaufs GMBH (European Sales Company of American Market Stores), Frankfurt/Main-Westhafen, Germany, respondents, Case No. 253.

Pursuant to an order of the Bureau of Foreign Commerce (now the Bureau of International Programs) of June 13, 1960 (25 F.R. 5610), the respondents Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), hereafter referred to as Wahle and American Market Stores, were denied export privileges so long as export controls remain in effect. An application to have the order vacated and set aside made by Wahle was rejected January 23, 1961, by the Director of the Office of Export Supply, the predecessor to the undersigned Director, Office of Export Control, Bureau of International Programs. The said denial of the Wahle application was stated to be without prejudice to the right to submit another application for relief from the Order of June 13, 1960, on or after June 13, 1961. Such further application was made after that date, but could not be acted upon because it was unsupported by evidence of compliance with the said order as was indicated to be required in the denial letter of January 23, 1961. An application supported by an affidavit setting forth the compliance with the BFC order so required has been received, dated December 28, 1961.

The Compliance Commissioner to whom this application has been made, has reported that he has examined the record in this case together with the recent documents mentioned above, and he has recommended the entry of an order conditionally restoring all export privileges to the respondents.

The undersigned after carefully considering the entire record herein, and being of opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations;

It is hereby ordered, That effective forthwith all export privileges heretofore denied to the aforesaid respondents are restored to them, upon the condition that so long as export controls are in effect, the respondents and all their employees and officers, shall fully comply with the requirements of the Export Control Act of 1949, as amended, and the Export Regulations issued thereunder. If, however, at any time hereafter, it be found by the Director of the Office of Export Control or such other officer as may at that time be exercising the functions now exercised by him, upon evidence submitted to him ex parte and without notice to the respondents, that respondents, their employees or officers have knowingly failed to comply with any requirements of the Export Control Act of 1949, as amended and with all regulations, licenses or orders issued thereunder, such officer may, without notice to the respondents, enter an order vacating this order and reinvoking the order of June 13, 1960. If such an order be entered, the respondents may apply for a hearing for the purpose of having such action reconsidered and, in the event of an adverse ruling the respondents shall have any right of appeal or review of such order as may at that time be available to similarly situated persons aggrieved by export denial orders.

Dated: March 12, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-2612; Filed, Mar. 16, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SODIUM 2,3,6-TRICHLOROPHENYLACETATE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (§ 120.31 (c) and (d)), notice is given that at the request of Amchem Products, Inc., Ambler, Pennsylvania, a temporary tolerance of one part per million is established for residues of sodium 2,3,6-trichlorophenylacetate in or on sugarcane. Included in the conditions of granting the temporary tolerance are:

1. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the finished product containing 16.1 percent sodium 2,3,6-trichlorophenylacetate to be used under experimental permit will not exceed 15,000 gallons.

This temporary tolerance expires March 2, 1963.

Dated: March 12, 1962.

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

[F.R. Doc. 62-2617; Filed, Mar. 16, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132 etc.; Order No. E-18096]

REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1962.

In his Initial Decision Examiner Ralph L. Wiser found that the applications of Miami Airline, Inc. (Miami), for authority to engage in supplemental air transportation[1] should be dismissed for lack

[1] Dockets 3844, 11316, 11317, 11318, and 11319.

of prosecution and that the temporary exemptions granted Miami,[2] which are authorizations held by Miami pending disposition of the application for exemption, Docket 3844, be terminated. Miami is presently involved in bankruptcy proceedings, and no exceptions to the Examiner's decision have been filed by the Trustee in Bankruptcy or any other party.[3]

After consideration of the record and the attendant facts and circumstances, we have decided to adopt the Examiner's conclusions and recommendations. The facts requiring this determination are recounted below.

By Order E–13436 dated January 28, 1959, the Board reopened the proceedings for further hearing on the carrier's qualifications because of a change in the ownership of Miami's stock. These hearings were held in Miami Beach, Fla., on July 1, 5, and 6, 1960, but became irrelevant because of a subsequent change in ownership. On motion of Bureau Counsel, therefore, the matter was again reopened and a prehearing conference was held on March 18, 1961, at which agreement was reached on the issues, evidence and procedural dates.

During the prehearing conference it developed that two bankruptcy suits had been filed in San Antonio, Texas, and that Miami had filed a petition for an arrangement under Chapter XI of the bankruptcy statutes in the United States District Court, Southern District of Florida, Miami Division. Notwithstanding this, however, the procedural dates were agreed upon.[4] Thereafter Miami by telegram asked for a thirty day postponement, and by letter dated April 21, 1961, stated, inter alia, that it had been adjudicated a bankrupt in the U.S. District Court and that a receiver had been appointed in a suit brought in a Texas State Court. The requested postponement was granted, but on May 18, 1961, Miami asked for a further postponement. Shortly thereafter a similar request was received from the Referee in Bankruptcy of the United States District Court of San Antonio and from counsel for the Trustee in Bankruptcy. On June 29, 1961, the Examiner issued a Notice to all Parties, recommending that the carrier's applications be dismissed and its exemptions terminated. The Trustee in Bankruptcy then filed exceptions to the Examiner's Notice and moved to stay proceedings for ninety days. By Order E–17560, October 9, 1961, the Board granted the stay which expired on October 24, 1961. Subsequently the Examiner issued his Initial Decision of January 16, 1962.

The Trustee in Bankruptcy has permitted the period to expire without acting in any way to comply with procedural requirements. Since 1960 Miami has filed neither flight reports nor financial statements. The Administrator of the Federal Aviation Agency has revoked the carrier's Air Carrier Operating Certificate, and an appeal filed by the Receiver in Bankruptcy was later withdrawn by a letter which stated Miami no longer had planes to fly.

To summarize, the ownership and control of Miami has changed several times since late 1957, and the present owner, UNA, is a stranger to this record. Miami has been adjudged a bankrupt in a Federal Court, is in receivership in a state court, and has filed a petition for an arrangement under Chapter XI of the Bankruptcy Act. Its principal operations and maintenance office are no longer in operation. Its air carrier operating certificate has been revoked by the Administrator, and it had not appealed the revocation.

In these circumstances, we think it clear that the public interest requires termination of this proceeding. The Board has previously pointed out the manifold dangers inherent in the continued existence of operating authority in the hands of nonoperating carriers.[5] Miami is no longer a going concern, its future is speculative, and the history of this proceeding shows that it has been given every reasonable opportunity to prosecute its applications. It is equally clear that termination of Miami's operating authority does not represent a deprivation of property rights, since no existing business or property is involved.[6] We agree with the Examiner that the time has come to terminate this litigation.

Accordingly, it is ordered:

1. That the application of Miami for an exemption in Docket 3844 and its applications for certificates of public convenience and necessity in Dockets 11316, 11317, 11318 and 11319, be and they are hereby dismissed.

2. That the interim operating authorization granted to Miami pursuant to Order E–9744, dated November 15, 1955, as amended by Order E–9884, dated December 29, 1955 and as provided for in Order E–10161 of April 3, 1956, and in Order E–13436 of January 28, 1959, be and hereby is terminated.

3. That Miami's Letter of Registration as a large irregular air carrier be and hereby is canceled.

4. That this order be published in the FEDERAL REGISTER, and a copy be served upon the carrier by certified mail at its last known address.

5. That the motion of Bureau Counsel to strike the exceptions to the Examiner's Initial Decision and Recommended Order filed by Miami Airline, Inc., and Maurice Rothman be and it is hereby granted.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–2627; Filed, Mar. 16, 1962; 8:49 a.m.]

[2] By § 291.16 of the Board's Economic Regulations, Letter of Registration No. 85, and by Order E–9744, dated November 15, 1955, as amended by Order E–9884, dated December 29, 1955, and as provided for in Order E–10161 of April 3, 1956, and in Order E–13436 of January 28, 1959.

[3] A document entitled "Exceptions to Initial Decision and Recommended Decision" was filed on January 25, 1962, purportedly on behalf of Miami and one Maurice Rothman. There is no indication that this was done with the consent of the Trustee, and Rothman is a stranger to the record who is said to be interested in acquiring the stock of Miami. On February 5, 1962, the Bureau moved to strike these exceptions on the ground that, as to Miami, they were not filed by the Trustee in Bankruptcy who alone has authority to act for Miami in its present status, and as to Rothman, that he is without standing of any kind to file exceptions. We agree with Bureau Counsel and will grant the motion.

[4] The Examiner fixed April 19, 1961, as the date for exchange of direct exhibits; April 26, 1961, as the date for exchange of rebuttal exhibits; and May 2, 1961, as the tentative date of hearing.

[5] Large Irregular Air Carrier Investigation, 22 C.A.B. 838, 872 (1955). See also Order E–16734, April 28, 1961.

[6] Cook Cleland Catalina Airways, Inc., v. Civil Aeronautics Board, 90 U.S. App. D.C. 220, 195 F. 2d 206 (1952). Cf. Standard Airlines v. Civil Aeronautics Board, 85 U.S. App. D.C. 29, 177 F. 2d 18 (1959).

FEDERAL POWER COMMISSION

[Docket No. E–7023]

DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

Notice of Request for Approval of Exception to General Rate Schedule Provisions

MARCH 12, 1962.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bonneville Power Administration (BPA), has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), an exception to BPA's General Rate Schedule Provisions applicable to the Pacific Northwest Coordination Agreement (1961–1962) and similar coordination agreements which BPA may execute for the period ending August 31, 1962. The Commission approved BPA's present General Rate Schedule Provisions by order issued December 16, 1959, Bonneville Power Administration, Docket No. E–6887 (22 FPC 1046).

Section 6(k) of the aforesaid Coordination Agreement provides for modification of a System's Firm Load Carrying Capabilty in an "after-the-fact" manner that constitues an exception to section 2.3, subsection B(2) of BPA's presently approved General Rate Schedule Provisions. The determination of a customer's generating capabilities for seasonal storage faciltiies, as set forth in section 2.3, subsection B(2), is based upon capabilities established at the beginning of the operating year, without provision for modification during the operating year.

The Secretary states that the purpose of the provision in the Coordination Agreement is the realization of optimum power production from existing facilities by allowing flexibility in the operation of each system's resources, and that similar provisions are expected to be offered to all purchasers similarly situated for the period ending August 31, 1962.

Section 6(k) of the Coordination Agreement states as follows:

The Adjusted Load actually served by a System (exclusive of secondary loads which can be served within the limitations of the foregoing provisions of this section) shall not exceed that System's Firm Load Carrying Capability during the Drawdown Period. A System may modify its Firm Load Carrying Capability at any time during the seven-

month period starting September 1 so long as the accumulation of such modified average monthly energy capabilities does not exceed the accumulation of the monthly totals tabulated in Exhibit 2 by more than seven minus N $(7-N)$ percent in which N is the number of whole months since 12:01 a.m., September 1. * * *

Exhibit 2, which is referred to above in section 6(k), is a table which sets forth certain monthly firm load carrying capabilities during the years 1961–1962 for each party to the Coordination Agreement.

The Secretary requests that the Commission approve the above-described exception contained in the Coordination Agreement for a one-year period ending August 31, 1962, and the application of the same exception for the effective period of the Coordination Agreement to all other BPA customers who may purchase power under the computed demand provisions of BPA's rate schedules and under arrangements similar to the Coordination Agreement.

The proposed exception, including exhibits submitted therewith, to BPA's General Rate Schedule Provisions applicable to the Pacific Northwest Coordination Agreement and contemplated similar agreements is on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed exception should submit the same in writing on or before March 30, 1962, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2606; Filed, Mar. 16, 1962; 8:46 a.m.]

[Docket No. G-10096 etc.]

HANLEY CO. ET AL.

Notice of Severance

MARCH 12, 1962.

Notice is hereby given that the matter of Katz Oil Company (Operator) et al., Docket No. CI62-334, heretofore scheduled for a hearing to be held in Washington, D.C., on March 20, 1962, at 9:30 a.m., e.s.t., in the consolidated proceeding entitled Hanley Company, et al., Docket Nos. G-10096, et al., is served therefrom for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2607; Filed, Mar. 16, 1962; 8:46 a.m.]

[Docket Nos. RI62-355, RI62-356]

JEFFERSON LAKE SULPHUR CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 12, 1962.

Jefferson Lake Sulphur Company, Docket No. RI62-355; Pan American Petroleum Corporation (Operator), et al., Docket No. RI62-356.

On February 12, 1962, and February 19, 1962, respectively, the above-named Respondents tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the sale is made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No. RI62-355—Jefferson Lake Sulphur Company [2]

Description: Notice of Change, dated February 9, 1962.

Purchaser and producing area: Texas Gas Transmission Corporation (Maxie Field, Acadia Parish, Louisiana) (South Louisiana).

Rate schedule designation: Supplement No. 8 to Jefferson Lake Sulphur Company's FPC Gas Rate Schedule No. 1.

Proposed rate: 19.75 cents per Mcf.[3]
Effective rate: 18.75 cents per Mcf.[4]
Annual increase: $3,650.
Effective date: March 15, 1962.[5]

Docket No. RI62-356—Pan American Petroleum Corporation [6] *(Operator), et al.*

Description: Notice of Change, dated February 14, 1962.

Purchaser and producing area: United Fuel Gas Company (S. Pecan Lake Field, et al., Cameron, St. Mary and Iberia Parishes, Louisiana) (South Louisiana).

Rate schedule designation: Supplement No. 16 to Pan American Petroleum Corporation (Operator), et al.'s FPC Gas Rate Schedule No. 173.

Proposed rate: 21.2 cents per Mcf.[7]
Effective rate: 20.8 cents per Mcf.[8]
Annual increase: $164,396.
Effective date: April 1, 1962.[5]

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the two proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 8 to Jefferson Lake Sulphur Company's FPC Gas Rate Schedule No. 1, and Supplement No. 16 to Pan American Petroleum Corporation (Operator), et al's FPC Gas Rate Schedule No. 173, are hereby suspended and the use thereof deferred until August 15, 1962, and September 1, 1962, respectively, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 23, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2608; Filed, Mar. 16, 1962; 8:46 a.m.]

[Docket Nos. CP61-106; CI62-1034]

TENNESSEE GAS TRANSMISSION CO. AND PAN AMERICAN PETROLEUM CORP.

Order To Show Cause, Delineating Issues and Consolidating Proceedings

MARCH 12, 1962.

By order of April 6, 1961, we reopened the proceeding in Docket No. CP61-106 for the purpose of determining (1) whether the "budget-type" certificate issued to Tennessee Gas Transmission Company by our order of January 6, 1961, in that proceeding covered the construction and operation of certain facilities necessary to connect the so-called Bastian Bay Field reserves to Tennessee's system and (2) the cost of making such reserves available to the Tennessee system. It appears from filings made and evidence adduced by Tennessee that Tennessee acquired control of certain natural gas reserves in the Bastian Bay Field from Pan American Petroleum Corporation. By order of August 25, 1961, we directed Pan American to file with us certain data with respect to its interests in the Bastian Bay Field. Pan American furnished such data on September 12, 1961.

Hearings have commenced in Docket No. CP61-106. Tennessee has adduced its direct evidence regarding the issues posed by our order of April 6, 1961. That testimony awaits cross-examination.

On October 24, 1961, the Consolidated Natural Gas System Companies,[1] inter-

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

[2] Address is: c/o Deutsch, Kerrigan & Stiles, Attorneys, Hibernia Bank Building, New Orleans 12, Louisiana.

[3] Redetermined rate increase.

[4] Present rate previously suspended and is in effect subject to refund in Docket No. G-12303.

[5] The stated effective date is the effective date proposed by Respondent.

[6] Address is: P.O. Box 591, Tulsa, Oklahoma.

[7] Periodic rate increase.

[8] Present rate previously suspended and is in effect subject to refund in Docket No. RI61-401.

[1] East Ohio Gas Company, Hope Natural Gas Company, Lake Shore Pipe Line Co., New York State Natural Gas Corporation, and The Peoples Natural Gas Company.

veners, filed a pleading in Tennessee Gas Transmission Company, Docket Nos. G–16842 and CP60–94, requesting, in effect, that those proceedings be consolidated for hearing with Docket No. CP61–106. No formal motion for consolidation has actually been filed. Thereafter, the Examiner by notice of October 27, 1961, granted a motion for continuance filed by the Consolidated System companies and recessed the hearing subject to further order of the Commission.

Docket Nos. G–16842 and CP60–94, among others, were consolidated for hearing by notice of January 15, 1962. Those proceedings concern Tennessee applications for certificates authorizing general expansion of Tennessee's facilities and services. We did not consolidate the proceedings in Docket No. CP61–106 with the expansion proceedings because we do not consider such action to be appropriate in the public interest. Undoubtedly transportation of Bastian Bay gas may be one issue bearing on Tennessee's expansion plans. But the issues posed in Docket No. CP61–106 differ in the main from those in the expansion case and should be separately and expeditiously decided. We shall, however, further clarify the issues so as to minimize overlapping of evidence in the two cases.

The basic purpose of these proceedings in Docket No. CP61–106 is to determine whether Tennessee has and is engaged in acts subject to our jurisdiction, in connection with the Bastian Bay Field, without having obtained such authorization as the Natural Gas Act requires. The record should also show the estimated cost of service for producing Bastian Bay gas and bringing it to Tennessee's main pipeline facilities (i.e., to the so-called Muskrat line) so that we may assess the direct impact of the Bastian Bay transaction on Tennessee's subsequent rate proposals. Finally, we wish the record to show, as a basis for comparison, Pan American's investment in the Bastian Bay Field prior to Tennessee's acquisition.

In view of the issues posed in Docket No. CP61–106, the factual background of the proceedings, and the recent examiner's decision on related questions in Tennessee Gas Transmission Company, et al., Docket Nos. G–14562 et al. (issued January 8, 1962), it is necessary and appropriate in the public interest and to carry out the provisions of the Natural Gas Act that we promptly determine the extent, if any, of our specific jurisdiction over Pan American in connection with the Bastian Bay Field. To that end it is reasonable that we issue an order to show cause, directed to Pan American in Docket No. CI62–1034 and consolidate such proceeding with Docket No. CP61–106.

The Commission further finds:

(1) Pan American has, pursuant to a lease sale agreement dated July 15, 1960, executed an assignment and conveyance dated as of December 1, 1960, to Tennessee Gas Transmission Company, of certain leasehold interests and facilities in the Bastian Bay Field, Plaquemines Parish, Louisiana.

(2) At the time of said assignment and conveyance Pan American had partially developed its Bastian Bay leaseholds.

(3) Pan American has carved out and retained certain of its original interests in the Bastian Bay Field.

(4) Pursuant to these instruments Tennessee has agreed to pay Pan American, for the interests assigned and conveyed, a price which is directly proportional to, and subject to redetermination based upon, an estimate of the recoverable underground natural gas reserves underlying the leaseholds assigned and conveyed.

(5) Tennessee has paid to Pan American cash and promissory notes totalling $159,463,500 but subject to redetermination and revision, upward or downward, upon the basis of subsequently estimated natural gas reserves.

(6) Pan American has agreed to cover certain costs of operating and further developing the Bastian Bay leaseholds conveyed to Tennessee out of the revenues from interests in petroleum liquids carved out and retained by Pan American.

(7) Tennessee is taking natural gas produced from the conveyed Bastian Bay leaseholds into its pipeline system, transporting such gas in interstate commerce, and selling such gas in interstate commerce for resale; and it appears that Pan American knew or had reason to know before it committed itself to assigning and conveying the leaseholds that Tennessee would so dispose of Bastian Bay gas.

(8) Notwithstanding the nature of these transactions under State contract and property law, Pan American may be engaged in the "sale" of natural gas produced at the Bastian Bay Field in interstate commerce for resale and subject to the jurisdiction of the Commission, within the meaning of sections 1, 4, and 7 of the Natural Gas Act, to Tennessee.

(9) It is necessary and appropriate in the public interest that Pan American be ordered to show cause, if any there be, in Docket No. CI62–1034 why it should not be found to be engaged in the sale of natural gas produced at the Bastian Bay Field subject to the jurisdiction of the Commission without having secured authorization or having filed schedules therefor as required by subsections 7(c) and 4(c) of the Natural Gas Act.

(10) The proceedings in Docket No. CI62–1034, should be heard on a consolidated record with those in Docket No. CP61–106.

The Commission orders:

(A) Pan American Petroleum Corporation is hereby directed to show cause, if any there be, in Docket No. CI62–1034, why it should not be found to be engaged in the sale of natural gas produced at the Bastian Bay Field, Plaquemines Parish, Louisiana, subject to the jurisdiction of the Commission to Tennessee Gas Transmission without having secured the authorization or having filed the schedules therefor required by subsection 7(c) and 4(c) of the Natural Gas Act.

(B) Petitions to intervene in Docket No. CI62–1034 may be filed on or before March 26, 1962: *Provided, however,* That any party to Docket No. CP61–106 will be deemed an intervenor in Docket No. CI62–1034 without further filing.

(C) The proceedings in Docket No. CI62–1034 are hereby consolidated with those in Docket No. CP61–106.

(D) The Presiding Examiner is hereby authorized and directed to issue notice of the time and place of resumption of hearings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2609; Filed, Mar. 16, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 609]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64604. By order of March 12, 1962, the Transfer Board approved the transfer to Donald S. Hubsch Co., Inc., Fourth Street, Prospect Heights, Trenton, N.J., of the operating rights in Certificate No. MC 70062, issued October 8, 1953, to Donald S. Hubsch, 226 West Upper Ferry Road, Trenton 8 N.J., authorizing the transportation of household goods, over irregular routes, between Trenton, N.J., on the one hand, and, on the other, points in Pennsylvania, New Jersey, Massachusetts, New York, Delaware, Connecticut, and the District of Columbia.

No. MC–FC 64708. By order of March 9, 1962, the Transfer Board approved the transfer to Denver-Loveland Transportation, Inc., Loveland, Colo., of Certificates Nos. MC 58035 Sub 1 and MC 58035 Sub 4, issued September 12, 1955, and September 16, 1959, respectively, to Floyd A. Henrikson, doing business as Denver-Loveland Transportation, Loveland, Colo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Denver, Colo., and Loveland, Colo., between points in Larimer County, Colo., and between points in Larimer County, Colo., on the one hand, and, on the other, points in Colorado; and gypsum and

gypsum products, from Wild's Spur, Colo., to points in specified Wyoming and Nebraska Counties. Robert C. Christensen, 201 First National Bank Building, Loveland, Colo., attorney for applicants.

No. MC-FC 64746. By order of March 12, 1962, the Transfer Board approved the transfer to Belgium Trucking Co., Inc., Belgium, Wis., of Certificate No. MC 123263, issued July 12, 1961, to Dean Yoho and Howard Arndt, doing business as Belgium Trucking Co., Belgium, Wis., authorizing the transportation of: animal and poultry feed specialities, in bulk, and in bulk and bags in mixed shipments (except liquid commodities), from Davenport, Iowa, to points in Wisconsin, the Upper Peninsula of Michigan, and Wadsworth, Ill. John T. Porter, 707 First National Bank Building, Madison 3, Wisconsin, attorney for applicants.

No. MC-FC 64764. By order of March 12, 1962, the Transfer Board approved the transfer to John Gilbert Hemmings, doing business as Hemmings Express Co., Coleman Road, Long Valley, N.J., of Certificate No. MC 44102, issued November 14, 1942, to Edwin J. Evans, 61 State Street, Orange, N.J., authorizing the transportation of: Household goods, between New York, N.Y., and points in Essex, Union and Hudson Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, and Pennsylvania; and signs, and fur dressing and dyeing equipment from Newark, N.J., to White Haven, Pa., and New York, N.Y.

No. MC-FC 64839. By order of March 12, 1962, the Transfer Board approved the transfer to George W. Starling, Inc., Lockport, N.Y., of Certificates in Nos. MC 114920 and MC 114920 Sub 1, issued October 26, 1954, and November 14, 1958, respectively, to George W. Starling, Lockport, N. Y., authorizing the transportation of: Horses (other than ordinary livestock), and equipment and paraphernalia, incidental to the transportation and display of such horses, between points in New York, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Michigan; between points in New York, not including Buffalo, N. Y., on the one hand, and, on the other, the boundary of the United States and Canada, through ports of entry at Buffalo and Niagara Falls, N.Y.; buggies, horses, and equipment used in the transportation and display of horses, between Buffalo, N.Y., on the one hand, and, on the other, boundary of the United States and Canada through ports of entry at Buffalo and Niagara Falls, N.Y.; horses, equipment and paraphernalia, incidental to the care, transportation, and exhibition of such horses, between Atlanta, Ga., and points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, the District of Columbia, and the lower peninsula of Michigan. Norman M. Pinsky (Herbert M. Canter, of Counsel), 407 South Warren Street, Syracuse, N.Y., attorney for applicants.

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

[F.R. Doc. 62-2624; Filed, Mar. 16, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4024]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Metropolitan Edison Co., a Subsidiary Company

MARCH 9, 1962.

Notice is hereby given that General Public Utilities Corporation ("GPU") 80 Pine Street, New York 5, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes, from time to time during 1962, to make cash capital contributions in an aggregate amount not to exceed $15,000,000 to Metropolitan Edison Company ("Meted"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, without par value, is owned by GPU. Each such cash capital contribution will be credited by Meted to its capital surplus account. Meted will utilize such contributions to reimburse partially its treasury for expenditures therefrom for construction prior to December 1, 1961, and, out of its treasury funds as thus reimbursed, will employ $12,900,000 to pay in full its notes in the face amount of $12,900,000 outstanding at November 30, 1961.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions. GPU estimates that its expenses in connection with the proposed transaction will be approximately $1,000, and Meted estimates its expenses at approximately $2,500.

The declaration states that the proposed contributions and the crediting thereof to Meted's capital surplus account will be submitted for a vote by the common stockholder (GPU) at a special meeting called for that purpose and that notice of such meeting will be given to the preferred stockholders.

Notice is further given that any interested person may, not later than March 27, 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 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, 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 declaration, as filed or as amended, may be 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. 62-2604; Filed, Mar. 16, 1962; 8:46 a.m.]

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