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FEDERAL REGISTER

VOLUME 27 NUMBER 104

JUN 5 1962

Washington, Tuesday, May 29, 1962

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FEDERAL REGISTER

Telephone WOrth 3-3261

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

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Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6600]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Miscellaneous Amendments

On January 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 232), with respect to conforming the Estate Tax Regulations (26 CFR Part 20) to Act of August 7, 1959 (Public Law 86–141, 73 Stat. 288) and Act of August 21, 1959 (Public Law 86–175, 73 Stat. 396); to prescribe Estate Tax Regulations and Gift Tax Regulations under section 6165 of the Internal Revenue Code relating to bonds, and under sections 6061, 6065, and 6091 relating to signing, verification, and place for filing of returns and other documents; and to change cross references. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Section 20.2053–10 is revised by changing paragraph (b) (2).

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: May 23, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Estate Tax Regulations (26 CFR Part 20) to Act of August 7, 1959 (Public Law 86–141, 73 Stat. 288); Act of August 21, 1959 (Public Law 86–175, 73 Stat. 396); to prescribe Estate Tax Regulations and Gift Tax Regulations under section 6165 of the Internal Revenue Code relating to bonds, and under sections 6061, 6065, and 6091 relating to signing, verification, and place for filing of returns and other documents; and to change cross-references such regulations are amended as follows:

ESTATE TAX REGULATIONS

PARAGRAPH 1. Section 20.2011 is amended by revising section 2011(e) and the historical note to read as follows:

§ 20.2011 Statutory provisions; credit for State death taxes.

SEC. 2011. *Credit for State death taxes* * * *

(e) *Limitation in cases involving deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed by a State or Territory or the District of Columbia upon a transfer for public, charitable, or religious uses described in section 2055 or 2106(a)(2), the allowance of the credit under this section shall be subject to the following conditions and limitations:

(1) The taxes described in subsection (a) shall not include any estate, succession, legacy, or inheritance tax for which such deduction is allowed under section 2053(d).

(2) The credit shall not exceed the lesser of—

(A) The amount stated in subsection (b) on a taxable estate determined by allowing such deduction authorized by section 2053(d), or

(B) That proportion of the amount stated in subsection (b) on a taxable estate determined without regard to such deduction authorized by section 2053(d) as (i) the amount of the taxes described in subsection (a), as limited by the provisions of paragraph (1) of this subsection, bears to (ii) the amount of the taxes described in subsection (a) before applying the limitation contained in paragraph (1) of this subsection.

(3) If the amount determined under subparagraph (B) of paragraph (2) is less than the amount determined under subparagraph (A) of that paragraph, then for purposes of subsection (d) such lesser amount shall be the maximum credit provided by subsection (b).

[Sec. 2011 as amended by sec. 3, Act of Feb. 20, 1956 (Public Law 414, 84th Cong., 70 Stat. 24); secs. 65(a) and 102(c)(1), Technical Amendments Act 1958 (72 Stat. 1657, 1674); sec. 3, Act of Aug. 21, 1959 (Public Law 86–175, 73 Stat. 397)]

PAR. 2. Section 20.2011–2 is revised to read as follows:

§ 20.2011–2 Limitation on credit if a deduction for State death taxes is allowed under section 2053(d).

If a deduction is allowed under section 2053(d) for State death taxes paid with respect to a charitable gift, the credit for State death taxes is subject to special limitations. Under these limitations, the credit cannot exceed the least of the following:

(a) The amount of State death taxes paid other than those for which a deduction is allowed under section 2053(d);

(b) The amount indicated in section 2011(b) to be the maximum credit allowable with respect to the decedent's taxable estate; or

(c) An amount, A, which bears the same ratio to B (the amount which would be the maximum credit allowable under section 2011(b) if the deduction under section 2053(d) for State death taxes were not allowed in computing the decedent's taxable estate) as C (the amount of State death taxes paid other than those for which a deduction is allowed under section 2053(d)) bears to D (the total amount of State death taxes paid). For the purpose of this computation, in determining what the decedent's taxable estate would be if the deduction for State death taxes under section 2053(d) were not allowed, adjustment must be made for the decrease in the deduction for charitable gifts under section 2055 or 2106(a)(2) (for estates of nonresidents not citizens) by reason of any increase in Federal estate tax which would be charged against the charitable gifts.

The application of this section may be illustrated by the following example:

EXAMPLE. The decedent died January 1, 1955, leaving a gross estate of $925,000. Expenses, indebtedness, etc., amounted to $25,000. The decedent bequeathed $400,000 to his son with the direction that the son bear the State death taxes on the bequest. The residuary estate was left to a charitable organization. Except as noted above, all Federal and State death taxes were payable out of the residuary estate. The State imposed death taxes of $60,000 on the son's bequest and death taxes of $75,000 on the bequest to charity. No death taxes were imposed by a foreign country with respect to any property in the gross estate. The decedent's taxable estate (determined without regard to the limitation imposed by section 2011(e)(2)(B)) is computed as follows:

PAR. 3. In § 20.2014 section 2014 is revised by deleting subsection (f) and the historical note and by substituting the following:

§ 20.2014 Statutory provisions; credit for foreign death taxes.

SEC. 2014. *Credit for foreign death taxes* * * *

(f) *Additional limitation in cases involving a deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country upon a transfer by the decedent for public, charitable, or religious uses described in section 2055, the property described in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of subsection (b) of this section shall not include any property in respect of which such deduction is allowed under section 2053(d).

(g) *Possession of United States deemed a foreign country.* For purposes of the credits authorized by this section, each possession of the United States shall be deemed to be a foreign country.

[Sec. 2014 as amended by sec. 102(c)(2), Technical Amendments Act 1958 (72 Stat. 1674); sec. 2, Act of Aug. 21, 1959 (Public Law 86–175, 73 Stat. 397)]

PAR. 4. Paragraph (a) of § 20.2014–1 is amended by inserting new subparagraph (4) to read as follows:

§ 20.2014–1 Credit for foreign death taxes.

(a) *In general.* * * *

(4) Where a deduction is allowed under section 2053(d) for foreign death taxes paid with respect to a charitable gift, the credit for foreign death taxes is subject to further limitations as explained in § 20.2014–7.

PAR. 5. Paragraph (a) of § 20.2014–2 is amended to read as follows:

§ 20.2014–2 "First limitation".

(a) The amount of a particular foreign death tax attributable to property situated in the country imposing the tax and included in the decedent's gross estate for Federal estate tax purposes is the "first limitation." Thus, the credit for any foreign death tax is limited to an amount, A, which bears the same ratio to B (the amount of the foreign death tax without allowance of credit, if any, for Federal estate tax) as C (the value of the property situated in the country imposing the foreign death tax, subjected to the foreign death tax, included in the gross estate and for which a deduction is not allowed under section 2053(d)) bears to D (the value of all property subjected to the foreign death tax). Stated algebraically, the "first limitation" (A) equals—

$$\frac{\text{Value of property in foreign country subjected to foreign death tax, included in gross estate and for which a deduction is not allowed under section 2053(d) (C)}}{\text{Value of all property subjected to foreign death tax (D)}} \times \text{Amount of foreign death tax (B)}$$

The values used in this proportion are the values determined for the purpose of the foreign death tax. The amount of the foreign death tax for which credit is allowable must be converted into United States money. The application of this paragraph may be illustrated by the following example:

PAR. 6. Paragraph (b) of § 20.2014–3 is amended to read as follows:

§ 20.2014–3 "Second limitation".

* * * * *

(b) Adjustment is required to factor "G" of the ratio stated in paragraph (a) of this section if a deduction for foreign death taxes under section 2053(d), a charitable deduction under section 2055, or a marital deduction under section 2056 is allowed with respect to the foreign property. If a deduction for foreign death taxes is allowed, the value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate does not include the value of any property in respect of which the deduction for foreign death taxes is allowed. See § 20.2014–7. If a charitable deduction or a marital deduction is allowed, the value of such foreign property (after exclusion of the value of any property in respect of which the deduction for foreign death taxes is allowed) is reduced as follows:

(1) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to any part of the foreign property, except foreign property in respect of which a deduction for foreign death taxes is allowed, specifically bequeathed, devised, or otherwise specifically passing to a charitable organization or to the decedent's spouse, the value of the foreign property is reduced by the amount of the charitable deduction or marital deduction allowed with respect to such specific transfer. See example (1) of paragraph (c) of this section.

(2) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to a bequest, devise or other transfer of an interest in a group of assets including both the foreign property and other property, the value of the foreign property is reduced by an amount, I, which bears the same ratio to J (the amount of the charitable deduction or marital deduction allowed with respect to such transfer of an interest in a group of assets) as K (the value of the foreign property, except foreign property in respect of which a deduction for foreign death taxes is allowed, included in the group of assets) bears to L (the value of the entire group of assets). As used in this subparagraph, the term "group of assets" has reference to those assets which, under applicable law, are chargeable with the charitable or marital transfer. See example (2) of paragraph (c) of this section.

Any reduction described in subparagraph (1) or (2) of this paragraph on account of the marital deduction must proportionately take into account the 50-percent limitation on the aggregate amount of the marital deduction contained in section 2056(c), if applicable. See example (3) of paragraph (c) of this section.

PAR. 7. Immediately after § 20.2014–6 insert the following new section:

§ 20.2014–7 Limitation on credit if a deduction for foreign death taxes is allowed under section 2053(d).

If a deduction is allowed under section 2053(d) for foreign death taxes paid with respect to a charitable gift, the credit for foreign death taxes is subject to special limitations. In such a case the property described in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of section 2014(b) shall not include any property with respect to which a deduction is allowed under section 2053(d). The application of this section may be illustrated by the following example:

EXAMPLE. The decedent, a citizen of the United States, died July 1, 1955, leaving a gross estate of $1,200,000 consisting of: Shares of stock issued by United States corporations, valued at $600,000; bonds issued by the United States Government physically located in the United States, valued at $300,000; and shares of stock issued by a Country X corporation, valued at $300,000. Expenses, indebtedness, etc., amounted to $40,000. The decedent made specific bequests of $400,000 of the United States corporation stock to a niece and $100,000 of the Country X corporation stock to a nephew. The residue of his estate was left to charity. There is no death tax convention in existence between the United States and Country X. The Country X tax imposed was at a 50-percent rate on all beneficiaries. A State inheritance tax of $20,000 was imposed on the niece and nephew. The decedent did not provide in his will for the payment of the death taxes, and under local law the Federal estate tax is payable from the general estate, the same as administration expenses.

DISTRIBUTION OF THE ESTATE

Gross estate		$1,200,000.00
Debts and charges	$40,000.00	
Bequest of U.S. corporation stock to niece	400,000.00	
Bequest of country X corporation stock to nephew	100,000.00	
Net Federal estate tax	136,917.88	
		676,917.88
Residue before country X tax		523,082.12
Country X succession tax on charity		100,000.00
Charitable deduction		423,082.12

TAXABLE ESTATE AND FEDERAL ESTATE TAX

Gross estate		$1,200,000.00
Debts and charges	$40,000.00	
Deduction of foreign death tax under section 2053(d)	100,000.00	
Charitable deduction	423,082.12	
Exemption	60,000.00	
		623,082.12
Taxable estate		576,917.88
Gross estate tax		172,621.26
Credit for State death taxes		15,476.72
Gross estate tax less credit for State death taxes		157,144.54
Credit for foreign death taxes		20,226.66
Net Federal estate tax		136,917.88

CREDIT FOR FOREIGN DEATH TAXES

COUNTRY X TAX

Succession tax on nephew:	
Value of stock of country X corporation	$100,000
Tax (50% rate)	50,000
Succession tax on charity:	
Value of stock of country X corporation	200,000
Tax (50% rate)	100,000

CREDIT FOR FOREIGN DEATH TAXES—Continued

COMPUTATION OF EXCLUSION UNDER SECTION 2014(b)

Value of property situated in country X	$300,000
Value of property in respect of which a deduction is allowed under section 2053(d)	200,000
Value of property situated within country X, subjected to tax, and included in gross estate as limited by section 2014(f)	100,000

FIRST LIMITATION, § 20.2014–2(a)

$$\frac{\text{\$100,000 (factor C of the ratio stated at § 20.2014–2(a))}}{\text{\$100,000+\$200,000 (factor D of the ratio stated at § 20.2014–2(a))}} \times \text{(\$50,000+\$100,000) (factor B of the ratio stated at § 20.2014–2(a))} = \$50,000.00$$

SECOND LIMITATION, § 20.2014–3(a)

$$\frac{\text{\$100,000 (factor G of the ratio stated at § 20.2014–3(a)) (as limited by section 2014(f))}}{\text{\$1,200,000−\$423,082.12 (factor H of the ratio stated at § 20.2014–3(a))}} \times \text{(\$172,621.26−\$15,476.72) (factor F of the ratio stated at § 20.2014–3(a))} = \$20,226.66$$

PAR. 8. Section 20.2038 is amended by adding at the end of section 2038 new subsection (c) and a historical note to read as follows:

§ 20.2038 Statutory provisions; revocable transfers.

SEC. 2038. *Revocable transfers* * * *

(c) *Effect of disability in certain cases.* For purposes of this section, in the case of a decedent who was (for a continuous period beginning not less than 3 months before December 31, 1947, and ending with his death) under a mental disability to relinquish a power, the term "power" shall not include a power the relinquishment of which on or after January 1, 1940, and on or before December 31, 1947, would, by reason of section 1000(e) of the Internal Revenue Code of 1939, be deemed not to be a transfer of property for purposes of chapter 4 of the Internal Revenue Code of 1939.

[Sec. 2038 as amended by Act of Aug. 7, 1959 (Public Law 86–141, 73 Stat. 288)]

PAR. 9. Section 20.2038–1 is amended by adding at the end thereof new paragraph (f) as follows:

§ 20.2038–1 Revocable transfers.

* * * * *

(f) *Effect of disability to relinquish power in certain cases.* Notwithstanding anything to the contrary in paragraphs (a) through (e) of this section the provisions of this section do not apply to a transfer if—

(1) The relinquishment on or after January 1, 1940, and on or before December 31, 1947, of the power would, by reason of section 1000(e), of the Internal Revenue Code of 1939, be deemed not a transfer of property for the purpose of the gift tax under chapter 4 of the Internal Revenue Code of 1939, and

(2) The decedent was, for a continuous period beginning on or before September 30, 1947, and ending with his death, after August 16, 1954, under a mental disability to relinquish a power.

For the purpose of the foregoing provision, the term "mental disability" means mental incompetence, in fact, to release the power whether or not there was an adjudication of incompetence. Such provision shall apply even though a guardian could have released the power for the decedent. No interest shall be allowed or paid on any overpayment allowable under section 2038(c) with respect to amounts paid before August 7, 1959.

PAR. 10. Section 20.2053 is amended by revising section 2053(d) and the historical note to read as follows:

§ 20.2053 Statutory provisions; expenses, indebtedness, and taxes.

SEC. 2053. *Expenses, indebtedness, and taxes* * * * (d) *Certain State and foreign death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of—

(A) Any estate, succession, legacy, or inheritance tax imposed by a State or Territory or the District of Columbia upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106(a)(2), and

(B) Any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055.

The determination under subparagraph (B) of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Condition for allowance of deduction.* No deduction shall be allowed under paragraph (1) for a State death tax or a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

(3) *Effect on credits for State and foreign death taxes of deduction under this subsection*—(A) *Election.* An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

(B) *Cross references.* See section 2011(e) for the effect of a deduction taken under this subsection on the credit for state death taxes, and see section 2014(f) for the effect of a deduction taken under this subsection on the credit for foreign death taxes.

[Sec. 2053 as amended by sec. 2, Act of Feb. 20, 1956 (Public Law 414, 84th Cong., 70 Stat. 23); sec. 102(c)(3), Technical Amendments Act 1958 (72 Stat. 1674); sec. 1, Act of Aug. 21, 1959, Public Law 86–175 (73 Stat. 396)]

PAR. 11. Immediately after § 20.2053–9 the following new section is added:

§ 20.2053–10 Deduction for certain foreign death taxes.

(a) *General rule.* A deduction is allowed the estate of a decedent dying on or after July 1, 1955, under section 2053(d) for the amount of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for charitable, etc., uses described in section 2055, but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. The determination of the country within which property is situated is made in accordance with the rules contained in §§ 20.2104 and 20.2105 in determining whether property is situated within or without the United States. See section 2014(f) and § 20.2014–7 for the effect which the allowance of this deduction has upon the credit for foreign death taxes.

(b) *Condition for allowance of deduction.* (1) The deduction is not allowed unless either—

(i) The entire decrease in the Federal estate tax resulting from the allowance of the deduction inures solely to the benefit of a charitable, etc., transferee described in section 2055, or

(ii) The Federal estate tax is equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate.

For allowance of the deduction, it is sufficient if either of these conditions is satisfied. Thus, in a case where the entire decrease in Federal estate tax inures to the benefit of a charitable transferee, the deduction is allowable even though the Federal estate tax is not equitably apportioned among all the transferees of property included in the decedent's gross estate. Similarly, if the Federal estate tax is equitably apportioned among all the transferees of property included in the decedent's gross estate, the deduction is allowable even though a noncharitable transferee receives some benefit from the allowance of the deduction.

(2) For purposes of this paragraph, the Federal estate tax is considered to be equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate only if each transferee's share of the tax is based upon the net amount of his transfer subjected to the tax (taking into account any exemptions, credits, or deductions allowed by chapter 11). See examples (2) through (5) of paragraph (e) of § 20.2053–9.

(c) *Exercise of election.* The election to take a deduction for a foreign death tax imposed upon a transfer for charitable, etc. uses shall be exercised by the executor by the filing of a written notification to that effect with the district director of internal revenue in whose district the estate tax return for the decedent's estate was filed. An election to take the deduction for foreign death taxes is deemed to be a waiver of the right to claim a credit under a treaty with any foreign country for any tax or portion thereof claimed as a deduction under this section. The notification shall be filed before the expiration of the period of limitation for assessment provided in section 6501 (usually 3 years from the last day for filing the return). The election may be revoked by the executor by the filing of a written notification to that effect with the district director at any time before the expiration of such period.

(d) *Amount of foreign death tax imposed upon a transfer.* If a foreign death tax is imposed upon the transfer of the entire part of the decedent's estate subject to such tax and not upon the transfer of a particular share thereof, the foreign death tax imposed upon a transfer for charitable, etc., uses is deemed to be an amount, J, which bears the same ratio to K (the amount of the foreign death tax imposed with respect to the transfer of the entire part of the decedent's estate subject to such tax) as M (the value of the charitable, etc., transfer, reduced as provided in the next sentence) bears to N (the total value of the properties, interests, and benefits subjected to the foreign death tax received by all persons interested in the estate, reduced as provided in the last sentence of this paragraph). In arriving at amount M of the ratio, the value of the charitable, etc., transfer is reduced by the amount of any deduction or exclusion allowed with respect to such property in determining the amount of the foreign death tax. In arriving at amount N of the ratio, the total value of the properties, interests, and benefits subjected to foreign death tax received by all persons interested in the estate is reduced by the amount of all deductions and exclusions allowed in determining the amount of the foreign death tax on account of the nature of a beneficiary or a beneficiary's relationship to the decedent.

PAR. 12. Immediately after § 20.6036–1 insert the following new sections:

§ 20.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* * * * any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 20.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made under any provision of chapter 11 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 11 of the Code shall be signed by the executor, administrator or other person required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement, or other document. See § 20.2203 for definition of executor, administrator, etc. The person required or duly authorized to make the return may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, 7207, and 7269.

§ 20.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. * * *

§ 20.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 11 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 11 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement or other document. In addition, any other statement or document submitted under any provision of chapter 11 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 11 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 11 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 11 of the Code may be required to be verified by an oath.

PAR. 13. Section 20.6091 is amended to read as follows:

§ 20.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

* * * * *

(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(4) *Exceptional cases.* Notwithstanding paragraph * * * (3) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

PAR. 14. Section 20.6091–1 is revised to read as follows:

§ 20.6091–1 Place for filing returns or other documents.

If the decedent was a resident of the United States, the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 shall be filed with the district director in whose district the decedent had his domicile at the time of death. If the decedent was a nonresident (whether a citizen or not a citizen), the notice and the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.

PAR. 15. Immediately after § 20.6091–1 the following new section is added:

§ 20.6091–2 Exceptional cases.

Notwithstanding the provisions of § 20.6091–1 the Commissioner may permit the filing of the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 in any internal revenue district.

PAR. 16. Paragraph (b) of § 20.6165–1 is amended to read as follows:

§ 20.6165–1 Bonds where time to pay tax or deficiency has been extended.

* * * * *

(b) *Extensions under section 6163 of time to pay estate tax attributable to reversionary or remainder interests.* As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest as provided in § 20.6163–1, a bond equal to double the amount of the tax and interest for the estimated duration of the precedent interest must be furnished conditioned upon the payment of the tax and interest accrued thereon within

six months after the termination of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or the tax, to the extent of the understatement, may be collected. The bond must be conditioned upon the principal or surety promptly notifying the district director when the precedent interest terminates and upon the principal or surety notifying the district director during the month of September of each year as to the continuance of the precedent interest, if the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite. For other provisions relating to bonds where an extension of time has been granted for paying the tax, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 17. Section 20.7101–1 is amended to read as follows:

§ 20.7101–1 Form of bonds.

See paragraph (b) of § 20.6165–1 for provisions relating to the bond required in any case in which the payment of the tax attributable to a reversionary or remainder interest has been postponed under the provisions of § 20.6163–1. For further provisions relating to bonds, see § 20.6165–1 of these regulations and the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

GIFT TAX REGULATIONS

PAR. 18. Immediately after § 25.6019–4 insert the following new sections:

§ 25.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* * * * any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 25.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made under any provision of chapter 12 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 12 of the Code shall be signed by the donor or other person required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement, or other document. The person required or duly authorized to make the return may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, 7207, and 7269.

§ 25.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. * * *

§ 25.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 12 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 12 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement, or other document. In addition, any other statement or document submitted under any provision of chapter 12 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 12 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 12 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 12 of the Code may be required to be verified by an oath.

PAR. 19. Section 25.6091 is amended to read as follows:

§ 25.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary of his delegate may by regulations prescribe.

* * * * *

(4) *Exceptional cases.* Notwithstanding paragraph (1) * * * of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

PAR. 20. Immediately after § 25.6091–1 the following new section is added:

§ 25.6091–2 Exceptional cases.

Notwithstanding the provisions of § 25.6091–1 the Commissioner may permit the filing of the gift tax return required by section 6019 in any internal revenue district.

PAR. 21. Section 25.6165–1 is amended to read as follows:

§ 25.6165–1 Bonds where time to pay tax or deficiency has been extended.

If an extension of time for payment of tax or deficiency is granted under section 6161, the district director may, if he deems it necessary, require a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 22. Section 25.7101–1 is amended to read as follows:

§ 25.7101–1 Form of bonds.

For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

[F.R. Doc. 62–5194; Filed, May 28, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 21, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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 regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this

amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.321 (Lemon Regulation 21, 27 F.R. 4762) are hereby amended to read as follows:

(ii) District 2: 558,000 cartons.

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

Dated: May 24, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5182; Filed, May 28, 1962; 8:50 a.m.]

[Nectarine Order 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.301 Nectarine Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State 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 of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, 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 not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. 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; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That the percentages of defective or off-color nectarines in any package or container shall not be in excess of the applicable tolerances specified in § 51.3150 of the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title), except that any such package or container may contain one defective or off-color nectarine.

(2) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title), and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5233; Filed, May 28, 1962; 8:52 a.m.]

[Nectarine Order 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.302 Nectarine Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State 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 of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, 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 not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. 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; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Grand River nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(ii) Such nectarines, when packed in any container other than the container specified in subdivision (i) of this subparagraph, measure not less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the

Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5234; Filed, May 28, 1962; 8:52 a.m.]

[Nectarine Order 4]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.303 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State 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 of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, 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 not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. 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; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 17, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m. P.s.t., May 30, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Sunrise, John River, Early River, Grand Haven, or Panamint nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisons (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5235; Filed, May 28, 1962; 8:52 a.m.]

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

[Milk Order 130]

PART 1130—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Order Amending Order

§ 1130.0 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 Corpus Christi, 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; 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 June 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,

United States Department of Agriculture, was issued November 24, 1962, and the decision containing all amendment provisions of this order, was issued April 30, 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 June 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 marketing 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 three-fourths 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 Corpus Christi, Texas, 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:

§ 1130.41 [Amendment]

1. Delete paragraph (a) of § 1130.41 and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk, and milk products contained in hermetically sealed containers): *Provided,* That when any such 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, and (2) not accounted for as Class II milk or Class II–A milk.

2. Renumber subparagraphs (4) and (5) of § 1130.41(b) as subparagraphs (5) and (6), respectively, and add a new subparagraph (4) as follows:

(4) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph;

3. Delete § 1130.61 and substitute therefor the following:

§ 1130.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a), (b) or (c) of this section except that the operator thereof 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 fluid milk plant pursuant to § 1130.7(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 (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area.

(b) A fluid milk plant pursuant to § 1130.7(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 (other than to a distributing plant(s)) in the Corpus Christi, Texas, marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A fluid milk plant pursuant to § 1130.7(b) which (1) 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 order, or (2) retains automatic pooling status under another Federal order.

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

Effective date: June 1, 1962.

Signed at Washington, D.C., on May 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5195; Filed, May 28, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–37]

PART 13—PROHIBITED TRADE PRACTICES

Harwald Co. and Robert F. Grunwald

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits:* § 13.20–20 *Competitors' products;* § 13.265 *Tests and investigations;* § 13.280 *Unique nature or advantages.* Subpart—Disparaging competitors and their products—Competitors' products: § 13.1000 *Performance.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Harwald Company et al., Docket C–37, Dec. 11, 1961]

In the Matter of The Harwald Company, a Corporation, and Robert F. Grunwald, Individually and as an Officer of Said Corporation

Consent order requiring an Evanston, Ill., manufacturer of automatic film inspection machines and other audio visual equipment, to cease representing falsely in catalogs, circulars, form letters, etc.—some furnished to authorized dealers—that their said machines had exclusive features not found in competing products, and that certain purchasers bought their products as a result of comparative tests with competitors' machines.

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

It is ordered, That respondents The Harwald Company, a corporation, and its officers, and Robert F. Grunwald, individually and as an officer of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of film inspection machines, audio-visual equipment or any other product, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents' products are equipped with or contain features that like or similar products of others are not equipped with or do not contain, when such is not a fact.

(b) Any of respondents' prospective customers or any purchaser of respondents' products has made a comparative or competitive test with respondents' and their competitors' products, and has purchased respondents' products as a result thereof, when such is not a fact.

2. Using any false, misleading or deceptive statements or representations which disparage respondents' competitors or the products of such competitors.

3. Placing in the hands of dealers or others any means or instrumentality by and through which they may deceive and mislead the purchasing public with respect to the things or practices hereinabove set forth in Paragraphs 1 and 2.

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

manner and form in which they have complied with this order.

Issued: December 11, 1961.

By the Commission.

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

[F.R. Doc. 62-5133; Filed, May 28, 1962; 8:45 a.m.]

[Docket C-39]

PART 13—PROHIBITED TRADE PRACTICES

Kisilevsky, Zuckerman & Schwartzman, Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kisilevsky, Zuckerman & Schwartzman, Inc., et al., New York, N.Y., Docket C-39, Dec. 12, 1961]

In the Matter of Kisilevsky, Zuckerman & Schwartzman, Inc., a Corporation, and Harry Kisilevsky, Nathan Zuckerman, and Julius Schwartzman, Individually and as Officers of Said Corporation

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

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

It is ordered, That respondents, Kisilevsky, Zuckerman & Schwartzman, Inc., a corporation, and its officers, and Harry Kisilevsky, Nathan Zuckerman and Julius Schwatzerman, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

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

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

2. Falsely or deceptively invoicing fur products by:

A. Representing on invoices, that the fur in such products is natural, when such is not the fact.

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

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

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

Issued: December 12, 1961.

By the Commission.

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

[F.R. Doc. 62-5134; Filed, May 28, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER D—HAZARDOUS SUBSTANCES

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

Front Panel Placement and Increase in Conspicuousness and Contrast for Warning Information; Suspension of Certain Provisions

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), on January 10, 1962 (27 F.R. 253) published an order suspending until August 1, 1962, paragraphs (a), (c), and (d) of § 191.101 (21 CFR 191.101; 26 F.R. 7333, 11214), which require main-panel placement and proper conspicuousness of label information. This order was promulgated on the basis of information obtained from industry associations and by independent investigations, from which it was concluded that more time was necessary for full compliance with these requirements. Section 191.215 provided that temporary sticker labels could be used to furnish the mandatory information.

The Commissioner finds upon the basis of evidence submitted to him and by independent investigation that many hazardous substances in containers intended or suitable for household use now in the channels of commerce, either through label revision or sticker labels, approach full compliance with § 191.101 of the regulations. There are, however, a substantial number of products that, although bearing the warnings required by the regulations, do not have the information with the placement required not with the conspicuousness specified. The Commissioner finds that more time is necessary to meet these requirements, and therefore paragraphs (a), (c), and (d), of § 191.101 are further suspended until February 1, 1963. Articles subject to the act shall bear all mandatory labeling required by the statute and the regulations thereunder, but the placement, conspicuousness, and contrast requirements of the implementing regulations will not be enforced before the new effective date of February 1, 1963.

Effective date. This order will become effective on the date of signature.

(Sec. 10, 74 Stat. 378; 15 U.S.C. 1269)

Dated: May 22, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5148; Filed, May 28, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 564—NATIONAL GUARD REGULATIONS

Burial

Section 564.41 is revised to read as follows:

§ 564.41 Burial.

(a) *Purpose.* The purpose of this section is to provide the authority and procedure for the care and disposition of remains of members of the Army National Guard entitled to burial from Federal funds.

(b) *Authority.* Chapter 75 of title 10, United States Code (Death Benefits, Care of the Dead); Act of May 14, 1948 as amended (73 Stat. 547, 24 U.S.C. 281) (Burial in National Cemeteries).

(c) *Policy.* The provisions of §§ 536.50 through 536.54 of this chapter are applicable to the Army National Guard, except as modified in this section.

(d) *Eligibility for death benefits.* A member of the Army National Guard who dies while:

(1) Performing training or duty under sections 316 or 503-505 of title 32, United States Code, i.e., instructing at

rifle ranges, attending annual field training, National Guard schools, or service schools, or performing authorized travel to or from that duty.

(2) On inactive duty training authorized by section 502 of title 32, United States Code or other provision of Federal law, or

(3) While hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while on that duty or training or while performing that travel.

(e) *Limitation on burial expenses.* (1) Payment of burial expenses is limited to an amount not exceeding that allowed by the Government for such services. The amount allowed when relatives incur the expenses will be in accordance with the following limitations:

(i) If death occurred where a properly approved Contract for Care of Remains is in force the amount to be allowed for each item will not exceed the amount allowable under such contract.

(ii) If death occurred where no contract is in force, reimbursement for removal, preservation, casket and outside box (or cremation and an urn), clothing and hearse service will be limited to a maximum of $400.

(iii) Reimbursement for transportation will be limited to the amount for which the Government could have obtained required common carrier transportation plus the charge made for hearse service from the common carrier terminal to the first place of delivery.

(iv) Reimbursement for interment expenses will be limited as follows:

(*a*) Not to exceed $200 if interment is in a civilian cemetery.

(*b*) Not to exceed $125 when remains are shipped from, or delivered by, the preparing funeral director to a receiving funeral home designated by the next of kin and subsequently interred in a national or post cemetery.

(*c*) Not to exceed $75 when remains are shipped from, or delivered by, the preparing funeral home direct to the superintendent of a national cemetery or the commanding officer of a post cemetery.

(2) The Secretary of the Army has designated the Chief, National Guard Bureau, as the authority to determine the amount of burial expenses payable from Federal funds in cases involving Army National Guard personnel eligible under paragraph (d) of this section, except where the death occurs while:

(i) Performing training duty at an active Army installation,

(ii) Traveling to or from such duty,

(iii) Hospitalized or undergoing treatment, at Federal expense for injury incurred or disease contracted while performing that duty or performing that travel to an active Army installation.

(3) The active Army will be responsible for care of remains of Army National Guard personnel who die while on active duty or on full time training duty at an active Army installation, en route to or from such active duty or full time training duty, or while hospitalized or undergoing treatment at Government expense as authorized by law, for injuries, illness or disease contracted or incurred while on such duty.

(f) *Authorized expenses*—(1) *Recovery of remains.* Recovery and identification of remains.

(2) *Items of care and preparation.* (i) Notification to the next of kin or other appropriate person.

(ii) Embalming and other preservative measures.

(iii) Hearse for removing remains from the place of death to a funeral director's establishment and for delivery of remains to a local cemetery or a common carrier terminal.

(iv) Funeral director's services.

(v) Casket (or suitable receptable for cremation purposes), and/or urn, with outside box when required.

(vi) Burial and shipping permits.

(3) *Cremation.* Cremation only upon written request of the person recognized as the one to direct disposition of remains.

(4) *Clothing.* (i) The clothing of the deceased will be used to clothe the remains, if available and in a clean and serviceable condition.

(ii) When decedent's own clothing is not available, or is not suitable for burial, necessary clothing will be provided.

(*a*) Suitable underclothing and hose; complete appropriate uniform (except shoes, cap, and gloves) commensurate with the grade of the deceased at the time of death; and complete insignia of grade, organization and service, campaign ribbons, and ribbons indicating decorations and awards.

(*b*) The uniform clothing will be satisfactory and complete in every detail as to size and fit, and will be clean and pressed. The utmost care will be taken to assure that proper insignia and ribbons are furnished and affixed.

(*c*) No clothing will be provided when remains are mutilated to such an extent that it is impossible to dress them in the normal manner. Such remains will be wrapped in suitable cloth material.

(iii) Clothing issues as indicated above will not be made a charge against the accounts of the deceased. Accountability and responsibility for such items of issued clothing will be terminated upon execution by the responsible officer of DA Form 1546 (Request for issue or Turn-in) or a statement on DD Form 1150–1 (Request for issue or Turn-in) substantially as follows:

> The items of clothing enumerated above were issued to clothe the remains of _____ for funeral purposes. At the time of his death, the deceased was a member in good standing in this organization.

(iv) In the case of an officer or warrant officer who is not entitled to issue clothing or in the case of any enlisted man where neither his own clothing nor issue clothing is available, necessary clothing may be purchased chargeable to funds available for disposition of the remains.

(5) *Flag.* An interment flag to drape the casket and to be presented to the legal next of kin after the funeral. The interment flag will be issued by the United States Property and Fiscal Officer to the organization commander of the deceased. The signature of the organization commander on the document of issue will constitute a valid credit document for accountability purposes.

(6) *Transportation.* (i) Necessary transportation is authorized to ship the remains (accompanied by an escort of one person who is authorized round trip transportation and other prescribed expenses from Federal funds) to any town or city, in either the United States or its possessions or in a foreign country, designated by the person directing disposition of remains, or to a national or post cemetery.

(ii) If the destination designated is a common carrier terminal, common carrier transportation will be used for the entire distance. If the destination designated is not a common carrier terminal, common carrier transportation will be used from the place of death to the common carrier terminal nearest the destination and hearse transportation may be used from the common carrier terminal nearest the destination to the destination.

(iii) Hearse transportation will also be used for movement of remains from the common carrier terminal at destination to the first place of delivery.

(7) *Services included in interment allowances.* The allowance may include the usual and customary services of interment, such as hearse for the remains to the cemetery and/or intermediate points; church services or clergyman's fees; obituary notices; vault; limousine for the immediate family to and from the cemetery; the services of a funeral director; including the use of his facilities and equipment; grave site or crypt; opening and closing of the grave; and use of the cemetery equipment.

(g) *Procurement of initial services incident to preparation of remains*—(1) *How obtained.* Services and merchandise incident to preparation of remains for shipment or burial will be obtained in one of the following ways.

(i) Under contract.

(ii) By negotiation.

(iii) By next of kin.

(2) *Under contract.* When, in the absence of the person having the right to direct disposition, or at the specific request of such person, Army National Guard commanders are responsible for arranging for preparation of remains, active Army contracts will be utilized in every instance if possible.

(3) *By negotiation.* In the absence of the person having the right to direct disposition, or at the specific request of such person, commanders are responsible for arranging for preparation of remains for burial or shipment. If no Contract for Care of Remains is in effect, the required services in each individual case will be obtained by negotiation. Authorities obtaining services by negotiation will, if feasible, secure two or more informal bids and will accept the bid which is most advantageous to the Government.

(4) *By next of kin.* In instances where relatives making arrangements with a funeral director for preparation of remains, or in which relatives wish to

select the merchandise to be used, commanders should make no attempt to participate in or interfere with the arrangements. Participation by commanders under such circumstances should be confined to advising relatives of the limitation on burial expenses as set forth in paragraph (e)(1) of this section, and that no expenditures in excess of those amounts are reimbursable.

(h) *Reimbursement for expenses borne by individuals.* When expenses for a deceased person are borne by an individual or individuals, reimbursement may be made to such individual or individuals in an amount not in excess of limitations of paragraph (e) of this section.

(i) *Burial in national cemeteries.* The remains of a member of the Army National Guard whose death occurred under honorable conditions while he was:

(1) Performing training or duty under sections 316, 503–505 of title 32, United States Code, or performing authorized travel to or from that duty or service.

(2) On inactive duty training authorized by section 502, of title 32, United States Code or other provision of Federal law, or

(3) Hospitalized or undergoing treatment, at the expense of the United States for injury or disease contracted or incurred under honorable conditions under subparagraph (1) or (2) of this paragraph, may be buried in a national cemetery as provided by the Act of May 14, 1948, as amended (Public Law 86–260, 73 Stat. 547, 24 U.S.C. 281), and §§ 553.1 through 553.7 of this chapter.

([NGR 63, 30 April 1962] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110))

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–5128; Filed, May 28, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

MISCELLANEOUS AMENDMENTS

1. In § 3.702, paragraph (e) is amended and paragraph (f) is added to read as follows:

§ 3.702 Dependency and indemnity compensation.

* * * * *

(e) *Widow becomes entitled.* A widow who becomes eligible to receive death compensation by reason of liberalizing provisions of any law may receive death compensation or elect dependency and indemnity compensation even though dependency and indemnity compensation has been paid to a child or children of the veteran.

(f) *Death pension rate.* (1) Effective October 1, 1961, where the monthly rate of dependency and indemnity compensation is less than the monthly rate of death pension which would be payable if the veteran's death had not been service connected, dependency and indemnity compensation shall be paid in an amount equal to the pension rate for any month (or part thereof) in which this rate is greater. (38 U.S.C. 412(b))

(2) As to persons receiving dependency and indemnity compensation on October 1, 1961, the higher rate shall not be paid for any period prior to the date of receipt of a claim therefor. A claim pending on or filed subsequent to October 1, 1961, is considered as including a claim for the greater benefit.

2. Section 3.703 is revised to read as follows:

§ 3.703 Two parents in same parental line.

(a) *General.* For periods on and after January 1, 1959, death compensation is not payable for a child if dependency and indemnity compensation is paid to or for a child or to the widow on account of the child by reason of the death of another parent in the same parental line. Effective June 9, 1960, where the death of one such parent occurred on or after that date, gratuitous benefits may not be paid or furnished to or on account of any child by reason of the death of more than one parent in the same parental line.

(b) *Election.* The child or his fiduciary may elect to receive benefits based on the service of either veteran. An election of pension, compensation or dependency and indemnity compensation based on the death of one parent places the right to such benefits based on the death of another parent in suspension. The suspension may be lifted at any time by making another election.

(c) *Widow payee.* Pension, compensation or dependency and indemnity compensation may not be paid to a widow because of a child who is receiving pension, compensation or dependency and indemnity compensation or, under the circumstances described in § 3.707 (a)(2), war orphans' educational assistance, based on the death of another parent in the same parental line. A child who is not in the widow's custody may not receive an apportioned share of the widow's benefit concurrently with benefits based on the death of another parent in the same parental line.

(d) *Rate for other dependents.* Where a child receives benefits based on the death of one parent, the rate payable to the widow or other children based on the death of another parent in the same parental line will not exceed the amounts which would be payable if the child were receiving or an additional allowance were being paid for such child in the second case. (38 U.S.C. 3104(b)(2))

3. In § 3.704, paragraph (a) is amended to read as follows:

§ 3.704 Elections within class of dependents.

(a) *Children.* Where children are eligible to receive monthly benefits under more than one law, the election of benefits by or on behalf of one child will not serve to increase the rate allowable for any other child. The rate payable for each child will not exceed the amount which would be paid if all children were receiving benefits under the same law.

4. In § 3.707, paragraph (a) is amended to read as follows:

§ 3.707 War orphans' educational assistance.

(a)(1) Election of war orphans' educational assistance is a bar in the same or any other case to further payments of death pension, compensation, or dependency and indemnity compensation after age 18 because of approved school attendance. Such benefits may be paid concurrently, however, except as provided in subparagraph (2) of this paragraph, for a child under the age of 18 years or for a helpless child.

(2) Effective June 9, 1960, an election of either war orphans' educational assistance allowance or restorative training allowance by or for a child, regardless of age, is a bar to payment of death pension, compensation or dependency and indemnity compensation based on the service of another parent in the same parental line where the death of one such parent occurred on or after June 9, 1960.

(3) Election is final after one payment has been made to or for a child or as an administrative allowance to the school. Payment will be considered to have been made when the school has submitted a certification of the child's enrollment and a certification of training, thereby establishing entitlement to payment of an administrative (the reporting) allowance for the certification. (38 U.S.C. 1701; 1762; 3104(b)(2))

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

These regulations are effective May 29, 1962.

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

[F.R. Doc. 62–5153; Filed, May 28, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

[Docket No. AO–144–A10]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on February 9, 1962, in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (27 F.R. 475) on January 17, 1962.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Redefine the production area covered by the order and the boundaries of the districts within such area;

(3) Increase to 20 percent the permitted tolerance for overshipment of the weekly allotment;

(4) Provide for the issuance of special allotments to handlers in District 3 who have lemons ready for shipment at an earlier date than other handlers in such district;

(5) Clarify the language in § 910.52 of the order with respect to committee recommendation for increasing the quantity of lemons to be handled;

(6) Provide that District 3 shall have additional grower representation on the committee; and

(7) Increase to $15 the compensation paid to committee members.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons. The expenses of such projects, as authorized by the act, are to be paid out of assessment income.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing lemons which would be of value to the industry in establishing more orderly marketing and expanding market outlets. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of lemons in new and existing market outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. It was pointed out, however, that the scope and character of the projects that may be undertaken should not be limited more than is specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for lemons.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The production area covered by the order should include all of the State of California that is south of a line drawn due east and west through the town of Turlock, California. The northern boundary of the California portion of the production area is currently placed at the 37th Parallel. Recently there have been plantings of lemon and other citrus fruit trees north of the 37th Parallel and seed beds have been started in the area which are capable of producing a quarter of a million citrus fruit trees for future plantings. There currently are no plantings of lemons in the immediate vicinity of Turlock nor near a line drawn due east and west through this town. However, so that such line can be located with some precision, it should be drawn through the post office in Turlock. The lemons that will be produced from the new plantings, north of the 37th Parallel, will have characteristics similar to those produced in District 1, will have the same marketing season, and will probably be prepared for market in the packinghouses presently located in District 1. It is concluded, therefore, that the production area, as hereinafter set forth, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

The production area covered by the order is divided into prorate districts for the purpose of regulation as the lemons grown in such districts have different marketing seasons. As indicated, the lemons grown in California north of the 37th Parallel have similar characteristics and marketing season to those grown in District 1 so the additional area to be incorporated into the production area covered by the order should be placed in District 1. In addition to the plantings of lemon trees north of the 37th Parallel, recent small plantings also have been made in District 1 in the counties of Santa Barbara and San Luis Obispo. Lemon trees in these counties bloom and set fruit during all months of the year, similar to the trees in District 2, while the lemon trees in other portions of District 1 produce one crop annually which is marketed, generally, during a 5-month period in the winter and spring. As the lemons produced in Santa Barbara and San Luis Obispo have characteristics and a marketing season similar to those grown in District 2, such counties should be placed in such district rather than in District 1. The districts should, therefore, be defined as hereinafter set forth.

(3) Under the current provisions of the order, handlers are authorized to overship their respective allotments in an amount not to exceed 10 percent of such allotment or one carload, whichever is the greater. Any such overshipment by a handler is offset by deduction of an

equal amount of allotment from that which such handler otherwise would receive the following week. The overshipment privilege was made a part of the order as a handler experiences difficulty in handling during a week the exact number of boxes of lemons authorized by the allotment issued to him for such week and some flexibility of operation is necessary.

The evidence of record shows that additional flexibility could be provided without adversely affecting the purposes of the program regulations. The demand for lemons often increases sharply due to changes in the weather or other conditions. Thus, the demand during a particular week may be underestimated when the level of regulation for that week is being considered. If the increased demand develops at the end of the week, some sales of lemons may be lost as it may then be too late to increase the weekly volume of shipments. It was testified that increasing the permitted percentage of overshipments would tend to correct this situation. On the other hand, should all handlers ship lemons in an amount equal to their respective allotments plus the proposed 20 percent overshipment tolerance and the demand did not justify shipments in such quantity, shipments could be "cutback" under the following week's allotment to the extent required to offset the unjustified overshipments.

The order should be amended, therefore, to increase the permitted overshipment of allotment to 20 percent or one carload, whichever quantity is the greater.

(4) The order should provide for the issuance of "early availability allotments" to handlers in District 3. These special provisions are needed to adapt the procedure for allocating the quantity of lemons permitted to be handled to the unique situation which exists in such district. Lemons produced in District 3 in the area near Yuma, Arizona, attain marketable size approximately one month earlier than the lemons produced in other portions of that district. Also lemons produced in the Yuma area attain peak market quality during September and October while the lemons in other portions of District 3 are at their best from mid-October to January. When production of lemons in the Yuma area was small, regulation at the beginning of the marketing season could be deferred until all handlers in the district had marketable lemons available. This is no longer the case, however, as lemon production in the Yuma area is expanding and has already increased to about 2,500 carloads per year.

In order to provide allotment to handlers in District 3 at the time when their lemons are most suitable for marketing, allotment should be issued at the beginning of the season only to those handlers who have marketable lemons available. Handlers having such lemons at this time should apply to the committee for "early availability allotments" stating the quantity of such allotment desired for the particular week; and, to the extent that market opportunity and conditions of supply throughout the production area will permit, such requests should be granted. It is conceivable, of course, that requests for early availability allotments may exceed the total quantity of lemons which, based upon consideration of all supply and demand factors, should be handled in the District. Thus, the total quantity of early availability allotment issued to applying handlers may be less than the total quantity applied for, if the committee so decides. In such instances, the total early availability allotments issued by the committee should be distributed among the applying handlers in the ratio that each handler's request for such allotment is to the total requests of all handlers. Such distribution of the early availability allotments should be utilized as there is no practical means available for determining, on a weekly basis, the quantity of marketable lemons which individual handlers have available. The order should provide, however, that the early availability allotments issued to a handler should not permit such handler to handle more than his proportionate share of the total quantity of lemons estimated by the committee to be handled by all handlers in the district during the entire marketing season. Such a provision is necessary to assure that in the distribution of early availability allotments, no handler will be permitted to handle more than his equitable share of the total quantity of lemons to be handled. A procedure should also be provided in the order to adjust the prorate base of handlers receiving early availability allotments when marketable lemons generally are available in all areas of District 3, so as to offset the advantage which would otherwise accrue to such handlers. This can be accomplished by providing that, upon reaching the period when marketable lemons are available generally, the lemons available for current shipment of each handler receiving early availability allotment shall be reduced by the quantity of early availability allotments issued to such handler. This will have the effect of reducing the weekly allotments of such handlers, when marketable lemons generally are available, below that which they otherwise would receive each week. It would, also, correspondingly increase the weekly allotments of the handlers who had not received early availability allotments. Such procedure will be equitable to all handlers since it will tend to provide each with a greater share of the total allotment, and thus accelerated movement of lemons during the period when such handler's lemons are most suitable for marketing.

The committee should formulate procedures, subject to aproval by the Secretary, to govern the application for, and the issuance of, early availability allotments, as a regular and orderly procedure should be adopted to carry out these provisions of the order.

The provisions of the order relating to overshipments, undershipments and loan privileges should apply to early availability allotments the same as to the regular allotments issued under the order as this flexibility of operations is needed whenever regulations are in effect. There was considerable discussion at the hearing concerning the application of the allotment loan provisions to early availability allotment. It was contended that the loaning of such allotment should be prohibited as handlers might inflate their requests for early availability allotment if it were possible to loan to others any portion of such allotment granted which was in excess of actual shipments. The evidence of record shows that such a restriction is not warranted, however, inasmuch as (1) loans could be made only to other handlers to whom early availability allotment had been issued because the order requires all allotment loans to be between handlers to whom allotments are issued, (2) handlers desiring early availability allotment may reasonably be expected to request as much allotment as they will be able to use, and therefore, only limited loaning of early availability allotment wil be possible, and (3) any handler obtaining an excess of early availability allotment over that which he is able to use or loan would lose allotment and, further, woud have his prorate base reduced more than if he had applied for early availability allotment in an amount equal to his actual shipments.

(5) Provision is currently made in the order for increasing the quantity of lemons that may be handled during any week whenever such an increase is deemed advisable "because of unusual or unforeseen changes in the demand for lemons." Actually, such an increase may be desirable for other reasons. For example, conditions in one district or portion of a district may be such that handlers cannot use the allotment that has been issued to them. Under these circumstances, even though there is no unusual or unforeseen change in the demand for lemons, it is necessary to increase the quantity of lemons to be handled, either for another district or for the particular district, over that originally fixed in order that total shipments of lemons during the particular week will actually equal the amount that it was believed should be shipped when the regulation for that week was issued. The order should be amended, therefore, to provide that an increase in the permitted weekly shipments of lemons may be initiated whenever such action is believed desirable. Of course, any such increase should be made only if there are good and sufficient reasons for such action.

(6) The administrative committee established under the order currently is composed of eight grower members, four handler members, and one nonindustry member who is neither a grower nor a handler nor in any other way directly connected with the lemon industry. The current administrative committee is established, and its members nominated, and selected, in a manner to give recognition to the organizational structure of the industry. Geographical grower representation on the committee is provided by requiring that, of the grower members or alternate members nominated and selected to represent the cooperative marketing organization handling more than 60 percent of the total volume of lemons handled, at least one nominee for member or alternate member shall be from and represent District 1 and at least one

nominee for member or alternate member shall be from and represent District 3.

Production of lemons in District 3 is increasing, particularly in the Yuma area, and the grower representation on the committee from that district should be increased. It was testified at the hearing that nearly half of the lemons produced in the Yuma area is marketed through so called independent (noncooperatives) marketing organizations. Therefore, since the large cooperative marketing organization already must nominate at least one grower member or alternate member from District 3, the additional grower representation for this district should be nominated by the growers who market their lemons through the independent handler organizations. The order should provide, therefore, that one of the nominees for grower member or alternate member, made under § 910.22(d) of the order, shall be from and represent District 3, and that, in making selections for memberships on the committee, the Secretary should select at least one qualified grower member or alternate member to represent such District.

One witness at the hearing testified that at least one of the eight grower members should represent the major lemon producing area (Yuma) of District 3 and that it would not be satisfactory for such representation to be provided by means of an alternate grower member. It was contended that an alternate member's service on the committee is restricted and an alternate member would not provide the continuing flow of information needed by the Arizona lemon growers. Section 910.28 of the order provides that, insofar as practicable, the growers of lemons in Districts 1 and 3 who are selected to membership on the committee shall attend, and serve as member at, each meeting of the committee to consider regulations applicable to lemons shipped from the respective district. Therefore, whether any such grower is appointed as member or alternate member, he is authorized to act as member at all committee meetings held for the purpose of formulating regulations during the period the district he represents is shipping lemons. The record does not contain any cogent evidence as to the reasons why a grower representative on the committee should continue to serve as member at committee meetings held for the primary purpose of recommending regulation of lemon shipments during the period when the district such grower represents does not have any lemons available for shipment. It is concluded, therefore, that the order should be amended as hereinafter set forth.

(7) The marketing order should provide that members of the administrative committee be compensated at a rate not to exceed $15 for each day, or portion thereof, spent in attending meetings of the committee. The current provisions of the order fixes such compensation at not to exceed $10 per day or portion thereof. All of the evidence in this regard, adduced at the hearing, supported an increase in the rate of compensation. It was evident, however, that those testifying were in agreement that none of the suggested rates of compensation would be adequate payment for services to the industry provided by the committee members. Therefore, there is little basis for fixing such compensation at any particular amount. It is obvious, however, that costs have increased since the time the current rate of compensation was fixed, and an increase in such compensation to $15, as set forth in the notice of hearing, would tend to offset such increased costs.

(8) It was proposed in the notice of hearing that the order be amended so as to provide that, with respect to District 2, the term "lemons available for current shipment" would include only those lemons which potentially are marketable as fresh fruit under applicable laws. The evidence of record does not support the adoption of this proposal.

Rulings on proposed findings and conclusions. At the close of the hearing, the Presiding Officer announced that interested persons would be allowed until, and including, March 1, 1962, to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. Such a brief was filed, within the prescribed time, by Col. Norman J. Riebe, a grower of lemons, P.O. Box 1811, Yuma, Arizona. The brief contains proposed findings and conclusions, and arguments, with respect to the proposals contained in the notice of hearing. It also contains arguments and proposals which, if adopted, would incorporate provisions into the order that either are outside the scope of the notice of hearing or are not adequately supported by the evidence in the record. For example, it is argued that certain provisions of the order relating to District 2 are discriminatory and designed to create a marketing advantage for such district, and, to offset such provisions, the amended order should contain provisions for grade regulations. Also, it is contended that the amended order should provide that all eight grower members of the administrative committee should be "uncommitted" and nominated by all lemon growers rather than, for certain positions, by the lemon marketing organizations. Such provisions are not recommended for adoption. This does not, however, preclude consideration of these matters at a future hearing upon appropriate notice to all persons likely to be affected. Each point covered in the brief has been considered carefully, consistent with the scope of the notice and the evidence in the record, in making the findings and reaching the conclusion hereinbefore set forth. All proposals in the brief which are inconsistent with the findings and conclusions contained herein are denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of lemons grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

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

Recommended amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recomended as the detailed means by which the aforesaid conclusions may be carried out:

§ 910.15 [Amendment]

1. The provisions of § 910.15 *Production area* are revised to read as follows:

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

§ 910.22 [Amendment]

2. The following sentence is added at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower in District 3."

§ 910.23 [Amendment]

3. The following sentence is inserted immediately preceding the last sentence in § 910.23: "At least one of the growers so selected shall be a grower of lemons in District 3."

§ 910.29 [Amendment]

4. The amount "$10" is deleted from § 910.29 and the amount "$15" is substituted therefor.

5. A new § 910.33 is added as follows:

§ 910.33 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons; the expenses of

such projects to be paid from funds collected pursuant to this part.

§ 910.51 [Amendment]

6. Paragraph (c) of § 910.51 is revised to read as follows:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.57 [Amendment]

7. The words "ten percent" are deleted wherever they appear in § 910.57 and the words "twenty percent" are substituted therefor.

8. A new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the time marketable lemons generally are available in District 3, issue special allotments to handlers in such district who have marketable lemons available for handling. Such handlers may apply to the committee for such allotments on forms prescribed by the committee, and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall determine the extent to which early availability allotment shall be granted. Such allotments approved by the committee shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however,* That early availability allotments issued to any handler shall not permit the handling of a larger share of the lemons available for current shipment of such handler than the share of the lemons available for current shipment in District 3 estimated at the beginning of the season, to be allotted to all handlers. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. When marketable lemons generally are available to the handlers in District 3, the early availability allotments issued shall be offset or repaid by deducting from the lemons available for current shipment of each handler who has received such allotments a quantity equal to the early availability allotments issued to him. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 910.64 [Amendment]

9. Paragraphs (a) and (b) of § 910.64 *Districts* are revised to read as follows:

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

(b) "District 2" shall include that part of the State of California which is south or west of District 1, but shall exclude the area east of a line drawn due north and south through the post office in White Water, California.

Dated: May 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5185; Filed, May 28, 1962; 8:50 a.m.]

[7 CFR Part 987]

[Docket No. AO 269-A2]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Department with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act", and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed amendment of the order is formulated was held in Indio, California, on April 2, 1962, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2477). The notice of the hearing included proposals submitted by the Date Administrative Committee (hereinafter referred to as the "Committee")—the agency established pursuant to the order to administer the terms and provisions thereof—and four proposals by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Updating the legal citation of the act;

(2) Broadening the definition of dates to include the Halawy variety within the scope of the order;

(3) Selecting a successor when a selectee fails to qualify;

(4) Revision of "inspection agency" references to read "inspection service";

(5) Deletion of forfeiture provision from § 987.44(b);

(6) Deletion of the specified factor for converting pitted dates to a whole date equivalent and authorization for the Committee to prescribe an appropriate factor;

(7) Revision of "withholding percentage" references to read "withholding factor";

(8) Crediting a handler's restricted obligation with excess restricted disposition of the preceding crop year;

(9) Authorization for the Committee to control and dispose of dates surplus to normal outlets and make conforming changes in the definitions of "handle" and "cull dates";

(10) Clarifying application of grade, container and identification requirements for restricted dates for export;

(11) Authorization for the Committee to establish the type of records which handlers shall maintain;

(12) Authorizing the Committee to establish and maintain an operating reserve fund; and

(13) Inclusion of a provision defining the rights of the Secretary.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) Section 987.2, the definition of the term "act", meaning Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, should be revised by deleting the limited citation currently contained therein and substituting therefor the citation "secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.", thereby covering the statutory authority pursuant to which the order is operative. Thus, the proposed citation would not only include the authority for the original marketing agreement and order and the authority for the subsequent amendment thereof, but also the authority for the further amendment thereof as herein proposed if it should become effective.

(2) The definition of "dates" (§ 987.5) should be broadened by adding the variety "Halawy" immediately after "Zahidi," so that the Halawy variety of dates would be included within the scope of the order as herein proposed to be amended. The term "dates" is now defined in the order to mean the Deglet Noor, Zahidi, and Khadrawy varieties of domestic dates produced or packed in the

area of production. Testimony presented at the promulgation hearing in 1955 indicated that regulation of varieties in addition to the three of largest production (i.e., Deglet Noor, Zahidi and Khadrawy) would not be necessary for three to five years. The present methods whereby Halawy dates are handled indicate they should now be added to the order to promote the objectives of the act.

As shown by the evidence adduced at the amendment hearing, Halawy dates now constitute the fourth largest bearing acreage in the area of production, and a major portion of such production is packaged and handled in competition with the three varieties now regulated. Since the processing, packaging and handling of Halawy dates by commercial handlers is identical to and part of the operations of these handlers on those varieties now regulated, that variety should also be subject to the provisions of the order, including grade, container and volume regulations. Each of the four varieties is often sold as "California Dates", in identical containers and without reference to variety, and most consumers would not be able to distinguish between them. Recent research activity under the order is applicable to the preparation for market and marketing of Halawy dates.

According to the evidence presented at the hearing, the commercial production of Halawy dates is limited to the vicinity of Indio (Riverside County), California, such dates are generally handled by all handlers regulated by the order, and, as hereinbefore discussed, are packaged and handled in the same manner as the three date varieties covered by the order. On the basis of the limited area in which Halawy dates are produced and their being packaged and handled generally in the same counties as the date varieties currently subject to regulation, it is concluded that the area of production for purposes of including Halawy dates within the coverage of the order as proposed to be amended should continue to be the same as the "area of production" as defined in § 987.4, which is also the smallest regional production area practicable for the order as proposed to be amended. Moreover, all of the provisions of the order which are not proposed for change as a result of this amendment promulgation proceeding and the new or modified provisions recommended herein are appropriate and necessary for operations under the order as proposed to be amended and would constitute a suitable and workable program for the four varieties of dates as would tend to effectuate the declared policy of the act. All things considered, therefore, Halawy dates should be included in the order in the same manner and be subject to the same provisions as the varieties now regulated.

(3) Section 987.26 (Vacancies) should be revised to recognize that although a vacancy on the Committee does not occur when a nominee selected by the Secretary fails to qualify by filing a written acceptance of such selection with the Secretary, there exists a need to nominate a successor. Section 987.23 provides that the term of office shall be one year but that an incumbent member or alternate shall continue to serve until his successor has been selected and has qualified. Consequently, there is no vacancy when a person selected by the Secretary fails to qualify but adherence to the concept of one year terms of office requires selection of a successor. Therefore, the provisions of § 987.26 should be amended to read as hereinafter set forth.

(4) The term "agency" appearing in § 987.41(c) should be changed to "service". The organizations employed under marketing orders to perform commodity inspections are not agents, in the legal sense, of the Committee or of the Secretary. Such organizations are available for hire and are named in marketing orders for the purpose of establishing the party whose function is to determine whether the commodity meets or fails to meet the grade or other requirements established under the order. So that persons may be more accurately advised of this relationship, "service" should be used in lieu of "agency" in both the heading and body of the paragraph.

(5) Section 987.44(b) should be amended by deleting the last sentence in that paragraph. This sentence sets forth the forfeiture prescribed by section 8a(5) of the act prior to its amendment by the "Agricultural Act of 1961" and is inconsistent with the forfeiture now prescribed by the act, as amended. As so amended, § 987.44(b) would continue to provide that the dates handled by any handler in accordance with the provisions of the order shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act. Reference to that section of the act permits ready ascertainment of the extent of the forfeiture, and the proposed deletion from the order would obviate the need for amendment of the order in the event that the statutory forfeiture is further amended.

(6) Section 987.45(a) should be amended by deleting the pitting factor "0.90" contained in the last sentence of that paragraph and substituting therefor the phrase "a divisor established by the Committee with the approval of the Secretary". The factor is for use in determining the whole date equivalent (i.e., weight) of a given quantity of pitted dates. The record shows the factor "0.90" to be too high and that a factor of about "0.875" would be more accurate. However, it is likely that the latter factor will change as a result of technological advances. Therefore, to avoid the need for future amendment proceedings, the order should not continue to specify a particular factor, but should authorize the Committee, with the approval of the Secretary, to establish such factor. There would thus be available a simpler technique to assure that withholding obligations under the order will be in line with current pitting-loss ratios.

The factor of 0.90 also appears in § 987.72 *Assessments*. The changes proposed to be made in that section (discussed in material issue numbered (12)) include the deletion of that factor and substitution therefor of the recommended phrase as a conforming change and for the reasons contained herein.

(7) The term "withholding percentage", appearing in § 987.45, should be changed to "withholding factor" in order to avoid confusion with the term "restricted percentage". It is believed by some in the industry that the "withholding percentage" determines the proportion of the dates currently available for handling which must be set aside by handlers. Under the order, however, the "withholding percentage" is the factor that is determined by dividing the restricted percentage by the free percentage, and, when applied to handler shipments of dates, serves as a ready means of determining the extent of a handler's restricted obligation, while the "restricted percentage" governs the quantity of dates to be withheld.

(8) Section 987.45(d) should be amended by adding a sentence, reading as hereinafter set forth, at the end of that paragraph. This change would permit any handler during a crop year to divert a quantity of marketable dates to product outlets in excess of his restricted obligation and receive credit, within limits, to be applied against his restricted obligation of the subsequent crop year. Under the order, a handler diverting any such excess quantities into outlets for restricted dates during a crop year rather than carrying such excess into the succeeding crop year, either (i) receives no credit for such diversion not only in the crop year of diversion to restricted outlets but in any subsequent crop year as well, or (ii) in the current crop year had a quantity of dates certified for further processing which were not handled during such crop year but were carried forward exempt from certain handling obligations of the subsequent crop year, and thereby causing his free dates to be proportional, to the extent practical, to his disposition of restricted dates (including the excess marketable dates). In most instances, where any substantial quantity of excess marketable dates is diverted, handlers follow the course indicated in (ii). By so doing, however, two inspections and two inspection charges—the original and a recertification—are necessary on the free dates, once when the dates are certified for further processing and again after having been processed for shipment but before handling. Moreover, some handlers complete their operations in the first six months of the crop year and do not certify dates for further processing due to the long storage period involved in early certification. Thus, these handlers have been unable to take advantage of a practice used by other handlers but could participate in the credit available under the proposed change.

The setaside and disposal of restricted dates, by each handler, tends to exceed his restricted obligation because of difficulties in anticipating his obligation to the end of the crop year, based on free tonnage handled, and because of opportunities to dispose of dates in product outlets. These give rise to excess withholding and disposal within a crop year, and the order should contain a means whereby all handlers may benefit from such disposals, in terms of credit, against

future restricted obligations and thereby reduce annual carryovers.

However, some limit on the quantity of restricted credit to be granted for disposition in a prior crop year is necessary for sound administration of the program and to prevent any handler from entering a year with his entire obligation satisfied in advance. This limit should be established by the Committee, with the approval of the Secretary, so that changes may be made as experience is acquired, and should be such as to preserve the limitations on release of free dates presently affected by the establishment of free and restricted percentages.

(9) Present § 987.47 *Assistance to handlers* should be deleted and a new § 987.47 substituted to read as hereinafter set forth. Present § 987.47 pertains to the assistance which the Committee may give to handlers in locating storage for restricted dates, accounting for handlers' control obligations, and in acquiring dates to meet any deficiency in their handler obligations. Since these are services which the Committee would normally perform for handlers in the absence of any provisions specifically authorizing such assistance, present § 987.47 is superfluous and should be deleted.

New § 987.47 should provide that all cull dates and all substandard dates, including dates blended with varieties within the generic meaning of "dates" not regulated by the order, except any substandard dates released to human consumption outlets in accordance with present provisions of the order, are surplus dates of any crop year. Handlers should be prohibited from shipping or delivering such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets. However, producers and handlers should be permitted to dispose of cull dates of their own production, including their own packinghouse culls, within their own livestock feeding operations. The Committee should be authorized to dispose of surplus dates delivered to it at the best prices attainable. It is to be understood that in disposing of surplus, the Committee may utilize any normal selling methods used by handlers, including the use of agents or brokers. The Committee should be authorized to assist handlers with the cleaning, storage or delivery of surplus dates as many handlers do not have adequate equipment to perform these operations consistent with the needs of disposition outlets. Administration of this provision should be consistent with the provisions of the act, including those expressly relating to the control and disposition of surplus. The expenses incurred in receiving, handling, holding, or disposing of surplus dates by the Committee should be for the account of the persons with equities in such dates and the proceeds should be distributed pro rata by the Committee, after deduction of its costs, to equity holders. Rules and regulations necessary and incidental to the administration of the regulation on surplus dates should be established by the Committe with the approval of the Secretary.

The purpose of this provision is to promote the producer return objectives of the act and to establish orderly marketing conditions on approximately seven million to 10 million pounds of cull and substandard dates annually, or as much as 20 percent of the total annual date production. The failure to regulate the marketing of such dates has reduced total returns to producers, and hence this provision would better tend to effectuate the declared policy of the act. Under the proposal, clean, sound, surplus dates could be offered to buyers in quantities suitable for livestock feeding, distillation or other outlets and, as a result, more buyers would be willing to purchase such dates. The increase in the number of buyers and the opening of new outlets can be expected to stimulate the demand and improve the prices paid. A few producers have used such material in their own livestock feeding operations and this should be permitted to continue as such use does not affect the market for cull or substandard dates. For the same reason, any handler should be permitted to use such dates, produced in the course of his operations, in his own livestock feeding. However, if any person, including a producer, ships or delivers such dates to eligible disposition outlets of another person, he should be regarded as a handler the same as a person selling or shipping free dates into their outlets.

Whenever cull dates of unregulated varieties are blended with regulated varieties, it is necessary that the regulated dates in such blends be included in the surplus pool. It is virtually impossible to segregate commingled cull dates, whether in the field or in the packing house. In the packing house, for example, different varieties of regulated and unregulated dates are being graded and packed at the same time although on separate grading lines. Culls picked out during this process are transported to a central location where they are dumped into a single bin, box or pile. In field operations, culls of regulated varieties often become commingled with unregulated varieties due to the operating practices of field crews. Any attempt to separate culls would be costly in relation to the low value of the product and hence all such commingled dates would need to be regarded in the disposition thereof as regulated dates.

Industry bargaining power with buyers would be increased by one agency selling the surplus dates and will be able to negotiate for a price which reflects the true value of the culls. Potential users will be more interested in the use of culls when they are able to negotiate with one seller having adequate supplies, rather than negotiating with several sellers each with insufficient supplies and erratic deliveries. Centralized control of surplus dates would also make it possible to develop new outlets faster because small experimental lots can be made available to users without the financial sacrifices which would be true if individuals made such donations. In addition, it is easier for a small industry such as the date industry to obtain product development work by university or other researchers when it is apparent that the result of such work will benefit the entire industry and not merely a segment. Finally, dependency on one outlet, which presently means payment is deferred for several months, can be minimized.

It is necessary, in connection with this proposed amendatory action to clearly establish that certain dispositions of surplus dates are acts of "handling" and hence the definition of "handle" (§ 987.9) should be modified by inserting after "commerce" the phrase "including the shipment or delivery of substandard dates or cull dates into non-human consumption outlets,". Also, after "deliveries by producers", insert the words "of other than cull dates". The definition of "cull dates" (§ 987.16) should be modified to make certain that dates commonly regarded as field or packinghouse culls but which may meet the requirements of the Agricultural Code of California, would not escape regulation by adding thereto the words "and any dates residual from field or packinghouse grading operations." These modifications are necessary conforming changes to assure sound operation of the proposal. In order to avoid any possible inconsistencies between the provisions of § 987.47, as proposed herein, and § 987.56 *Outlets for substandard and cull dates*, and to specify those outlets within the meaning of "eligible outlets", as that term is contained in the proposed provisions of § 987.47, the words "Subject to the provisions of § 987.47, * * *" should be added at the beginning of the sole sentence now contained in § 987.56.

(10) Section 987.55 *Outlets for restricted and other marketable dates* should be amended by inserting a new sentence after the first sentence to clarify application of grade, container, and identification requirements for restricted dates for export.

The grade and container provisions of the order are not now limited to free dates for domestic shipment. However, in applying them to restricted dates which are exported, it is necessary that the different quality and different container requirements essential to promoting sales in various countries be separately established in lieu of a single requirement for all exports and domestic shipments. Moreover, this would require identification at time of packing so that compliance may be ascertained. Maintenance and expansion of the export outlet in some countries is dependent upon receipt of dates of high quality in a restricted number of containers which clearly permit the trade and consumers to understand prices per weight of dates. Other countries have lower quality requirements and provide outlets for dates in bulk or other inexpensive containers. Both of these conditions need to be recognized in the regulations applicable to exports of restricted dates and the supplying, and maintaining of, export outlets, thereby tending to assure orderly marketing conditions for exports of restricted dates and augment overall returns to date producers for the quantity of dates disposed of in the various outlets.

(11) Section 987.68 *Verification of reports* should be amended by adding a new sentence after the next to the last sentence authorizing the Committee, with

the approval of the Secretary, to establish the type of records which handlers shall maintain. Records must be adequate to permit verification of the reports which handlers are required to submit to the Committee and to verify compliance with the provisions of the order. There is a wide variance in the recordkeeping currently employed by the industry, ranging from a haphazard, unsystematic basis to thorough records kept by qualified bookkeepers. Reporting errors, which seriously affect compliance with the withholding obligations and payment of assessments, are occasionally difficult to detect in the absence of handlers maintaining a minimum of records. The proposed amendment would authorize the Committee to prescribe such records and thereby improve reporting, compliance and the efficiency of program administration.

(12) Provisions on the establishment and maintenance of an operating reserve should be added to the expense and assessment provisions of the order (§§ 987.71 through 987.74) and these provisions should be reworded, as hereinafter set forth, to adopt the more concise language of recent marketing orders promulgated under the act. The order authorizes certain activities which constitute recurring items of expense to the Committee, such as the administration of grade, size, and container regulations and marketing research and development projects. Administration of such activities creates a need for funds regardless of the size of the assessable poundage. In the past, the Committee has been able to collect assessment funds adequate to its financial requirements when there has been an average or above-average production of assessable dates. However, a material reduction, in any year, in the assessable poundage on the basis of which the assessment rate had been computed would interfere with the ability of the Committee to finance its annual obligations unless additional funds are obtained on the basis of an increased rate of assessment. A reserve fund is therefore desirable so that the Committee may have sufficient funds available in a crop year when production is below-average without necessitating an increase in the assessment burden on handlers.

The maximum reserve necessary under foreseeable crop fluctuations need not exceed 50 percent of the average expenses incurred during the most recent five crop years. Such a fund should be established in a manner to minimize the burden by collecting a portion of the 50 percent each year until the maximum is reached. The amount collected each year should constitute an item of expense of the Committee for that year. For purposes of good administration and to avoid unnecessary adjustments, the Committee should be authorized to accumulate the maximum as proposed, and thereafter should not be required to reduce the reserve to conform to any recomputed five-year average. Once the maximum reserve has been achieved, it is not contemplated that the Committee would collect additional funds except to maintain such reserve at the authorized level or unless there is a significant increase in such five-year average. The Committee should be authorized to use such funds for the purposes for which collected and hence for any expenses authorized by § 987.71. If it is necessary for the Committee to use reserve funds during a crop year because of inadequate assessment income, the reserve funds should be replaced as the assessment income of that year subsequently permits the replacement. To the extent that assessments from a crop year exceed then current expenses, including additions to reserve, the provision for the refunding or crediting of excess funds to those handlers who contributed to such excess should be continued. In view of the well established principle that obligations to a government agency may be offset with funds owed by such agency, the order should be further amended to provide that the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler.

Establishment of the operating reserve fund may result in an accumulation of funds which are not expended and which are held by the Committee should this regulatory program be terminated. Such funds are equities of individual handlers and the order should be amended to provide that such funds be distributed in such manner as the Secretary may direct and, to the extent practicable, to the persons from whom such funds were collected.

It should be recognized that funds covered by the expenses and assessment provisions of the order do not include funds or expenses arising from Committee operations on the receiving, handling, holding, or disposition of surplus dates. All such funds and expenses should be handled apart from administrative funds. However, when it is practicable to do so the Committee should be authorized to employ administrative funds temporarily in operation of the surplus provision. This would be in the interest of the industry by avoiding the need to obtain funds from commercial sources at commercial rates of interest.

In order to set forth these, to eliminate outdated wording, and to provide for the deletion of the pitting factor discussed in material issue numbered (6), present §§ 987.71 through 987.74 should be deleted and new §§ 987.71 and 987.72 substituted therefor to read as hereinafter set forth.

(13) It was proposed that present § 987.76 be renumbered as § 987.75 and a new § 987.76 be added defining the rights of the Secretary. It is evident from the hearing record that members of the industry fully understand the proposal and do not question but that the proposal is consistent with the legal authority of the Secretary. However, the weight of the evidence is to the effect that the provision is not essential to the administration of this part and hence it is not recommended for adoption at this time.

General. During the course of the hearing, two matters were proposed which were not contained in the notice of hearing; namely, (1) that dates of fancy quality be exempted from volume regulations, and (2) that the inspection service withhold the marking of containers of dates for handling for any handler delinquent on his assessments. It was understood at the hearing that the first proposal was not an appropriate issue for consideration at the hearing since it was neither submitted for inclusion in the notice of hearing nor included therein. The second proposal was similar to a proposal submitted by the Committee for inclusion in the notice of hearing but omitted therefrom by the Department because such proposal was in conflict with long standing practices under marketing order programs segregating compliance functions from inspection service functions. In view of the foregoing, neither proposal is an appropriate subject for consideration in this proceeding.

Rulings on proposed findings and conclusions. The period during which interested parties might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the conclusion to be drawn therefrom expired on April 16, 1962. No briefs were filed.

General findings. (1) The marketing agreement and order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

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

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

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

Recommended amendment of the order. The following amendment of the amended marketing agreement and order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Amend § 987.2 to read as follows:

§ 987.2 Act.

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

§ 987.5 [Amendment]

2. Insert "Halawy," in § 987.5 immediately after "Zahidi,".

§ 987.9 [Amendment]

3. Insert in § 987.9 after "commerce" the words "including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets," and insert after "deliveries by producers" the words "of other than cull dates".

§ 987.16 [Amendment]

4. Add to the end of § 987.16 the words "and any dates residual from field or packinghouse grading operations."

5. Amend § 987.26 to read as follows:

§ 987.26 Vacancies.

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

§ 987.41 [Amendment]

6. Delete the word "agency" wherever it appears in § 987.41(c) and substitute therefor the word "service".

§ 987.44 [Amendment]

7. Delete the last sentence of § 987.44 (b).

§ 987.45 [Amendment]

8. Delete "0.90" from the last sentence of § 987.45(a) and substitute therefor the phrase "a divisor established by the Committee with the approval of the Secretary".

9. Delete the phrase "withholding percentage" wherever it appears in § 987.45 and substitute therefor the phrase "withholding factor".

10. Add the following sentence at the end of § 987.45(d): "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such crop year may have such excess quantity of marketable dates credited to his restricted obligation of the subsequent crop year: *Provided,* That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

§ 987.47 [Deletion]

11. Delete § 987.47 *Assistance to handlers* and add a new § 987.47 *Surplus* to read as follows:

§ 987.47 Surplus.

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

§ 987.55 [Amendment]

12. Insert the following sentence after the first sentence of § 987.55: "The Committee, with the approval of the Secretary, may establish such grade, container, and identification requirements for such dates for export, as are deemed essential to the promotion of orderly marketing."

§ 987.56 [Amendment]

13. Change the initial word "Substandard" appearing in § 987.56 to "substandard" and insert before that word the words "Subject to the provisions of § 987.47,".

§ 987.68 [Amendment]

14. Insert the following sentence after the next to last sentence of § 987.68: "The Committee, with the approval of the Secretary, may establish the type of records to be maintained."

§§ 987.71, 987.72, 987.73, 987.74 [Deletions]

15. Delete §§ 987.71 through 987.74, inclusive, and add new §§ 987.71 and 987.72 to read as follows:

§ 987.71 Expenses.

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

§ 987.72 Assessments.

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

(b) *Surplus expenses.* The Committee is authorized to use temporarily funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus dates. All such expenses shall be deducted from the proceeds obtained by the Committee from such disposal.

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

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

Dated: May 24, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62–5183; Filed, May 28, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1002]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Proposed Termination of Certain Provisions

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the terminaiton of certain provisions of the order regulating the handling of milk in the New York-New Jersey marketing area is being considered.

The provisions proposed to be terminated are § 1002.15(b) (2), (3), (4), (5), and (c) (1), (2), (3), (4), and in (c) proper the words "under conditions set forth in subparagraphs (1) and (2) of this paragraph or, except as specified in subparagraphs (3) and (4) of this paragraph."

The termination of the provisions specified is intended to simplify the application of the order with respect to producer-handlers and to make its administration more practicable. The contemplated action is particularly designed to reduce the period during which a producer-handler becomes fully regulated as the result of cancellation of his designation, to make it possible for a producer-handler to regularly receive incidental supplies from fully regulated handlers, to relieve the conditions affecting the sale and purchase of cattle and facilities for milk production on the part of producer-handlers, and in general to remove provisions affecting producer-handlers which may obstruct the policy of the Act. Opportunity is hereby afforded all interested parties to submit written data, views and argument with respect to the proposed termination.

All persons who desire to submit written data, views or argument in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on May 24, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5186; Filed, May 28, 1962; 8:51 a.m.]

[7 CFR Part 1096]

[Docket No. AO 257-A7]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Correction

In F.R. Doc. 62-5068, appearing at page 4920, of the issue for Friday, May 25, 1962, the introductory text of §§ 1096.7 and 1096.65 is incomplete. As changed, the introductory text of these sections reads as follows:

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d), or is diverted to a nonpool plant other than the plant of a producer-handler during any month(s) of February through August or in accordance with the provisions of paragraphs (a), (b), or (c) of this section during any month of September through January: *Provided,* That the milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted: *Provided further,* That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section: *And provided also,* That if a handler diverting milk pursuant to paragraph (a) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

* * * * *

§ 1096.65 Computation of daily base for each producer.

Subject to the rules set forth in § 1096.66, the average daily base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer by all pool handlers during the preceding months of September through December by the number of days' production of such producer delivered during such period, but by not less than 90: *Provided,* That in the case of any producer delivering milk to a pool plant which was a nonpool plant during any part of the September–December period, such plant shall be considered to have been a pool plant during such period for the purpose of computing the daily base of such producer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Bioferm Corporation, Wasco, California, proposing the establishment of an exemption from the requirement of a tolerance for residues of the insecticide containing viable spores of the microorganism Bacillus thuringiensis Berliner, in or on bananas and corn.

The analytical method proposed in the petition for determining residues of viable spores of Bacillus thuringiensis Berliner is a spore-count assay consisting of a standard plate count procedure using a heat-treated suspension (65° C. for 30 minutes) of the material to be tested.

Dated: May 21, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-5149; Filed, May 28, 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 653) has been filed by Nursery Specialty Products, Inc., 67 West 44th Street, New York 36, N.Y., proposing the issuance of a regulation to establish a tolerance of 375 parts per million (0.0375 percent) for residues of polyvinylidene chloride and/or the copolymer of polyvinylidene chloride in or on fodder from pea vines treated with the polymer as an antidesiccant.

Dated: May 22, 1962.

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

[F.R. Doc. 62-5150; Filed, May 28, 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 618) has been filed by Humble Oil & Refining Company, Houston, Texas, proposing the issuance of a regulation to provide for the safe use of light isoparaffinic petroleum hydrocarbons in the production of articles that contact food.

Dated: May 22, 1962.

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

[F.R. Doc. 62-5151; Filed, May 28, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 174, 405]

SURETY BONDS AND POLICIES OF INSURANCE

Notice of Proposed Rule-Making

MAY 18, 1962.

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing of surety bonds, certificates of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act, Ex Parte No. MC-5; in the matter of security for the protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act, Ex Parte No. 159.

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), of the proposed revision of § 174.8(a) of Part 174 (49 CFR 174.8(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and the proposed revision of § 405.6(a) of Part 405 (49 CFR 405.6(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403 (c) and (d) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003).

The purpose of such revisions is to require insurance or surety companies to file an agreement that they will designate process agents, if requested, in each State in which they are not licensed to conduct insurance business.

It is proposed that § 174.8(a) be revised to read as follows:

§ 174.8 Insurance and surety companies; authorized.

(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these sections unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate or surety bond, as the case may be, in each State in which the motor carrier is authorized to operate under Part II of the Interstate Commerce Act and such company fully complies with paragraph (b) of this section: *Provided, however,* That in lieu of the licensing requirement with respect to any State except that in which the motor carrier has its principal place of business or domicile, the company will file with the Commission an agreement stating that with respect to any State requested it will furnish the Commission a designation in writing of the name and address of a person upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought in such State against such company. Such agreement shall be effective so long as the company is authorized to file security with the Commission, and thereafter with respect to any claims arising during the effectiveness of any previously filed certificates or surety bonds.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is proposed that § 405.6(a) be revised to read as follows:

§ 405.6 Insurance and surety companies.

(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these rules and regulations unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate, or surety bonds, as the case may be, in each state in which the freight forwarder is authorized to perform service under Part IV of the Interstate Commerce Act, and such company fully complies with paragraph (b) of this section: *Provided, however,* That in lieu of the licensing requirement with respect to any state except that in which the freight forwarder has its principal place of business or domicile, the insurance or surety company will file with the Commission an agreement stating that with respect to any State requested it will furnish the Commission a designation in writing of the name and address of a person upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought in such State against such company. Such agreement shall be effective so long as the company is authorized to file security with the Commission, and thereafter with respect to any claims arising during the effectiveness of any previously filed certificates or surety bonds.

(Sec. 403 (c), (d), 56 Stat. 285; 49 U.S.C. 1003)

No oral hearing on the proposed revision is contemplated; however, interested parties may file with this Commission, within thirty days from the publication hereof, written statements of facts, opinions or arguments concerning the herein proposed revision. Any written statement so filed shall conform with the specifications provided in § 1.15 of the Commission's rules of practice (49 CFR 1.15). An original signed copy and six additional copies shall be furnished for use of the Commission.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 1.

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

[F.R. Doc. 62-5141; Filed, May 28, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62-KC-15]

CONTROLLED AIRSPACE

Proposed Designation of Transition Area

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

The Federal Aviation Agency has under consideration designation of a transition area at Winner, S. Dak. The proposed transition area would be designated to extend upward from 700 feet above the surface within a 5-mile radius of the Winner Airport (latitude 43°23'30'' N., longitude 99°50'45'' W.) and within 2 miles either side of the Winner VORTAC 212° True radial extending from the 5-mile radius area to the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the Winner VORTAC 032° and 212° True radials extending from 5 miles southwest to 13 miles northeast of the VORTAC. This transition area would provide protection for aircraft executing prescribed instrument approach, departure and holding procedures at the Winner Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An

informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-5181; Filed, May 28, 1962; 8:50 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WE-50]

JET ADVISORY AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Secondary radar from the air route surveillance radar at a site near Wheatland, Wyo., is expected to be commissioned in July 1962 which will make additional radar jet advisory service possible from the Denver, Colo., Air Route Traffic Control Center. The Federal Aviation Agency has under consideration the alteration of jet advisory areas in the vicinity of Wheatland as follows:

1. Extend the radar jet advisory area associated with Jet Route No. 107 to include flight levels 240 to 390 inclusive from 105 nautical miles southwest of Crazy Woman, Wyo., to the end of the present radar advisory area northeast of Crazy Woman.

2. Extend the radar jet advisory area associated with Jet Route No. 32 to include flight levels 240 to 390 inclusive from 72 nautical miles southwest of Crazy Woman to the end of the present radar advisory area northeast of Crazy Woman.

3. Extend the radar jet advisory areas associated with Jet Routes Nos. 84 and 94 to include flight levels 240 to 390 inclusive from 85 nautical miles east of Rock Springs, Wyo., to 15 nautical miles west of Scottsbluff, Nebr. In separate action (Airspace Docket No. 62-WE-29), it has been proposed that the radar jet advisory areas associated with J-84 and J-94 be extended westward to 15 nautical miles west of Scottsbluff to include flight levels 240 through 390.

The extension of these radar advisory areas would provide additional areas wherein radar jet advisory service would be provided to civil turbojet aircraft.

Non-radar jet advisory areas are presently designated between flight levels 270 and 310 and between 370 and 390 along the above-mentioned segments of Jet Routes Nos. 107 and 32, and along a portion of common segments of Jet Routes Nos. 84 and 94 west of Scottsbluff. Substitution of radar advisory areas at those altitudes along these segments would impose no additional burden on any person.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

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

Issued in Washington, D.C., on May 24, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-5138; Filed, May 28, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN WAREHOUSES

Announcement of Unit Prices for Grain for Net Assets and Bond Purposes

In accordance with the provisions of §§ 102.6 and 102.14 of the Regulations for Warehousemen Storing Grain (7 CFR 102.6, 102.14) under section 28 of the United States Warehouse Act (7 U.S.C. 268), and pursuant to a delegation of authority appearing at 25 F.R. 439, notice is hereby given that the unit prices for various grains have been established as follows, for purposes of fixing the amount of net assets required under said § 102.6 and the amount of bond required under said § 102.14, applicable to warehouse licenses issued, or amendments or renewals of warehouse licenses granted, under the United States Warehouse Act during the calendar year beginning June 1, 1962:

	Per bushel
Wheat	$2.00
Flaxseed	3.00
Soybeans	2.30
Rice (Rough)	2.20
Rice (Milled)	5.10

The amounts of net assets and bond to be required of warehousemen licensed under the United States Warehouse Act are determined by responsible officials of the Agricultural Marketing Service in accordance with §§ 102.6 and 102.14 of the Regulations for Warehousemen Storing Grain. The regulations base such amounts on the unit prices for certain grain as announced annually by the Administrator of the Agricultural Marketing Service or his delegate. The last prior announcement covers the year ending May 31, 1962. It is the policy of this Department to announce the same unit prices for purposes of this act as are established in connection with price support programs of this Department. The unit prices for price support programs have been established for the calendar year beginning June 1, 1962. Therefore no purpose would be served by publishing a notice of rulemaking or other public procedure on the foregoing announcement of the unit prices for grain under said act and said announcement must be made effective by June 1. Accordingly under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that public procedure on the foregoing announcement is impracticable and unnecessary and good cause is found for making the announcement effective less than 30 days after publication in the FEDERAL REGISTER.

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

GEORGE A. DICE,
Director, Special Services Division.

[F.R. Doc. 62-5184; Filed, May 28, 1962; 8:50 a.m.]

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 12, 1961 (20 A.D. 584), continuing in effect to and including July 31, 1962, an order issued on July 17, 1959 (18 A.D. 799), authorizing the respondent, Union Stock Yards Company of Omaha (Ltd.), Omaha, Nebraska, to assess the current temporary schedule of rates and charges.

By a petition filed on May 14, 1962, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect for a period of one year.

	Rate per head—	
	Present	Proposed
SECTION NO. 1. YARDAGE CHARGES		
(a) All livestock received, and (b) All livestock reweighed or resold:		
Cattle (except bulls 700 lbs, or over)	$1.05	$1.12
Bulls (minimum 700 lbs.)	1.55	1.65
Calves (maximum 400 lbs.)	.61	.65
Hogs	.38	.40
Sheep or goats	.22	.23
Horses or mules	1.05	1.12
EXCEPTIONS		
(a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.		
(b) Yardage will not be assessed against livestock forwarded to other markets or to the country, or returned to point of origin, provided the livestock has not changed ownership, and is forwarded in the same name as originally consigned.		
(c) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:		
Cattle (except bulls 700 lbs. or over)	.53	.56
Bulls (minimum 700 lbs.)	.78	.83
Calves (maximum 400 lbs.)	.31	.33
Hogs	.20	.21
Sheep or goats	.11	.12
(d) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:		
Cattle (except bulls 700 lbs. or over)	.35	.37
Bulls (minimum 700 lbs.)	.50	.53
Calves (maximum 400 lbs.)	.21	.22
Hogs	.13	.14
Sheep or goats	.07	.07
(e) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, the following charges will apply:		
Cattle (except bulls 700 lbs. or over)	.16	.17
Bulls (minimum 700 lbs.)	.24	.26
Calves (maximum 400 lbs.)	.10	.11
Hogs	.07	.08
Sheep or goats	.03	.03

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

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

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-5146; Filed, May 28, 1962; 8:46 a.m.]

Office of the Secretary

FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 (5 U.S.C. 133x-15), sections 1400 and 1401 of the Secretary's Order dated October 10, 1957 (22 F.R. 8188, as amended, 23 F.R. 1836, 24 F.R. 5165, 25 F.R. 1643, 26 F.R. 7888), are amended to delete authorities no longer applicable, to restate applicable authorities, and to cover additional functions, and to read as follows:

SEC. 1400. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration:

a. Agricultural credit programs under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921).

b. Rural Housing programs, except research authorities, in Title V of the Housing Act of 1949 (42 U.S.C. 1471).

c. Loan program under section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a).

d. Loan programs and other authorities, functions, powers, and duties vested in the Secretary of Agriculture under the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation, and use agreements entered into pursuant thereto.

e. Powers, duties, and assets pertaining to the existing programs of the Farmers Home Administration and to the prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricul-

tural Credit Corporation of Washington, D.C.

f. Servicing, collection, settlement, and liquidation authorities and functions pertaining to the foregoing programs and to:

(1) Collection of deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Collection of Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(3) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture may be authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

g. Making and issuing notes to the Secretary of the Treasury as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929, 1988) and Title V of the Housing Act of 1949, as amended (42 U.S.C. 1481, 1484) and in accordance with applicable appropriation acts, and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including, but not limited to, 7 U.S.C. 1005b(j), 1005e(b), 1006e(a), 16 U.S.C. 590x–3(d)); but for the purposes of the Agricultural Credit Insurance Fund no such notes shall be made or issued or requests for advances made which would cause the aggregate unpaid principal balances on such notes issued and outstanding to exceed $75,000,000, of which not more than $25,000,000 shall be for domestic farm labor housing.

SEC. 1401. *Reservations.* The following functions are reserved to the Secretary:

a. Making and issuing notes to the Secretary of the Treasury as authorized by law and requesting advances of funds evidenced by such notes, except as otherwise provided in section 1400g.

b. Designation of natural disaster areas in which emergency loans may be made (7 U.S.C. 1961).

Done at Washington, D.C., this 24th day of May 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5147; Filed, May 28, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

ENRICHED AND DEPLETED URANIUM Base Charges, Special Charges, Specifications and Packaging

The U.S. Atomic Energy Commission hereby announces a revision in the schedule of base charges for enriched and depleted uranium effective July 1, 1962.

This notice amends a notice published in the FEDERAL REGISTER on May 30, 1961 (26 F.R. 4765), entitled "Special Nuclear Materials: Base Charges, Special Charges, Specifications and Packaging" as follows:

1. Paragraph 1 entitled "General" (26 F.R. 4765) is revised by adding the following sentence after the third sentence in the paragraph: "The Atomic Energy Commission, however, has under consideration adding to the schedule of base charges for enriched UF_6 distributed abroad under contracts for sale or lease entered into after July 1, 1962, a moderate surcharge in those cases where the United States will thereby incur costs for safeguarding the material against diversion from peaceful uses."

2. Tables 1, 2, and 3 (26 F.R. 4766) are deleted and the following Tables 1, 2, and 3 are substituted in lieu thereof:

TABLE 1—*Base charges for enriched uranium, as UF_6*

Assay (weight fraction U-235)	Base charge (per Kg U)	Assay (weight fraction U-235)	Base charge (per Kg U)
0.0075	$26.50	0.045	$422.40
0.0080	30.50	0.050	479.40
0.0085	34.70	0.055	536.80
0.0090	38.90	0.060	594.50
0.0095	43.30	0.07	710.50
0.0100	47.70	0.08	827.00
0.011	56.80	0.09	944.00
0.012	66.10	0.10	1,062.00
0.013	75.70	0.12	1,298.00
0.014	85.40	0.14	1,535.50
0.015	95.30	0.16	1,774.00
0.016	105.30	0.18	2,013.00
0.017	115.50	0.20	2,252.00
0.018	125.70	0.25	2,853.00
0.019	136.10	0.30	3,456.00
0.020	146.50	0.35	4,060.00
0.022	167.60	0.40	4,666.00
0.024	189.00	0.50	5,882.00
0.026	210.60	0.60	7,103.00
0.028	232.40	0.70	8,329.00
0.030	254.30	0.80	9,562.00
0.032	276.40	0.85	10,183.00
0.034	298.60	0.90	10,808.00
0.036	320.90	0.92	11,061.00
0.038	343.30	0.93	11,188.00
0.040	365.80	0.94	11,315.00

Base charges for enriched uranium of assays not specifically listed will be determined by linear interpolation between the nearest listed assays. When the assay of enriched uranium is less than 0.0075, the base charge will be determined by linear interpolation between the base charge for 0.0075 material and a value of $23.50 per Kg U for normal uranium (0.007115 weight fraction U-235) in the form of UF_6.

The inclusion above of an assay of 0.94 weight fraction U-235 is for interpolation purposes only. Inquiries concerning the availability of material of specific assays above 0.93 and the charges for material of assays above 0.94 should be addressed to the AEC Materials Leasing Officer at Oak Ridge, Tenn.

TABLE 2—*Base charges for depleted uranium, as UF_6*

A. For depleted uranium requested without a specification as to assay, $2.50 per Kg U.

B. For depleted uranium of specifically requested assays:

Assay (weight fraction U-235):	*Base charge (per Kg U)*
0.0022	$3.00
0.0038	3.00
0.0040	3.70
0.0042	4.60
0.0044	5.60
0.0046	6.65
0.0048	7.75
0.0050	8.90
0.0052	10.10
0.0054	11.35
0.0056	12.65
0.0058	13.95
0.0060	15.35
0.0065	18.90
0.0070	22.60

Base charges for depleted uranium of assays not specifically listed will be determined by linear interpolation between the nearest listed assays. When the assay of depleted material is greater than 0.0070, the base charge will be determined by linear interpolation between the base charge for 0.0070 material and a value of $23.50 per Kg U for normal uranium (0.007115 weight fraction U-235) in the form of UF_6.

TABLE 3—*Specifications for UF_6 furnished by AEC*

The following specifications are established for enriched uranium in the form of UF_6 and depleted uranium in the form of UF_6 to be furnished by AEC:

A. Enriched uranium furnished as UF_6 shall consist of at least 99.0 percent by weight UF_6, and depleted uranium furnished as UF_6 shall consist of at least 99.5 percent by weight UF_6. The impurities making up the remainder may consist of fluorocarbons, hydrogen fluoride, and certain cations. The material shall be free from contamination by hydrocarbons, partially substituted halohydrocarbons or chlorocarbons.

B. Materials within the assay ranges specified in Column I, when analysed on the basis of individual cylinders, are subject to the assay variations in Column II. The assay of the material is subject to the routine precision percentage specified in Column IV.

C. Materials within the assay ranges specified in Column I, when analysed on the basis of composite lots, are subject to the assay variations in Column III. The assay of the material is subject to the routine precision percentage specified in Column IV. AEC will composite samples whenever possible, unless otherwise requested.

Column I, assay range (weight % U-235)	Column II, variation from requested assay for B above (weight % U-235)	Column III, variation from requested assay for C above (weight % U-235)	Column IV, routine precision [2] (% reported value)
0.22 to normal U [1]	±0.010	±0.010	±0.25
Above normal U to 1.0	±0.010	±0.015	±0.25
Above 1.0 to 2.0	±0.015	±0.020	±0.25
Above 2.0 to 5.0	±0.045	±0.050	±0.15
Above 5.0 to 15.0	±0.150	±0.180	±0.15
Above 15.0 to 20.0	±0.150	±0.200	±0.10
Above 20.0 to 30.0	±0.150	±0.300	±0.10
Above 30.0 to 93.0	±0.150	±0.400	±0.05
Above 93.0	±0.100	±0.150	±0.05

[1] Depleted uranium requested without a specification as to assay is furnished at an assay determined by the AEC in the range below 0.38 weight percent U-235. The assay furnished would be subject to the routine precision percentage specified for 0.22 to normal uranium.
[2] 95 percent confidence limit.

This notice is effective July 1, 1962.

Dated at Germantown, Md., this 23d day of May 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-5124; Filed, May 28, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JULIEN R. STEELMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of May 14, 1962.

JULIEN R. STEELMAN.

MAY 14, 1962.

[F.R. Doc. 62-5156; Filed, May 28, 1962; 8:48 a.m.]

WILLIAM E. VAUGHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 18, 1962.

WILLIAM E. VAUGHN.

MAY 18, 1962.

[F.R. Doc. 62-5157; Filed, May 28, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-18357; Docket No. 13630]

IMPERIAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1962.

In the matter of Imperial Airlines, Inc., Docket 13630, temporary certificate of public convenience and necessity.

Pursuant to Order E-13436 adopted January 28, 1959, the Board awarded Imperial Airlines, Inc. (Imperial), a temporary certificate of public convenience and necessity for supplemental air service between any point in any state of the United States or in the District of Columbia and any other point in any state of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms was to expire on March 30, 1961.[1]

From records on file with the Board and other available information, it appears that Imperial has conducted no operations since November 12, 1961.[2] Consequently, it appears that this carrier has conducted no operations for a period of at least 90 days within the meaning of section 401(f) of the Federal Aviation Act of 1958. The Board has heretofore found that it is contrary to the public interest to have outstanding an operating authority which is not being actively utilized.

Upon careful consideration of the foregoing, and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Imperial should be directed to show cause within 15 days from the date of this order why the Board should not certify that operations under its certificate have ceased and that its certificate should cease to be effective and shall be null and void.

The action to terminate the carrier's certificate of public convenience and necessity raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E-9744, adopted November 15, 1955, as amended by Order E-9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

It appears that Imperial has conducted no overseas operations for at least two consecutive calendar quarters. Under condition 15(ii) of Appendix A to Order E-9744, this constitutes grounds for revocation of the carrier's Interim Operating Authorization.[3] Imperial will accordingly be directed to show cause why its interim operating authorization should not be revoked. Finally, the reasons set forth in the opinion accompanying Board Order E-9744 which render it contrary to the public interest for non-operators to continue to hold economic authority granted under Order E-9744, are equally applicable to their rights under letters of registration. It appears that Imperial has conducted no foreign operations for at least two consecutive calendar quarters. Accordingly, if a non-operator is revoked under the provisions of Order E-9744, the Board also proposes to terminate its authority to engage in foreign air transportation by virtue of a letter of registration by revocation thereof. Independently and concurrently therewith the Board proposes to deny application for individual exemption authority in Docket 5132.

Accordingly, it is ordered:

1. That Imperial be and it is hereby ordered to show cause within 15 days from the date of this order why the Board should not certify that its operations have ceased and that its temporary certificate of public convenience and necessity should cease to be effective and shall be null and void, why its Interim Operating Authorization No. 35 heretofore issued to it shall not be revoked pursuant to the provisions of paragraph 15 of Appendix A to Board Order E-9744, why its Letter of Registration No. 1655 should not be revoked and why its application for individual exemption authority in Docket 5132 should not be denied; and,

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-5154; Filed, May 28, 1962; 8:47 a.m.]

[Order E-18358; Docket No. 13631]

STEWART AIR SERVICE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1962.

In the matter of Stewart Air Service, Docket 13631; temporary certificate of public convenience and necessity.

Pursuant to Order E-13436 adopted January 28, 1959, the Board awarded Stewart Air Service (Stewart), a temporary certificate of public convenience and necessity for supplemental air service between any point in any state of the United States or in the District of Columbia and any other point in any state of the United States or in the District of Columbia, with respect to persons and property. This certificate became effective on March 30, 1959, and by its terms is to expire on March 30, 1964.[1]

From records on file with the Board and other available information, it appears that Stewart has conducted no operations since January 5, 1962.[2] Consequently, it appears that this carrier has conducted no operations for a period of at least 90 days within the meaning of section 401(f) of the Federal Aviation Act of 1958. The Board has heretofore

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[1] Imperial filed an application for renewal of its certificate on February 7, 1961, and its authority is continued under section 9(b) of the Administrative Procedure Act.

[2] The certificate was originally issued to Regina Cargo Airlines, Inc. By Order E-15450, June 27, 1960, the Certificate was reissued to Imperial. By Order E-14509, adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

Imperial's Air Carrier Operating Certificate expired on February 4, 1962, and has not been renewed.

[3] 15. An interim operating authorization shall be subject to revocation, after notice and opportunity for hearing, for:

* * * * *

(ii) Failure to file the monthly and quarterly reports required by Part 242 of the Economic Regulations of the Board in two consecutive reporting periods or for failure to operate any revenue flights in two consecutive calendar quarters.

[1] By Order E-14509 adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate. Such action did not affect the expiration date of the certificate.

[2] On January 5, 1962, the Administrator of Federal Aviation Agency issued an Emergency Order of Revocation effective January 5, 1962, revoking Stewart's Air Carrier Operating Certificate No. 6-155. Stewart appealed the Revocation to the Board under section 609 of the Act, and on February 3, 1962, a Board Examiner affirmed the Administrator's Order. Since Stewart did not appeal from the Examiner's Decision, the Decision has become final.

found that it is contrary to the public interest to have outstanding an operating authority which is not being actively utilized.

Upon careful consideration of the foregoing, and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Stewart should be directed to show cause within 15 days from the date of this order why the Board should not certify that operations under its certificate have ceased and that its certificate should cease to be effective and shall be null and void.

The action to terminate the carrier's certificate of public convenience and necessity raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E–9744, adopted November 15, 1955, as amended by Order E–9884, adopted December 29, 1955, the carrier has an interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

It appears that Stewart has conducted no overseas operations for at least two consecutive calendar quarters. Under condition 15(ii) of Appendix A to Order E–9744 this constitutes grounds for revocation of the carrier's Interim Operating Authorization.[3] Stewart will accordingly be directed to show cause why its interim operating authorization should not be revoked. Finally, the reasons set forth in the opinion accompanying Board Order E–9744 which render it contrary to the public interest for non-operators to continue to hold economic authority granted under Order E–9744, are equally applicable to their rights under letters of registration. It appears that Stewart has conducted no foreign operations for at least two consecutive calendar quarters. Accordingly, if a non-operator is revoked under the provisions of Order E–9744, the Board also proposes to terminate its authority to engage in foreign air transportation by virtue of a letter of registration by revocation thereof. Independently and concurrently therewith the Board proposes to deny application for individual exemption authority in Docket 5132.

Accordingly, it is ordered:

1. That Stewart be and it is hereby ordered to show cause within 15 days from the date of this order why the Board should not certify that its operations have ceased and that its temporary certificate of public convenience and necessity should cease to be effective and shall be null and void, why its Interim Operating Authorization No. 41 heretofore issued to it shall not be revoked pursuant to the provisions of paragraph 15 of Appendix A to Board Order E–9744, why its Letter of Registration No. 1576 should not be revoked and why its application for individual exemption authority in Docket 5132 should not be denied; and,

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–5155; Filed, May 28, 1962; 8:48 a.m.]

[3] 15. An interim operating authorization shall be subject to revocation, after notice and opportunity for hearing, for:

* * * * *

(ii) Failure to file the monthly and quarterly reports required by Part 242 of the Economic Regulations of the Board in two consecutive reporting periods or for failure to operate any revenue flights in two consecutive calendar quarters.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 62M–743]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

The Hearing Examiner having under consideration Motion for Continuance filed May 22, 1962, on behalf of Chief, Common Carrier Bureau, requesting that the evidentiary hearing herein scheduled to commence June 5, 1962, be continued to June 13, 1962;

It appearing, that a consultant for the Air Force and counsel for the Common Carrier Bureau are engaged in an evidentiary hearing in Docket No. 14215 (TELPAK), which is scheduled to reconvene June 4, 1962, and remain in session throughout the ensuing week;

It further appearing, that American Telephone and Telegraph Company is currently preparing certain material in answer to requests from the parties;

It further appearing, that good cause exists why said motion should be allowed and the other parties interpose no objection thereto;

Accordingly, it is ordered, This 23d day of May 1962, that the Motion for Continuance filed on behalf of the Chief, Common Carrier Bureau, is granted and the evidentiary hearing now scheduled for June 5, 1962, be and the same is hereby rescheduled for June 13, 1962, at 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: May 23, 1962.

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

[F.R. Doc. 62–5187; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 14601, 14602; FCC 62M–741]

CHRISTIAN BROADCASTING ASSOCIATION OF NEW ENGLAND, INC., AND NORTH ATTLEBORO BROADCASTING CO.

Order Re Procedural Dates

In re applications of Christian Broadcasting Association of New England, Inc., Providence, Rhode Island, Docket No. 14601, File No. BPH–3462, and Joseph A. Morin and Rose L. Morin, d/b as North Attleboro Broadcasting Company, North Attleboro, Massachusetts, Docket No. 14602, File No. BPH–3514; for construction permits.

Pursuant to agreement of counsel for all parties on the record at the prehearing conference held on May 22, 1962: *It is ordered,* This 22d day of May 1962, that the following procedural dates are established:

Exchange of applicants' written direct affirmative cases with copies to be mailed to all parties and the Hearing Examiner: June 19, 1962.

Exchange of applicants' written rebuttal evidence with copies to be mailed to all parties and the Hearing Examiner: July 3, 1962.

Notification of witnesses, if any, desired for cross-examination and those, if any, to be produced in connection with rebuttal evidence: July 10, 1962.

Commencement of hearing: July 17, 1962.

It is further ordered, That the hearing, presently scheduled to commence on June 12, 1962, is continued to 10:00 a.m., July 17, 1962.

Released: May 23, 1962.

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

[F.R. Doc. 62–5188; Filed, May 28, 1962; 8:51 a.m.]

[Docket No. 14597 etc.; FCC 62M–744]

KWEN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP–13627; Petty Durwood Johnson tr/as Radio Orange, Orange, Texas, Docket No. 14598, File No. BP–13739; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP–14619; for construction permits.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that there is a conflict of dates in the Hearing Examiner's schedule which requires a change from June 18, as currently scheduled;

It is ordered, This 23d day of May 1962, that the date for commencement of hearing is changed from June 18 to July 5, 1962.

Released: May 23, 1962.

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

[F.R. Doc. 62–5189; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 13067, 13068; FCC 62M-736]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Continuing Hearing Conference

In re applications of Charles A. Bell, George J. Helmer III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton Massachusetts, Docket No. 13067, File No. BP-12884, and Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; for construction permits.

The Hearing Examiner having under consideration prehearing conference presently scheduled for June 1, 1962;

It is ordered, on the Hearing Examiner's own motion, that the prehearing conference is continued to June 5, 1962, at 9:00 a.m., due to an emergency situation.

Dated: May 22, 1962.

Released: May 22, 1962.

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

[F.R. Doc. 62-5190; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 14557, 14558; FCC 62M-735]

PAGE BOY RADIO CORP. AND NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

Order Following Prehearing Conference

In re applications of Page Boy Radio Corporation, Detroit, Michigan, Docket No. 14557, File No. 2133-C2-P-61; for construction permit to establish a one-way signaling common carrier station in the Domestic Public Land Mobile Radio Service in Detroit, Michigan, and New York Technical Institute of Cincinnati, Inc., Detroit, Michigan, Docket No. 14558, File Nos. 138-C2-ML-62 and 1149-C2-ML-62; for modification of license of station KQC884 to add type 3A2 emission to the presently authorized 6A3 emission.

At a prehearing conference held on May 8, 1962, it was agreed by all parties to the proceeding that all exhibits to be introduced at hearing by the parties, in connection with their direct presentations, would be exchanged on or before June 11, 1962. It was further agreed that hearing in the above-entitled matter should be continued from May 15, 1962, to June 25, 1962.

So ordered, This 21st day of May 1962.

Released: May 22, 1962.

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

[F.R. Doc. 62-5191; Filed, May 28, 1962; 8:51 a.m.]

[Docket Nos. 14193, 14194; FCC 62M-738]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Order Scheduling Prehearing Conference

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663, and Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

To discuss further proceedings in the light of the Commission's Memorandum Opinion and Order released May 18, 1962 (FCC 62-522): *It is ordered,* This 22d day of May 1962, that a further prehearing conference is scheduled for Wednesday, June 6, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: May 22, 1962.

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

[F.R. Doc. 62-5192; Filed, May 28, 1962; 8:51 a.m.]

[Docket No. 14649]

WAYNE F. WALLACE

Order To Show Cause

In the matter of Wayne F. Wallace, 1765 Temple Hills Drive, Laguna Beach, California, Docket No. 14649; order to show cause why there should not be revoked the license for ship radio station WG-3079 aboard the vessel "Raven".

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing, that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed August 18, 1961, alleging that on August 16, 1961, Ship radiotelephone station WG-3079 was operated in violation of §§ 8.109 (e), 8.368(a), and 8.367(a)(2) of the Commission's rules in that there was no record of frequency measurements made at the time of the installation of a replacement transmitter (on or about July 22, 1961), an accurate radiotelephone station log was not being maintained, and a copy of Part 8 of the Commission's rules was not on board the vessel;

It further appearing, that by letters dated September 18, October 4, and October 31, 1961, and February 9, 1962, the above-named licensee was requested to advise the Commission concerning this matter and as to the corrective action taken; and

It further appearing, that a partial response was made to the Commission's letter of September 18, 1961, but that no response has been made to the Commission's letters of October 4, and October 31, 1961, and February 9, 1962; and

It further appearing, that in view of the foregoing the respondent has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 21st day of May 1962, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by certified mail, return receipt requested, to the said licensee.

Released: May 22, 1962.

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

[F.R. Doc. 62-5193; Filed, May 28, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1008]

MID BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Mid Brazil/United States-Canada Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5158; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1009]

COLPAC FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Colpac Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5159; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1010]

CANAL, CENTRAL AMERICA NORTHBOUND CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Canal, Central America Northbound Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5160; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1011]

CAMEXCO FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Camexco Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5161; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1012]

CALCUTTA/U.S.A. CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Calcutta/U.S.A. Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5162; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1013]

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf/West Coast of South America Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5163; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1014]

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf/West Coast of Central America and Mexico Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5164; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1015]

ATLANTIC AND GULF-SINGAPORE, MALAYA AND THAILAND CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf-Singapore, Malaya and Thailand Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5165; Filed, May 28, 1962; 8:48 a.m.]

[Docket No. 1016]

ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON AND PANAMA CITY CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5166; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1017]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Atlantic and Gulf-Indonesia Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5167; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1018]

ASSOCIATION OF WEST COAST STEAMSHIP COMPANIES

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Association of West Coast Steamship Companies has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to Shipping Act, 1916. As required by sec- the provisions of section 14b of the tion 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5168; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1019]

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Leeward & Windward Islands & Guianas Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5169; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1020]

INDIA, PAKISTAN, CEYLON & BURMA OUTWARD FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that The India, Pakistan, Ceylon & Burma Outward Freight Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5170; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1021]

HAVANA STEAMSHIP CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Havana Steamship Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5171; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1022]

GULF AND SOUTH ATLANTIC HAVANA STEAMSHIP CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Gulf and South Atlantic Havana Steamship Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5172; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1023]

FAR EAST CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Far East Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the Offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5173; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1024]

EAST COAST SOUTH AMERICA REEFER CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the East Coast South America Reefer Conference

has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5174; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1025]

EAST COAST COLOMBIA CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the East Coast Colombia Conference has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5175; Filed, May 28, 1962; 8:49 a.m.]

[Docket No. 1026]

JAVA-NEW YORK RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Java-New York Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5176; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1027]

JAVA-PACIFIC RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Java-Pacific Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5177; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1028]

DELI-PACIFIC RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Deli-Pacific Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5178; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1029]

DELI/NEW YORK RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Deli/New York Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5179; Filed, May 28, 1962; 8:50 a.m.]

[Docket No. 1030]

HAVANA NORTHBOUND RATE AGREEMENT

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the parties to the Havana Northbound Rate Agreement have filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–5180; Filed, May 28, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–94 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

Notice of Applications and Date of Hearing

MAY 22, 1962.

American Louisiana Pipe Line Company, Docket No. CP62–94; Tensas Gas Gathering Corporation, Docket No. CP62–127; Texas San Juan Oil Corporation, Docket No. CI62–382.

Take notice that on October 12, 1961, as supplemented on March 7, 1962, American Louisiana Pipe Line Company (American Louisiana) 645 Griswold Street, Detroit 26, Michigan, filed in Docket No. CP62–94 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 27.1 miles of gathering lines of various diameters, a purchase meter station, and 660 horsepower of field compression facilities to receive natural gas from the Holly Ridge Area of Louisiana and Mississippi, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

American Louisiana estimates the total cost of the proposed facilities to be $1,125,000, which will be financed from funds on hand.

American Louisiana states that the proposed facilities will enable it to purchase gas from reserves in Tensas, Franklin, Catahoula, and Concordia Parishes, Louisiana, and in Jefferson, Claiborne, and Adams Counties, Mississippi, committed to it under the provisions of a gas purchase contract with Phillips Petroleum Company and G. H. Jett, subsequently assigned to Texas San Juan Oil Corporation (Texas San Juan). The initial rate to be paid under the contract is 17.0 cents per Mcf plus applicable tax reimbursement.

The gas to be purchased will be gathered through the proposed gathering facilities by Texas San Juan and delivered to American Louisiana at a point in Tensas Parish, Louisiana, after processing in Texas San Juan's Locust Ridge Plant. The gas will be transported from the Locust Ridge Plant to American Louisiana's 8⅝-inch supply lateral previously authorized in Docket No. CP61–24 by Tensas Gas Gathering Corporation (Tensas).

American Louisiana states that the purchase of gas from the Holly Ridge Area will augment its gas supply and will not require any increase in the delivery capacity of its certificated pipeline system. No new sales are proposed under the subject application.

Take further notice that on October 13, 1961, as supplemented on March 7, 1962, Texas San Juan Oil Corporation, 1126 Mercantile Securities Building, Dallas 1, Texas, filed in Docket No. CI62–382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to American Louisiana after processing in the Locust Ridge Plant, as hereinbefore described, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection.

Take further notice that on November 21, 1961, as supplemented on March 7, 1962, Tensas Gas Gathering Corporation, 924 National Bank of Tulsa Building, Tulsa, Oklahoma, filed in Docket No. CP62–127 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from the outlet of the Texas San Juan's Locust Ridge Plant to a connection with American Louisiana's 8⅝-inch lateral line in Tensas Parish, Louisiana, through Tensas' existing 8-mile, 8-inch pipeline in Tensas Parish, as hereinbefore described, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 21, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 11, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5129; Filed, May 28, 1962; 8:45 a.m.]

[Docket No. G–104]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 23, 1962.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with principal place of business in El Paso, Texas, filed an application in Docket No. G–104 on May 7, 1962, as hereinafter described, for authorization to continue the exportation of natural gas from the United States to Mexico, pursuant to section 3 of the Natural Gas Act and subject to the jurisdiction of the Commission, all as more fully represented in said filing which is on file with the Commission and open for public inspection.

El Paso's present contract for the exportation of natural gas expires by its own terms on June 8, 1962. El Paso has entered into a new contract, dated June 9, 1962, covering the sale of gas for exportation through existing facilities. This contract, unless sooner terminated in accordance with the provisions thereof, is to continue in full force and effect through June 1, 1972, and contemplates a continuation of the present export operations without interruption.

This matter should be disposed of as promptly as possible under the applicable rules and regulations. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5130; Filed, May 28, 1962; 8:45 a.m.]

[Docket No. G–14753]

SUNRAY DX OIL CO.

Notice of Severance, Extension of Time and Postponement of Hearing

MAY 22, 1962.

Sunray DX Oil Company (formerly Sunray Mid-Continent Oil Company), Docket No. G–14753.

Upon consideration of the request filed by Applicant in the above-designated matter, notice is hereby given that the proceeding listed above is hereby severed from the proceedings consolidated by order issued March 7, 1962, under the lead docket, Texaco-Seaboard Inc., et al., Docket Nos. G–13169 et al., heretofore scheduled for hearing on May 29, 1962, by order issued March 7, 1962, as modified by notice issued March 27, 1962.

An extension is hereby granted to the participants in the proceeding severed hereby to and including June 18, 1962, within which to serve and file the data specified by paragraph (C) of the Commission's order issued March 7, 1962; and that a hearing in the severed proceeding is scheduled to commence at 10 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5131; Filed, May 28, 1962; 8:45 a.m.]

[Docket No. CP62–228]

VILLAGE OF FINDLAY, ILLINOIS

Notice of Application

MAY 22, 1962.

Take notice that on March 29, 1962, the Village of Findlay, Illinois (Applicant), filed in Docket No. CP62–228 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those which Applicant proposes to construct, and to sell and deliver natural gas to Applicant for resale and distribution in the Village of Findlay, Shelby County, Illinois, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 4 miles of 4-inch lateral pipeline extending from Natural's 30-inch looped line approximately 4 miles east of the Village of Findlay to a regulator station in the village, and the necessary distribution facilities in the area to be served.

Applicant estimates its natural gas requirements for the first and third years of service to be as follows:

	First year	*Third year*
Peak day	589	691
Annual	52,522	61,172

Applicant states that its proposed facilities would cost approximately $230,000, which would be financed from the sale of public utility certificates which would be exchanged for revenue bonds. The application further states that arrangements for financing have been completed.

On April 9, 1962, Natural filed an answer to the application and stated that it has the available pipeline capacity and gas supply to render the proposed service. Natural estimates the total cost of its tap connection, metering, and regulating facilities to be $15,680.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–5132; Filed, May 28, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1169]

CARINTHIA SKI AREA, INC.

Order Permanently Suspending Exemption

MAY 23, 1962.

Carinthia Ski Area, Inc., West Dover, Vermont, filed with the Commission on July 25, 1960, a notification and offering circular, and subsequently filed amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to Section 3(b) thereof and Regulation A thereunder, with respect to a public offering of 113 shares of its no par value common stock at $1,000 per share.

The Commission, by order dated February 6, 1962, temporarily suspended the aforesaid exemption, pursuant to Rule 261(a) of Regulation A. At the issuer's request the Commission ordered that a hearing be held to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption. Thereafter the issuer entered a stipulation of facts, waived a hearing and posthearing procedures, and consented to the entry of an order permanently suspending the exemption.

On the basis of the stipulation of facts the Commission finds:

1. The terms and conditions of Regulation A were not complied with in that the issuer failed to furnish to certain purchasers of its stock an offering circular as required by Rule 256.

2. The offering was made in violation of section 17(a) of the Act in that the issuer did not disclose to certain purchasers the true capitalization of the corporation and number of shares outstanding.

3. The offering circular was materially misleading in that it failed to disclose that the real estate owned by the corporation was encumbered by a first mortgage, or the amount thereof.

In view of the foregoing findings: *It is ordered,* pursuant to Rule 261(b) of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering by Carinthia Ski Area, Inc. be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–5135; Filed, May 28, 1962; 8:45 a.m.]

[File No. 1–4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

MAY 23, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being

listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 24, 1962 to June 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5136; Filed, May 28, 1962; 8:45 a.m.]

[File No. 24D-2538]

SELF-SERVICE SHOES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 23, 1962.

I. Self-Service Shoes, Inc., 504 North Grand, Pueblo, Colo., (issuer), a Colorado corporation, filed on September 19, 1961, a notification and offering circular relating to an offering of 100,000 shares of its 10 cents par value common stock at an offering price of $3. per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Self-Service Shoes, Inc., has failed to cooperate with the staff in furnishing pertinent information in connection with the offering.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the failing financial condition of the company.

2. The failure to disclose adequately and accurately the necessity for closing its retail units.

3. The failure to disclose adequately and accurately the use intended to be made of the proceeds from the offering.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5137; Filed, May 28, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DORA KAMKE ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dora Kamke, Frischlinstrasse 27, Tubingen, Germany; $1,043.20 in the Treasury of the United States and a five-eighths interest in the property described below.

Adelheid Kickler nee Kamke, Uhlandstrasse 23, Sackingen, Germany; $208.64 in the Treasury of the United States and a one-eighth interest in the property described below.

Detlef Kamke, Biegenstrasse 8, Marburg/Lahn, Germany; $208.64 in the Treasury of the United States and a one-eighth interest in the property described below.

Olga Bradshaw nee Kamke, Lound Hall, Bothamsall near Retford, Notts., England; $208.64 in the Treasury of the United States and a one-eighth interest in the property described below. Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States from the republication of the following books:

(a) "Differentialgleichungen, Losungsmethoden und Losungen" by Erich Kamke vested by the Alien Property Custodian under Vesting Order No. 500A-56 (9 F.R. 8208, July 20, 1944).

(b) "Einfuhrung in die Wahrscheinlichkeitstheorie." 1932, by Erich Kamke vested by the Alien Property Custodian under Vesting Order No. 500A-76 (9 F.R. 7788, July 12, 1944).

(c) "Differentialgleichungen Reeller Funktionen," 1930, by Erich Kamke, vested by the Alien Property Custodian under Vesting Order No. 500A-153 (10 F.R. 6882, June 9, 1945).

(d) "Differentialgleichungen Losungsmethoden und Losungen," 1943-44, V. 1, 2 Aufl. by Erich Kamke, vested by the Alien Property Custodian under Vesting Order No. 500A-177 (10 F.R. 14972, December 12, 1945).

(e) "Differentialgleichungen, Loesungmethoden und Loesungen." 3rd Edition, 1944, by Erich Kamke, vested by the Alien Property Custodian under Vesting Order No. 500A-223 (13 F.R. 3564, June 26, 1948). Claim No. 41925.

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

For the Attorney General.

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

[F.R. Doc. 62-5142; Filed, May 28, 1962; 8:46 a.m.]

ROLF MARBOT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rolf Marbot (pseud. Albrecht Marcuse), 5, Rue Lincoln, Paris 8, France; the right to receive one third of forty percent of the royalties paid or to become payable to the Attorney General of the United States from the publication of the musical composition entitled "Sag Mir Darling, Sag Mir Liebling, Sag Mir Du" (English title: "Call Me Darling") by Rolf Marbot et al., in accordance with the terms of a contract concluded between Rolf Marbot et al. and Musikverlag "City" on April 14, 1931, as vested by the Alien Property Custodian under Vesting Order 500A-273 (15 F.R. 5825, August 29, 1950). Claim No. 61255.

Executed at Washington, D.C., on May 22, 1962.

For the Attorney General.

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

[F.R. Doc. 62-5143; Filed, May 28, 1962; 8:46 a.m.]

KATIE MUELLER

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Katie Mueller, Wolfegger Str. 9, Weingarten/Wurtt, Germany; $477.33 in the Treasury of the United States. Claim No. 66587, Vesting Order No. 14622.

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

For the Attorney General.

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

[F.R. Doc. 62-4144; Filed, May 28, 1962; 8:46 a.m.]

RUTH MARIA OSTEN AND LYDIA SARAH BIEBER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ruth Maria Osten nee Bieber, 25 Broadway, Manchester 20, England; $50.34 in the Treasury of the United States. The right to receive one-fourth of the Adolf Sliwinski share of the royalties payable to Felix Bloch Erben from the stage performances of the musical play entitled "Ein Walzertraum" in the United States, to the extent owned by Ruth Maria Osten nee Bieber immediately prior to the vesting thereof by Vesting Order No. 3504 (9 F.R. 6271, June 9, 1944) (9 F.R. 13772, November 17, 1944). Claim No. 59222.

Lydia Sarah Bieber, 9 Belgrave Mansions, Belgrave Gardens, London NW 8, England; $50.34 in the Treasury of the United States. The right to receive one-fourth of the Adolf Sliwinski share of the royalties payable to Felix Bloch Erben from the stage performances of the musical play entitled "Ein Walzertraum" in the United States, to the extent owned by Fritz Felix Bieber known as Francis Bieber, predecessor in interest of Lydia Sarah Bieber, immediately prior to the vesting thereof by Vesting Order No. 3504 (9 F.R. 6271, June 9, 1944) (9 F.R. 13772, November 17, 1944). Claim No. 59223.

Executed at Washington, D.C., on May 22, 1962.

For the Attorney General.

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

[F.R. Doc. 62-5145; Filed, May 28, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Coalgate, Okla.; effective 5-9-62 to 5-8-63 (men's, boys', girls', and ladies' dungarees).

Choctaw Manufacturing Co., Inc., Silas, Ala.; effective 5-26-62 to 5-25-63 (men's trousers).

Cluett, Peabody & Co., Inc., 433 River Street, Troy, N.Y.; effective 5-21-62 to 5-20-63 (men's dress shirts).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; effective 5-12-62 to 5-11-63 (ladies' capris, surfers, and pedal pushers).

Freedland Sportswear Co., Inc., 246-250 Centre Street, Freeland, Pa.; effective 5-18-62 to 5-17-63 (men's outerwear jackets).

Honey Togs, Inc., 605 West Upshur, Gladewater, Tex.; effective 5-14-62 to 5-13-63; learners may not be employed at special minimum wage rates in the production of separate skirts (children's garments—slimjims, pedal pushers, surfers, etc.).

The H. D. Lee Co., Inc., 405 East Madison Street, South Bend, Ind.; effective 5-15-62 to 5-14-63 (men's work clothing).

Mode O'Day Corp., Plant No. 9, 419 East S Street, Hastings, Nebr.; effective 5-9-62 to 5-8-63. Learners may not be employed at special minimum wages in the production of separate skirts (ladies' blouses).

Oberman Manufacturing Co., Valdosta, Ga.; effective 5-27-62 to 5-26-63 (men's and boys' dungarees).

Opp Textiles, Inc., Opp, Ala.; effective 5-12-62 to 5-11-63 (hunting and camping clothes).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 5-7-62 to 5-6-63 (ladies' brassieres and girdles).

Rappahannock Manufacturing Co., Inc., 2301 Airport Avenue, Fredericksburg, Va.; effective 5-15-62 to 5-14-63 (men's dress trousers).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5-18-62 to 5-17-63 (misses' and junior's dresses).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton 3, Pa.; effective 5-23-62 to 5-22-63 (men's single pants).

Spartans Industries, Inc., Spencer, Tenn.; effective 5-8-62 to 5-7-63 (ladies' capri pants and jamaica pants).

Stately Lady Nitewear, Inc., Mount Holly Road, Charlotte, N.C.; effective 5-9-62 to 5-8-63 (ladies' woven pajamas and nightgowns).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 5-19-62 to 5-18-63 (women's dresses and sportswear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aletta Manufacturing Co., Inc., White Mills River Street, Springvale, Maine; effective 5-10-62 to 5-9-63; 10 learners (women's dresses).

Barad Lingerie Co. of Salem, Salem, Mo., effective 5-14-62 to 5-13-63; 10 learners (ladies' cotton sleepwear).

Eudora Manufacturing Corp., U.S. Route 65, Eudoda, Ark.; effective 5-7-62 to 5-6-63; 10 learners (men's uniforms and work clothing and women's uniforms).

Globe Manufacturing Co., Inc., Lyons, Ga.; effective 5-11-62 to 5-10-63; 10 learners (men's and boys' storm type coats and jackets).

Holiday Garment Co., Building No. 323, Port Industrial Center, Tacoma 2, Wash.; effective 5-14-62 to 5-13-63; 10 learners (men's, boys', women's, and girls' washable coats and jackets).

Irene Sportswear Co., Inc., Walnut Street, Nicholson, Pa.; effective 5-18-62 to 5-17-63; 10 learners (ladies' dresses and blouses).

Johnson Garment Corp., 307 West Second Street, Marshfield, Wis.; effective 5-9-62 to 5-8-63; eight learners (men's heavy outerwear parkas).

Maine Dress Co., Main Street, Cornish, Maine; effective 5-14-62 to 5-13-63; 10 learners (women's dresses).

Modelrite Dress Co., 201 Chestnut Street, Dunmore, Pa.; effective 5-22-62 to 5-21-63; five learners (women's dresses).

Peerless Uniform Manufacturing Co., 1810 South Main Street, Los Angeles 15, Calif.; effective 5-8-62 to 5-7-63; eight learners (washable service apparel, men's and women's uniforms and doctors' and nurses' uniforms).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; effective 5-15-62 to 11-14-62; 20 learners (men's work clothing).

Emporia Garment Co., Inc., Emporia, Va.; effective 5-7-62 to 11-6-62; 30 learners (children's dresses).

Frisco Sportswear Co., Inc., 301 West Live Oak Street, Frisco City, Ala.; effective 5–13–62 to 11–12–62; 120 learners (ladies' slacks).

Sy Hart Sportswear, Salisbury, N.C.; effective 5–14–62 to 11–13–62; 20 learners (men's and boys' rainwear; men's boys', and girls' outerwear).

Parochial Uniform Co., Inc., 1 Liberty Street, Farmington, Mo.; effective 5–15–62 to 11–14–62; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (girls' and children's jackets and blouses).

Spring City Manufacturing Co., Spring City, Tenn.; effective 5–16–62 to 11–15–62; 150 learners (men's and boys' pajamas).

Tom & Huck Togs, Inc., Amory, Miss.; effective 5–14–62 to 11–13–62; 85 learners (men's dress and play pants and shorts).

W. F. Apparel Co., Inc., 902 Main Street, West Frankfort, Ill.; effective 5–14–62 to 11–13–62; 40 learners (women's and misses' dresses).

Whiteville Garment Manufacturing Co., Whiteville, N.C.; effective 5–11–62 to 11–10–62; 50 learners (men's and boys' dungarees and single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 5–14–62 to 5–13–63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 5–9–62 to 5–8–63; 10 learners for normal labor turnover purposes (leather and cotton combination work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Auburn Hosiery Mills, Inc., No. 2, Adairville, Ky.; effective 5–9–62 to 10–3–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless) (replacement certificate).

May Hosiery Finishing Co., 616 South Main Street, Burlington, N.C.; effective 5–10–62 to 11–9–62; 35 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kayser-Roth Hosiery Co., Dayton Division, Dayton, Tenn.; effective 5–23–62 to 11–22–62; 20 learners for plant expansion purposes (ladies' and children's tights).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa.; effective 5–14–62 to 11–13–62; five learners for normal labor turnover purposes (cotton polo shirts and ladies' cotton underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Riviera Sportswear Co., 1207 South Seventh Street, LaCrosse, Wis.; effective 5–7–62 to 11–6–62; 100 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $1.00 an hour (ammunition pouches, barracks bags and gas mask head harness).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 25th day of May 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–5105; Filed, May 25, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37752: *Fresh vegetables from Cullman, Ala.* Filed by O. W. South, Jr., Agent (No. A4190), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, as described in the application, from Cullman, Ala., and points grouped therewith, to Evansville, Ind., and Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 12 to Southern Freight Association tariff I.C.C. S–178.

FSA No. 37753: *Asphalt from Montana points to Mankato, Minn.* Filed by Trans-Continental Freight Bureau, Agent (No. 388), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), in tank-car loads, subject to aggregate shipment in one day of twenty tank-car loads, from Billings, East Billings, Great Falls and Laurel, Mont., to Mankato, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 64 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37754: *Asphalt from Montana points to Fond du Lac, Wis.* Filed by Trans-Continental Freight Bureau, Agent (No. 387), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), in tank-car loads, subject to aggregate shipment in one day of twenty tank-car loads, from Billings, East Billings, Great Falls and Laurel, Mont., to Fond du Lac, Wis.

Grounds for relief: Carrier competition.

Tariff: Supplement 64 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–5139; Filed, May 28, 1962; 8:46 a.m.]

[Notice 644]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 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 64304. By order of May 21, 1962, the Transfer Board approved the transfer to Ray Krog, doing business as Ray Krog Trucking, Fergus Falls, Minn., of Certificate No. MC 21580, issued April 8, 1957, to Norris Arnold Krog and Raymond Gordon Krog, doing business as Krog Bros., Fergus Falls, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points within 20 miles of Fergus Falls, Minn., except points on U.S. Highways 52 and 59 and Minnesota Highway 210, on the one hand, and, on the other, Fargo, N. Dak., emigrant movables and livestock, between points in Minnesota, on the one hand, and, on the other, points in North Dakota and South Dakota; agricultural commodities between Fergus Falls, Minn., and points within 20 miles thereof, on the one hand, and, on the other, points in North Dakota and South Dakota; and farm machinery and building materials, between Fergus Falls, Minn., and Fargo, N. Dak. Richard L. Pemberton, First National Bank Building, Fergus Falls, Minn., attorney for applicants.

No. MC–FC 64815. By order of May 22, 1962, the Transfer Board approved the transfer to Clarence Morrison, Parker, Kans., of Certificate No. MC 3422, issued May 5, 1958, to Uriel W. Brown, doing business as Brown Truck Line, Parker, Kans., authorizing the transportation of: Agricultural commodities, and empty steel drums, from Parker, Kans, to Kansas City, Mo., over specified routes, serving the intermediate point of Cadmus, Kans., and the off-route point of North Kansas City, Mo., general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Kansas City, Mo., to Parker, Kans., over

specified routes, serving the intermediate point of Cadmus, Kans., and the off-route point of North Kansas City, Mo., unrestricted, and the intermediate point of Kansas City, Kans., restricted to pick-up of livestock; livestock, from Centerville, Kans., to Kansas City, Mo., over specified routes, serving the intermediate point of Kansas City, Kans., intermediate and off-route points within 12 miles of Centerville, and the off-route point of North Kansas City, Mo., feed, livestock, farm machinery, and building materials, from Kansas City, Mo., to Centerville, Kans., over specified routes, serving the intermediate point of Kansas City, Kans., intermediate and off-route points within 12 miles of Centerville, and the off-route point of North Kansas City, Mo., livestock, between Parker, Kans., and points within 25 miles thereof, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans.

No. MC–FC 64968. By order of May 21, 1962, the Transfer Board approved the transfer to Lloyd C. Albro, 456 Main Street, Washington (Town of Coventry), R.I., of the operating rights in Certificate No. MC 35896, issued June 19, 1942, to David W. Knight, Pippin Orchard Road, Cranston, R.I., authorizing the transportation, over irregular routes, of livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and supplies and equipment used in the care or exhibition of such animals, and ordinary livestock, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Virginia.

No. MC–FC 65008. By order of May 22, 1962, the Transfer Board aproved the transfer to W. H. Luddy & Son, Inc., East Bridgewater, Mass., of the operating rights in Certificates Nos. MC 42578 and MC 68647, both issued April 3, 1950, to William A. Luddy, doing business as W. H. Luddy & Son, East Bridgewater, Mass., authorizing respectively, the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, between East Bridgewater, Mass., on the one hand, and, on the other, points within 10 miles of East Bridgewater, milk and cream, between East Bridgewater, Mass., and points within 5 miles thereof, on the one hand, and, on the other, Providence and East Providence, R.I., and Somerville, Mass., household goods, between East Bridgewater, Mass., and points in Massachusetts within 25 miles of East Bridgewater, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, New York, and Rhode Island, and, over irregular routes, passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in a described portion of Massachusetts, to a described portion of Maine, a described portion of Vermont, a described portion of Connecticut, and a described portion of New York and to points in New Hampshire and Rhode Island, and return. Edward Gilmore, 62 Wellesley Avenue, Wellesley, Mass., applicants' attorney.

No. MC–FC 65026. By order of May 21, 1962, the Transfer Board approved the transfer to Roger Glasnapp, doing business as Glasnapp Transfer, Lytton, Iowa, of the operating rights in Certificate No. MC 110295 Sub-1, issued December 6, 1951, to La Vern Segebarth, doing business as Segebarth Transfer, Lytton, Iowa, authorizing the transportation, over irregular routes, of livestock, feed and seed, between Lytton, Iowa, and points within 15 miles of Lytton, on the one hand, and, on the other, Omaha, Nebr.

No. MC–FC 65039. By order of May 22, 1962, The Transfer Board approved the transfer to Victory Van Lines, Inc., Staten Island, N.Y., of the operating rights in Certificate No. MC 93023, issued May 14, 1959, to Piazza Bros. Greenwood Vans, Inc., Brooklyn, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, on the one hand, and, on the other, points in Connecticut, and New Jersey, and in a described portion of New York, and in a described portion of Pennsylvania. David Brodsky, 1776 Broadway, New York 19, N.Y., Applicants' attorney.

No. MC–FC 65042. By order of May 22, 1962, the Transfer Board approved the transfer to Lawrence Zvacek, doing business as Wall Truck Line, Holden, Mo., of Certificate No. MC 547, issued January 24, 1956, to Leta Wall and Lawrence Zvacek, a partnership, doing business as Wall Truck Line, Holden, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Holden Mo., and Kansas City, Kans., serving all intermediate points without restriction; and off-route points within ten miles of Holden, restricted to the pickup and delivery of livestock; between Kansas City, Mo., and Pittsville, Mo., serving the intermediate points of Lone Jack, Cockrell, and Elm, Mo., sand, lumber, feed, meats, and oil and grease in containers, between Kansas City, Kans., and Pittsville, Mo., serving the intermediate points of Lone Jack, Cockrell, and Elm, Mo., livestock, over irregular routes, between Pittsville, Mo., and points within 10 miles of Pittsville, on the one hand, and, on the other, Kansas City, Kans., and from Lees Summit, Mo., and points within 3 miles of Lees Summit, to Kansas City, Kans., and iron and steel articles and prefabricated parts, used in the manufacture of agricultural implements, between Holden, Mo., and Ottawa, Kans. Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–5140; Filed, May 28, 1962; 8:46 a.m.]

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