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# FEDERAL REGISTER

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# Codification Guide

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Sup. 1, Dry Edible Beans]

### PART 421—GRAINS AND RELATED COMMODITIES

### Subpart—1962-Crop Dry Edible Bean Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of dry edible beans. The 1962 C.C.C. Grain Price Support Bulletin 1, 27 F.R. 4411, issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.



AUTHORITY: §§ 421.1341 to 421.1354 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

#### § 421.1341 Purpose.

This subpart states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (§§ 421.1101 to 421.1132, 27 F.R. 4411), and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Dry Edible Bean Price Support Program.

#### § 421.1342 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible beans produced in the United States. Farm-storage loans will not be available in areas where the State committee determines that beans cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the States committee designates some other county ASCS office. An application may be submitted only after the association has been determined to be an eligible association under § 421.1343.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

#### § 421.1343 Cooperative marketing associations.

A cooperative marketing association which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible beans through warehouse-storage loans and purchase agreements: *Provided,* That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own beans only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Applications for determination of eligibility shall be submitted to the State committee of the State where the association's principal office is located no later than December 1, 1962.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a brief statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or by-law provisions.* The articles of incorporation or association, or by-laws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meetings, (3) membership in the association to be open to all farmer-producers of beans except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on his production of beans marketed by the association during the current year or a single preceding year, but whichever of the above described methods of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis. The association must have been in existence and conducting legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed so as to provide effective marketing operations for its producer-members.

(d) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person and his close relatives are entitled to receive more than 5 percent of the gross profits, (3) with any corporation in which any such person and his close relatives own more than 5 percent of the stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which an agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities, but not transactions which are no different than those entered into by the association with its general membership. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph (d) are contemplated in the period between the date of the application and August 1, 1963, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes to the satisfaction of the Executive Vice President, CCC, that any such transactions in the year preceding the date of application or in the period beginning with the date of application and ending on August 1, 1963, have not and will not operate to the detriment of members of the association.

(e) *Uniform marketing agreement.* All eligible beans delivered to the association by producer-members must be marketed through the association pursu-

ant to a uniform marketing agreement between the association and each of its producer-members who deliver such eligible beans.

(f) *Non-member business.* Not less than 80 percent of the beans marketed by the association must be produced by its producer-members.

(g) *Vested authority.* The association must have authority to obtain a loan on the security of the beans and give a lien thereon as well as authority to sell such beans.

(h) *Records maintained.* The association must maintain a record by classes and grades of the quantity of beans eligible for price support acquired by or delivered to the association from each source, and such record must show the disposition of the beans. Similar records must be maintained separately for beans not eligible for price support.

(i) *Physical inventory.* The association must keep in inventory at all times a quantity of beans equivalent in quality and quantity to the quality and quantity of the beans shown on its outstanding warehouse receipts. Price support may be obtained by the association only on the quantity of eligible beans which remains undisposed of in its inventory at the time of application for price support.

(j) *Distribution of proceeds.* Proceeds from the disposition of all beans eligible for price support disposed of by marketing or by delivery to CCC shall be distributed only to the eligible producer-members who delivered such eligible beans to the association and only on the basis which results in the proceeds being distributed proportionately to such producer-members according to the quantity and quality of such eligible beans delivered by each eligible producer-member. This provision shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionately to the producer-members whose beans are included in each pool.

(k) *Inspection by CCC.* Beans held by the association must be available for inspection by CCC at all reasonable times as long as the association has beans under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1968.

(l) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support of its member associations meet the requirements for price support under this section. The requirements of paragraph (g) of this section shall be deemed to be satisfied if such member associations have the right to deliver beans of their producer-members to the association applying for price support and to authorize such association to sell the beans and to obtain a loan on the security of the beans and to give a lien thereon. The association applying for price support shall: (1) In its charter, by-laws, marketing contracts or by other legal means require that its member association meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c) and (d) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(m) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans or purchase agreements or both, shall be made by the Executive Vice President, CCC.

(n) *Investigations.* The Commodity Credit Corporation shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, bylaws, agreements with producers or member associations and with the representations made in its application.

### § 421.1344 Eligibility requirements.

(a) *Beneficial interest.* The beneficial interest in the beans must be in the producer tendering the beans for a loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producer-members who delivered the beans to the association or to member associations meeting the requirements of § 421.1343 and must always have been in them or in them and former producers whom they succeeded before the beans were harvested. Beans acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the beans to the association or to a member association do not retain the right to share proportionately in the proceeds from the marketing of the beans as provided in § 421.1343(j). Beans acquired from other than producer members and member associations are not eligible for price support. Any producer or association in doubt as to whether his interest in the beans complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the beans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

### § 421.1345 Eligible beans.

The beans must meet all of the applicable requirements of this section, in addition to other applicable requirements of the program, in order to be eligible for a loan, for delivery under a loan, and for purchase under a purchase agreement.

(a) *Production.* The beans must have been produced in the United States in 1962 by an eligible producer.

(b) *Classes.* The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Red Kidney, Dark Red Kidney, Light Red Kidney, Western Red Kidney, Large Lima, and Baby Lima.

(c) *Grade requirements.* (1) Beans to be eligible for delivery under a loan or purchase agreement must grade U.S. No. 2 or better.

(2) Farm-storage loans: (i) Beans placed under farm-storage loans which have been commercially cleaned, must grade No. 2 or better.

(ii) If the beans have not been commercially cleaned, they must contain not in excess of 18 percent moisture, and after a deduction of foreign material, must contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; must not be musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality, and must not have any commercially objectionable odor. (Such beans, which have not been commercially cleaned are hereinafter referred to as "thresher run" beans.)

(3) Warehouse-storage loans: Beans placed under warehouse-storage loans must be represented by warehouse receipts for beans of a grade No. 2 or better, except that beans stored identity preserved and represented by warehouse receipts calling for thresher run beans, will be eligible subject to the safety factor in § 421.1354(d).

(d) *Poisonous substances.* The beans must not contain mercurial compounds or other substances poisonous to man or animals.

(e) *Waiting period.* If offered as security for a farm-storage loan, the beans must have been in store at least 30 days prior to inspecting, measuring, sampling, and sealing, unless otherwise approved by the State committee.

(f) *Deliveries under farm-storage loans.* Only beans covered by the loan documents are eligible for delivery under farm-storage loans.

### § 421.1346 Determination of quality.

(a) *Standards for quality.* The class, grade and all other quality factors shall be determined in accordance with the methods set forth in the Official United States Standards for Beans; whether or not such determinations are made on the basis of an official inspection.

(b) *Commingled warehouse storage.* The class and grade of beans for purposes of commingled warehouse-storage loans and settlement under loans and

purchase agreements shall be as indicated on warehouse receipts issued by approved warehouses.

(c) *Other storage*—(1) *For loan purposes.* The class and grade of beans placed under farm-storage loan or identity-preserved warehouse-storage loan shall be determined from an official (Federal or Federal-State) lot inspection certificate, or from an official sample inspection certificate drawn by a representative of the county committee. The State committee may require that any such inspection certificates issued prior to the date of the loan application shall be on the basis of a sample drawn within a specified time prior to the date of the loan application. Notwithstanding the foregoing provisions of this paragraph, in the case of loans on thresher-run beans, the quality of the beans may be determined by the ASCS State office where the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service authorizes such determination.

(2) *For settlement purposes.* The quality of eligible beans acquired by CCC under loan or purchase agreement, not represented by a commingled warehouse receipt, shall be determined on the basis of the class, grade and quality shown on an official lot inspection certificate. Such certificate shall be dated not earlier than 30 days prior to the applicable maturity date. The producer shall furnish such certificate to the county committee at the time of delivery.

(3) *Fees.* Inspection fees incurred in connecton with the making of warehouse-storage loans and with the acquisition of beans by CCC will be for the account of the producer. Inspection fees incurred by the county committee in connection with the making of farm-storage loans will be for the account of CCC.

### § 421.1347 Determination of quantity.

(a) *General.* At the time a loan is made, the quantity of beans may be determined either by weight or if farm stored in bulk by measurement. Where the quantity is determined by measurement 2.1 cubic feet shall constitute 100 pounds. The weight of bagged beans, not represented by a commingled warehouse receipt, for the purpose of the making of loans and settlement of loans and purchase agreements shall be the net weight of the lot determined under paragraph (c) of this section, or a quantity determined by multiplying the number of bags by 100 pounds, whichever is smaller. When necessary to convert bagged beans from gross weight to net weight, there shall be allowed ¾ pound per bag for the weight of the bags.

(b) *Commingled warehouse storage.* In the case of commingled warehouse-storage loans and settlement of loans and purchase agreements, where a commingled warehouse receipt is issued by an approved warehouse, the quantity shall be the net weight as specified on the warehouse receipt or supplemental certificate as applicable.

(c) *Other storage*—(1) *For loan purposes.* For the purpose of making loans the quantity of identity-preserved beans grading U.S. No. 2 or better stored in bulk shall be the net weight of the beans as shown on the warehouse receipt or supplemental certificate. The quantity of thresher-run beans shall be determined on the basis of either weight or measurement and loans shall be made on the basis of the net weight of the sound beans in the lot. Sound beans shall be beans free from dockage and other defects as defined in the United States Standards for Beans. In the case of beans stored on the farm, the quantity shall be expressed in units of 100 pounds after dropping all fractions.

(2) *For settlement purposes.* The quantity of eligible beans acquired by CCC under loan or purchase agreement, not represented by a commingled warehouse receipt, shall be determined on the basis of an official weight certificate. Such certificate dated not earlier than 30 days prior to the applicable maturity date shall be furnished the county committee at the time of delivery. The cost of such certificate shall not be for the account of CCC.

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when beans are offered for a farm-storage loan.

### § 421.1348 Credit for loss or damage.

The amount to be credited to the producer for loss or damage assumed by CCC, in accordance with § 421.1116 shall be determined by multiplying the number of hundredweight of sound beans, lost or damaged, by the support rate for U.S. No. 2 beans of the class lost or damaged, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U.S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or damaged by the support rate for the class and grade of such beans. There shall be deducted from such amount any insurance proceeds to which CCC may be entitled and the salvage value of the commodity.

### § 421.1349 Warehouse receipts.

Warehouse receipts representing beans in approved warehouse-storage to be placed under loan, to be delivered in satisfaction of a farm-storage loan, or to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the producer if presented for a warehouse-storage loan, in the name of the producer or CCC if presented for delivery under a farm-storage loan or in the name of the producer, or CCC if presented for delivery under a purchase agreement. Such receipts must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse for which a CCC Form 28, "Bean Storage Agreement" is in effect and which is approved by CCC for price support purposes. The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) *Entries for weight and grade.* Each warehouse receipt or warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show (1) net weight, (2) class, (3) grade, (4) or all grading factors used in the determination of the quality of the beans, and (5) in the case of "identity-preserved" beans, the warehouse receipt shall show the lot number, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon. A separate warehouse receipt must be submitted for each class and grade of beans.

(c) *Liens.* The warehouse receipts may not be subject to liens for warehouse charges.

(d) *Where warehouseman is also owner.* If the receipt is issued for beans of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. Notwithstanding the provisions of paragraph (a) of this section, in States where the pledge of warehouse receipt by a warehouseman on his own beans is not valid under State law and the warehouseman elects to deliver beans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(e) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing beans stored in an approved warehouse operating under a CCC Form 28, "Bean Storage Agreement" shall state that the beans are insured by the warehouseman at full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone or tornado, except that, insurance on identity-preserved beans must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. The cost of such insurance shall not be for the account of CCC. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

### § 421.1350 Warehouse charges and packaging.

(a) *Warehouse charges.* Storage, bagging, cleaning, inspection fees and all other charges, except receiving and loading out charges in the warehouse in which the beans are acquired by CCC, accruing through the applicable maturity date for loans, shall be paid by the producer prior to the time that the beans are placed under warehouse-storage loans, delivered in settlement of a farm-storage loan, or delivered under a purchase agreement, or shall be paid from the loan proceeds, settlement proceeds or purchase proceeds, whichever is applicable. Such charges include the cost

of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling, or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse-storage charges (not in excess of those approved for the 1962 crop under CCC Form 28, "Bean Storage Agreement") accruing after the applicable maturity date for loans, for beans which are delivered to or acquired by CCC.

(b) *Packaging.* Unless otherwise approved by CCC, beans acquired under loan or purchase agreement must be packed 100 pounds net in new bags made of 36-inch, extra quality 10.4 ounce or heavier weight jute or provision must have been made for such packaging by the producer. Bag seams must be as strong as the full strength of the cloth. Bags must be marked to show the commodity name and class; the net weight when packed; and the name and address of the packer.

**§ 421.1351 Maturity of loans.**

Loans mature on demand but not later than April 30, 1963.

**§ 421.1352 Storage in transit.**

Reimbursement will be made by CCC to producers or warehousemen for paid-in freight on beans stored in approved warehouses, subject to the following conditions:

(a) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(b) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(c) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in CCC Form 28, "Bean Storage Agreement", in effect with CCC for the 1962 crop.

(d) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of CCC Form 28, "Bean Storage Agreement".

(e) Not more than one transit stop must have been used on billing.

(f) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(g) Reimbursement for paid-in freight under this section will be made by the appropriate ASCS commodity office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

**§ 421.1353 Settlement.**

Settlement for beans acquired by CCC under loan or purchase agreement will be made with the producer as provided in applicable provisions of the preceding sections and this section. The support rate per cwt. at which settlement will be made for eligible beans, shall be determined under the applicable provisions of § 421.1354. Deliveries of beans in settlement of loans and purchase agreements shall be in accordance with instructions issued by the county office. Beans purchased under the purchase agreement shall be paid for by sight draft drawn on CCC and the producer shall indicate on commodity purchase Form 4 or 4A, whichever is applicable, to whom payment shall be made.

(a) *Inspection of purchase agreement beans.* Where the producer is required to retain the beans after maturity date as outlined in paragraph (b) of this section, CCC will not assume any loss in quantity or quality of beans covered by a purchase agreement, occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the beans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the beans are going out of condition or are in danger of going out of condition and that the beans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the beans to be of an eligible grade, settlement when delivery is completed shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered, but not in excess of the quantity specified on the purchase agreement.

(b) *Storage payment where CCC is unable to take delivery of beans stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain beans stored in other than an approved warehouse under loan or purchase agreement for a period of 60-days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such beans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the beans to CCC: *Provided, however,* That a storage payment shall be paid a producer whose beans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the beans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate for identity-preserved warehouse-stored beans as shown in the schedule of rates for the Bean Storage Agreement in effect at the time of such storage.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on beans under loan or purchase agreement stored in a warehouse under the Bean Storage Agreement, the producer shall, upon delivery of the beans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Bean Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Ineligible beans inadvertently accepted by CCC.* In the case of: (1) Ineligible beans delivered to or acquired by CCC in connection with a loan or (2) beans delivered in excess of the maximum quantity stated in the purchase agreement, and any other ineligible beans delivered under a purchase agreement, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate. If CCC sells the beans for the purpose of determining their market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible beans covered by paragraphs (e) and (f) of this section.

(e) *Fraud.* The making of any fraudulent representation by the producer in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil fraud statutes, for the amount of the loan, for any additional amounts paid to the producer on the beans, and for all costs which CCC would not have incurred had it not been for the producers fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity acquired by CCC under the loan shall be the market value, as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the beans as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the beans are sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes for any loss which CCC sustains upon the beans delivered under the purchase agreement. For the purpose of this program such loss shall be deemed to be the price paid to the producer on the beans delivered under the purchase agreement plus all costs sustained by CCC in connection with the

beans, together with interest at the rate of 6 percent per annum from the time of disbursement, less the market value, as determined by CCC, of the beans as of the close of the market on the date of delivery, or the sales price if the beans are sold in order to determine its market value.

(f) *Poisonous substances.* If the beans delivered to CCC contain mercurial compounds or other substances poisonous to man or animals, such beans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such beans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

**§ 421.1354 Support rates.**

The support rate for the quality of beans placed under a loan or acquired under a loan or purchase agreement shall be the applicable basic county support rate shown in paragraph (a) of this section, for the class and grade, and for the county in which the beans were produced, adjusted in accordance with the provisions of this section and in the case of settlement of loans and purchase agreements as further provided in § 421.1353. Except in the case of large lima beans, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(a) *Basic county supports rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

| Class and area | Rate per 100 pounds U.S. No. 1 |
|---|---|
| Pinto: | |
| Area I—All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos, and Valencia | $6.38 |
| Area II—All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, the counties of Goshen, Laramie, and Platte | 6.28 |
| Area III—In New Mexico, the counties of McKinley, and Valencia | 6.18 |
| Area IV—All counties in Arizona, California, South Dakota, and Utah. In Wyoming, all counties except Goshen, Laramie, and Platte. In Colorado, all counties not in Area II. In New Mexico, the counties of Rio Arriba, San Juan, and Taos | 6.08 |
| Area V—All counties in Washington | 5.78 |
| Area VI—All counties in other States | 5.88 |
| Great Northern: | |
| Area I—All counties in Minnesota, Nebraska, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte | $7.02 |
| Area II—All counties in South Dakota. All counties in Wyoming except Goshen, Laramie, and Platte | 6.82 |
| Area III—All counties in Montana. In Idaho, the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, and Twin Falls. In Oregon, Malheur County | 6.62 |
| Area IV—All counties in other States | 6.52 |
| Pea and Medium White: | |
| Area I—All counties in Michigan, New York, Maine, Minnesota, and Wisconsin | 6.90 |
| Area II—All counties in other States | 6.40 |
| Small White and Flat Small White | 7.33 |
| Dark Red Kidney | 8.51 |
| Light Red Kidney | 8.51 |
| Western Red Kidney | 8.51 |
| Pink | 7.13 |
| Small Red: | |
| Area I—All counties in Idaho and Colorado | 7.28 |
| Area II—All counties in Washington | 7.18 |
| Area III—All counties in other States | 7.23 |
| Large Lima: | |
| Area I—In Califorina, counties of Monterey, Orange, San Luis Obispo, Santa Barbara, Ventura, Los Angeles and San Diego | 10.20 |
| Area II—All other countries in California | 10.05 |
| Baby Lima | 5.40 |

(b) *Premiums—grade.*

| | Cents per 100 pounds |
|---|---|
| U.S. CHP (Pea beans) | +25 |
| U.S. CHP (All other beans) | +10 |
| U.S. Extra No. 1 | +10 |

(c) *Discounts—grade.*

| | |
|---|---|
| U.S. No. 2 | −25 |

(d) *Safety factor.* In the case of farm-stored thresher-run loans, and identity-preserved warehouse-stored thresher-run loans, the rate shall be reduced by the following amounts:

| | Dollars per 100 pounds from U.S. No. 1 rate |
|---|---|
| Michigan and New York | −3.00 |
| All other States | −2.00 |

Issued in Washington, D.C., on July 26, 1962.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 62-7485; Filed, July 27, 1962; 8:55 a.m.]

## PART 468—MOHAIR

### Subpart—Payment Program for Mohair

The bulletin states the requirements with respect to the payment program for mohair, formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Agricultural Stabilization and Conservation Service (referred to in this bulletin as ASCS).

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468.232 Expiration of time limitations.
468.233 Definitions.

AUTHORITY: §§ 468.201 to 468.233 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446.

**§ 468.201 Administration.**

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation Service (referred to in this subpart as ASCS) State and county offices. ASCS State and county offices do not have authority to modify any of the provisions of this subpart or any amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

**§ 468.202 Support level and payments.**

(a) *General.* Pursuant to the National Wool Act of 1954, as amended, the Department of Agriculture is to announce a price support level which has been determined to meet the requirements of the act for each of the four marketing years, 1962, 1963, 1964, and 1965. Each marketing year (as defined in § 468.233) begins April 1 of one calendar year and ends March 31 of the next calendar year, both dates inclusive. The announcement is to be made in accord-

ance with section 703 of the act which states that the Secretary shall, to the extent practicable, announce the support price level for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For each marketing year, price support on mohair will be furnished by means of payments to the producer in accordance with the provisions of this subpart on the mohair he markets in that marketing year. Payments will not be made on marketings of the pelts of goats.

(b) *1962 marketing year.* For the 1962 marketing year, the price support level was announced on October 6, 1961, as 74 cents per pound of mohair, grease basis.

**§ 468.203 Eligibility for payments.**

Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of mohair, the following requirements must be satisfied:

(a) Except as provided in §§ 468.220 to 468.224, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 468.233), of the mohair.

(b) The mohair must have been shorn in the United States on or after January 1, 1955, and must have been marketed within a specified marketing year as defined in § 468.233(k).

(c) The mohair as well as the goats from which it was shorn, must have been owned by the producer at the time of shearing, and the goats must have been owned by him in the United States for not less than 30 days at any time prior to his filing the application for payment (§ 468.211), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the goats pursuant to which the applicant, in return for furnishing labor in connection with caretaking, production, or feeding, is entitled either to a share in the ownership of the mohair shorn from such goats or a share of the sales proceeds of the mohair: *Provided,* That the owner of the goats who joins in the application meets the ownership requirements. Ownership of mohair or goats as used in this paragraph does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the mohair must always have been in the producer from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it without any other person being entitled to the mohair or its proceeds and without his having authorized any other person to sell or otherwise dispose of the mohair; (2) when the producer has authorized another person to sell or otherwise dispose of the mohair, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the mohair; or (3) when the producer is entitled to a share of the mohair or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the goats from which the mohair was shorn. If the producer has such beneficial interest, the fact that the mohair may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

**§ 468.204 Marketing within a specified marketing year.**

(a) The National Wool Act of 1954, as amended, provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1966. Successive payments under this program will be limited to mohair marketed during specified marketing years as defined in § 468.233(k).

(b) Marketing shall be deemed to have taken place in a marketing year if, pursuant to a sale or contract to sell, the last of the following three events in the process of marketing was completed in that marketing year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of mohair on consignment to a marketing agency (defined in § 468.233) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Mohair delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency, except that if the marketing agency has guaranteed a minimum sales price, is unable to sell the mohair for more, and with the producer's consent takes it over at the minimum sales price, the mohair is deemed marketed when it is so taken over by the marketing agency. When a producer transfers to a marketing agency title to his mohair and provides that such agency shall market the mohair and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the mohair.

(d) The exchange of mohair for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the mohair.

**§ 468.205 Rate of payment.**

Upon expiration of a specified marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this program. The rate of payment will be the percentage of the national average price received by producers in a specified marketing year which is required to bring such national average price up to the support price announced for that year. For example, if the reported national average price received by producers for mohair sold during a marketing year should be 66 cents and the support price for that year was 70 cents, the difference between 66 cents and the support price of 70 cents previously announced would be 4 cents, and this figure would constitute 6 percent of the national average price of 66 cents. In such a case, the rate of payment would be 6 percent of the net sales proceeds received by each producer.

**§ 468.206 Computation of payment.**

(a) In order to determine the amount of the payment due to a producer on the mohair he marketed during a marketing year, the percentage computed pursuant to § 468.205 will be applied to the net sales proceeds for the mohair determined in accordance with paragraph (b) of this section.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the mohair all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading; scouring; or carbonizing. Items, however, listed in § 468.208(a)(7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 468.233). For example, if the producer marketed his clip of 500 pounds at 70 cents per pound, he received $350 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marketing deductions) amounted to $325. For the purpose of this program, the producer is expected to deliver his mohair packed in bags to his local shipping point and to bear the storage expenses until the mohair is sold. Consequently, charges made for furnishing bags, storing mohair, or transporting mohair to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to the marketing of the mohair, such as interest on advances or dues owing an association, to be considered marketing charges. As to net sales proceeds in case of a guaranteed minimum sales price, see § 468.208(a)(6).

**§ 468.207 Supporting documents.**

(a) *General.* The application for payment on account of mohair shall be supported by the original sales document (defined in § 472.233) for the mohair sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy

will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 468.227.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 468.208(a)(10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

**§ 468.208 Contents of sales documents.**

The sales documents attached to each application for a payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the mohair covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in §§ 468.220 to 468.224, sales documents must cover mohair sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of mohair sold. If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 468.206(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the payment is computed.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the mohair, is unable to sell the mohair for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of that guaranteed minimum price regardless of a lower price at which the agency may sell the mohair. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to the marketing of the mohair.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a marketing year shall contain a statement that the mohair was marketed during that marketing year as required by the regulations issued pursuant to the National Wool Act of 1954, as amended.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller; date of sale; net weight of mohair sold; the net amount received by the producer for the mohair at his farm, ranch, or local shipping point; any applicable nonmarketing deductions, such as association dues or interest on advances; the name and address of the purchaser; and the signature of the purchaser or his agent.

**§ 468.209 Preparation of application.**

(a) The application for payment on account of mohair shall be prepared on Form CCC Mohair 1, "Application for Payment-Mohair". The producer may use the applicable section of the form in authorizing a marketing agency to file an application on his behalf with respect to mohair he delivers to the marketing agency to be sold for his account. If he paid any marketing charges (§ 468.208(a)(5)) not shown on the sales document, such as for scouring, grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, at his discretion, complete and file the application himself, in which case he should indicate in the appropriate section of the form that he has not designated a marketing agency to file on his behalf. He may, however, give the required information about his production and ownership, sign the applicable certification, forward the application to his marketing agency and request it to fill out the section showing sales of mohair, to sign the certification applicable to its situation, and to file the application with the required attachments on behalf of the applicant in the appropriate ASCS county office in accordance with § 468.211(a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

**§ 468.210 Sales in good faith.**

Payments provided for under this program shall be made on the basis of sales of mohair executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of mohair in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

**§ 468.211 Filing application for payment.**

(a) *Place of filing.* The application for payment on mohair shall be filed by the producer entitled thereto with the ASCS county office serving the county where the headquarters of the applicant's farm, or ranch—as the case may be—is located. If the producer has more than one farm or ranch, with headquarters in more than one county,

separate applications for payment shall be filed with the ASCS county office serving each such headquarters, except that if the producer sells his entire clip of mohair in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on mohair in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASCS State Office, and applications by producers located in Hawaii shall be filed with the Hawaii ASCS State Office.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of mohair for the specified marketing year as defined in § 468.233(k) have been completed, and all applications must be filed within 30 days after the end of that marketing year. If the application is not approved by the ASCS county office on the ground that it was filed after the 30 days, the applicant may request the ASC State commitee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC State committee may waive the delay on applications filed within one year after the end of the marketing year in which the mohair was sold, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC State committee shall notify the applicant in writing of its action on his request for a waiver.

**§ 468.212 Signature of applicant.**

No payment will be made unless an application for payment on mohair is signed. The ASCS county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

**§ 468.213 Joint applicants.**

(a) *Joint owners.* When the applicants for a mohair payment are joint owners of the mohair and were also joint owners of the goats from which the mohair was shorn, all of them must sign any application based on the sale of their mohair. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(b) *Producers who did not own the goats from which the mohair was shorn for 30 days.* Each application for a payment on mohair prepared by producers some of whom did and some did not own the goats from which the mohair was shorn, as described in the exception in § 468.203(c), shall be a joint application, irrespective of whether the mohair was divided among such producers prior to sale or whether it was sold without division. All producers who are entitled to a share of the mohair or are entitled to a share of the sales proceeds of the mohair, as the case may be, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days".

(c) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

**§ 468.214 Application by successors and representatives.**

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears, or is declared incompetent, those who may receive such payment in the order of precedence described in §§ 468.220 to 468.223 may apply on Form CCC Mohair 1. The applicant shall indicate the capacity in which he applies. Such applicant shall also file Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent". Where necessary in accordance with § 468.213(b), there shall be attached to the application a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days".

(b) If a person who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, those who may receive that payment in the order of precedence described in §§ 468.220 to 468.223 may apply therefor, using Form CCC 1159.

(c) The application pursuant to paragraph (a) or (b) of this section shall be filed with the ASCS county office serving the county which includes the headquarters of the farm, or ranch of the person who died, disappeared, or was declared incompetent.

(d) If a marketing agency, pursuant to authorization by a successor or representative of a producer who died, disappeared, or was declared incompetent, certifies in Form CCC Mohair 1 as to its sale of the mohair, or if a marketing agency issued such a certification in some cases on the basis of an authorization given by the producer before he died, disappeared, or was declared incompetent, (1) the statement in the agency's certification that it received mohair from the applicant(s) shall be deemed to mean that it received mohair from the producer, from his successor or representative, or from both; (2) the statement in the agency's certification that it has not furnished sales documents to any person other than the applicant(s) shall mean that it has not furnished sales documents to any person other than the producer or his successor or representatives; and (3) its statement in the certification that, in the capacity as agent for the applicant(s), the marketing agency has complied with the requirements of the program shall mean in the capacity as agent for the producer, for his successor or representative, or for both.

**§ 468.215 Application on behalf of incompetent Indians.**

Applications for payment on mohair may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

**§ 468.216 Payment.**

After the ASCS county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than $3.00 to an applicant, or to joint applicants, will not be made in connection with sales of mohair. Likewise, payments of less than $3.00 will not be made to an assignee in connection with any assignment. If, after making a payment, CCC upon investigation determines that available evidence does not sustain the applicant's right to the payment or any part thereof, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant. If the applicant's right to such amount becomes involved in a lawsuit between the Government and him or his assignee, he, or his assignee, shall have the burden of proving in the lawsuit that he was entitled to the amount. If the ASCS county office determines that for any reason an application for payment on mohair should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 468.211(b), or that, after a payment has been made, the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, and to each applicant who signed a joint ap-

plication, that his application has been rejected for a specified reason or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be, and shall retain a copy of such notice.

**§ 468.217 Deductions for promotion.**

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions will be announced and deductions will be made from the payment.

**§ 468.218 Set-off.**

(a) If the county debt record shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him the ASCS county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASCS county office with interest, where applicable to the date of set off.

**§ 468.219 Liens on goats or mohair not applicable to payments.**

If a producer grants a lien on his goats or mohair such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

**§ 468.220 Death of person who earned payment.**

Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but dies before receiving it, payment may be made, upon proper application pursuant to § 468.214, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(a) To the administrator or executor of the deceased person's estate.

(b) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or an executor was appointed but the administration of the estate is closed (1) prior to application by such administrator or executor for payment or (2) prior to the time when a draft for payment issued to such administrator or executor is cashed.

(c) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or, if they are not alive, the share of each such son or daughter shall be divided equally among his or her surviving direct descendants.

(d) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(e) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive and, if they are not alive, the share of each such brother or sister shall be divided equally among his or her surviving direct descendants.

(f) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law. Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. "Brother" and "sister", as used in this section as well as in §§468.221 and 468.222, includes brothers and sisters of the half blood, who shall be given the same consideration as those of the whole blood. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed, payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $1000 in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section or pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate draft may be issued to each person entitled to share in such payment.

**§ 468.221 Disappearance of person who earned payment.**

(a) In case a person who has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it, disappears before receiving it, such payment may be made upon a proper application pursuant to § 468.214, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented to the ASC county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

**§ 468.222 Incompetency of a person who earned payment.**

(a) Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but is adjudged incompetent by a court of competent jurisdiction before payment is received, payment may be made, upon proper application therefor pursuant to § 468.214, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person.

(b) In case no guardian or committee has been appointed, payment, if not more than $1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned, for the benefit of the incompetent person.

(1) The spouse.

(2) An adult son, daughter, or grandchild.

(3) The mother or father.

(4) An adult brother or sister.

(5) Such person as may be authorized under State law to receive payment for him.

In case payment is more than $1,000, payment may be made only to such persons as may be authorized under State law to receive payment for the incompetent.

**§ 468.223 Death, disappearance, or incompetency of person authorized to apply in the order of precedence.**

In case a person entitled to apply for a payment in the order of precedence pursuant to the provisions of §§ 468.220, 468.221, 468.222, or of this section, dies, disappears, or is declared incompetent, as the case may be, after he has applied for such payment but before receiving it, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in §§ 468.220, 468.221, and 468.222, as the case may be.

**§ 468.224 Other disability.**

In cases of bankruptcy, dissolution, or other disability payments will be made to a representative only in accordance with specific directions issued by CCC.

§ 468.225 Appeals.

(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment on mohair has been rejected in whole or in part (§ 468.216) or that any other action has been taken by the ASCS county office which unfavorably affects a payment to the applicant, the latter may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of mohair marketed, and the net proceeds involved in the application and such pertinent facts as he may deem proper and indicating in what respect the action of the ASCS county office is considered erroneous. The ASC county committee shall notify the applicant in writing of its decision promptly after deciding the appeal, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASCS county office.

(b) *To the ASC state committee.* If the applicant is dissatisfied with the decision of the ASC county committee, he may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. Likewise, if the ASC state committee denies a request for waiver of the final date for filing (§ 468.211(b), the applicant may within 15 days after the date of mailing of the notice of denial by the ASC state committee, ask the ASC state committee in writing to reconsider its denial. In this event, the applicant shall, in addition to supplying all the information required in an appeal to the ASC county committee pursuant to § 468.225(a), state in his request for reconsideration the reason for his delay in filing the application and fully explain the circumstances which he feels constitute a good cause for the delayed filing or will result in undue hardship if the waiver is not granted. When acting on an appeal or request for reconsideration, the ASC state committee shall notify the applicant in writing of its decision as soon as practicable after completing its action, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the applicant is dissatisfied with the decision of the ASC State committee, the applicant may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after the date of mailing of the notice by the ASC State committee. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

(d) *Hearing.* In the case of each appeal or request for reconsideration, the applicant shall be given an opportunity to appear personally or through a representative at a hearing and offer such evidence as he deems advisable. If the applicant does not ask for a hearing, the appeal or request will be decided on the basis of the facts set forth in the record and any other pertinent information available to the committee or official considering the matter.

(e) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 468.226 Assignments.

(a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of mohair during a specified marketing year by filing with the ASCS county office the original and two copies of Form CCC 1157, "Assignment of Payment Under National Wool Act of 1954", duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of an attesting witness who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASCS county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a mohair payment may only be given as security for cash advanced or to be advanced on goats or mohair by a financing agency (as defined in § 468.233) or a marketing agency. An assignment made to a financing agency shall cover all payments earned by the producer on the sale of mohair during the marketing year for which the assignment is given. An assignment made to a marketing agency shall cover all payments earned by the producer in connection with all mohair marketed by the agency for the producer's account during the marketing year for which the assignment is given but shall not cover payments earned by the producer in connection with his marketing his mohair directly or through other agencies during that marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASCS county office in writing that payment be made to the assignor and not to the assignee.

§ 468.227 Records and inspection thereof.

The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts showing the marketing of mohair on which an application for payment may be based, and shall maintain those books, records, and accounts for three years following the end of the specified marketing year during which the marketing took place. CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of such books, records, and accounts, and other written data.

§ 468.228 Violation of program.

Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 468.229 Forms.

(a) Form CCC Mohair 1, "Application for Payment—Mohair"; Form CCC 1157, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent"; and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASCS county offices. These forms may be reproduced, provided that any forms reproduced after the issuance of this subpart shall retain the language, format, and size of the official forms except that the printer's identification on the official forms must not be reproduced.

(b) Any of the following forms issued or printed before January 1, 1962, may be used as a substitute for those specified in this subpart: Form CCC Wool 57, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC Wool 58, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC Wool 59, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent".

§ 468.230 Instructions and interpretations.

CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 468.231 Waiver by Executive Vice President or other official.

The Executive Vice President of CCC or his designee and the Deputy Administrator, State and County Operations, of ASCS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods. Each of these officials may also waive the 30-day filing limitation, § 468.211(b), on applications filed later

than one year after the end of a marketing year in which the mohair was sold, if in his judgment the delay in filing was due to a good cause or the waiver is necessary to avoid undue hardship.

**§ 468.232 Expiration of time limitations.**

Whenever the final date, prescribed in this subpart for filing an application pursuant to § 468.211 or for taking any action in connection with an appeal pursuant to § 468.225, or any other action, falls on a Saturday, Sunday, national holiday, or State holiday, and on that day the proper ASCS State or county office is closed, or the final date falls on any other day on which such office is not open for the transaction of business during normal working hours, the time for filing the application or taking the required action shall be extended to the close of business on the next working day. In case the act to be done may be performed by mailing, the act shall be considered done within the prescribed period if the mailing is postmarked by midnight of such next working day. Where the act is to be done within a prescribed number of days after the mailing of notice, the day of mailing shall be excluded in computing such period of time.

**§ 468.233 Definitions.**

As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goat" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Joint ownership" of goats or mohair also includes ownership in common.

(d) "Local shipping point" means the point at which the producer delivers his mohair to a common carrier for further transportation or, if his mohair is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term common carrier includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(e) "Marketing agency" with reference to mohair means a person or firm that sells a producer's mohair for the producer's account.

(f) "Marketing year" means the period beginning April 1 of a calendar year and ending March 31 of the next calendar year, both dates inclusive.

(g) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of an Angora goat.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(i) "Producer" of mohair under this program means a person who is either a producer or pasturer of goats or kids and who shears his animals. The term "producer" also includes a person participating in the production of mohair pursuant to an agreement with a person who owned the goats as described in the exception in § 468.203(c).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of mohair.

(k) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of mohair by a producer during that year will entitle him to a payment under this program.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

*Effective date.* This subpart shall become effective upon the date of publication and shall apply to sales of mohair on or after April 1, 1962.

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

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 62-7395; Filed, July 27, 1962; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Office of Emergency Planning

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (1) and (2) is added to § 6.321 as set out below.

**§ 6.321 Office of Emergency Planning.**

* * * * *

(f) *Office of Liaison and Public Affairs.* (1) The Director.

(2) One Staff Assistant (Congressional Liaison Officer) to the Director.

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

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

[F.R. Doc. 62-7440, Filed, July 27, 1962; 8:52 a.m.]

## PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

### Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (q) (1) and (2) is added to § 6.312 as set out below.

**§ 6.312 Department of Commerce.**

* * * * *

(q) *Office of the Assistant Secretary for Science and Technology.* (1) One Deputy Assistant Secretary for Science and Technology.

(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

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

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

[F.R. Doc. 62-7441; Filed, July 27, 1962; 8:52 a.m.]

# Title 7—AGRICULTURE

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

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—United States Standards for Grades of Canned Clingstone Peaches

CHANGES OF RECOMMENDED FILL WEIGHT VALUES IN NO. 10 CANS

The United States Standards for Grades of Canned Clingstone Peaches (7 CFR 52.2561-52.2577) are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). The amendment as hereinafter set forth adjusts slightly the recommended lower limits for sliced clingstone peaches in No. 10 cans with respect to weight of fruit at the time of filling the containers.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

*Statement of consideration leading to the amendment.* The United States Standards for Grades of Canned Clingstone Peaches were revised in 1961 to include, among other provisions, recommendations for amount of fruit ingredient for respective container sizes. These recommendations with respect to the amount of fruit in a container are in line with good commercial practice and represent proper fill.

Compliance with the Department's recommendations may be ascertained by (1) measuring the amount of fruit filled into the container at time of processing; or (2) determining the weight of fruit after the product has been sealed in the container, processed, and allowed to equalize with the packing media. The first approach is commonly known as "fill-weight" procedure, whereas the alternate approach of finished product examination is termed as "drained weight" procedure. Many canners have found it advantageous to utilize the fill weight procedure because it affords control over the product during packing operations. Furthermore, since the fill weight procedure does not require de-

structive sampling, a large number of measurements may be made thereby increasing the accuracy of lot estimate.

With the cooperation of fruit canners in California and the Pacific Northwest, the Department initiated a fill weight study in 1958 on several canned fruits, including Clingstone Peaches. The purpose of this study was to collect data during the packing operations in order to establish limits for each product in accordance with good commercial practices. As a result of this study, the program was introduced to the industry on an experimental basis during the 1959 and 1960 packing season.

On the basis of these studies and checks made during actual production, the Department revised the standards for Canned Clingstone Peaches in 1961. This revision included fill weight values in addition to the customary drained weight criteria. This gave the packer an option of using either in-going fill weights or end product drained weights to determine compliance with proper fill of container.

In using the fill weight program, measurements are plotted on control charts which provide limits for certain values such as sub-group averages and individual containers. During the 1961 packing season it was found that these control limits for Sliced Style Clingstone Peaches in No. 10 cans were quite restrictive and most of the industry had a difficult time of meeting the acceptance criteria for this particular item. Adjustments appear in order for certain values used in statistical control program to attain a uniform fill. The recommendation of 72.0 ounces for the minimum recommended average fill weight in the current standards remains unchanged. Accordingly, the amendment adopts the following changes for recommended fill weight values for Sliced Canned Clingstone Peaches in No. 10 cans:

| | Change from— | Change to— |
|---|---|---|
| | *Ounces* | *Ounces* |
| (1) Lower warning limit for subgroup averages | 70.9 | 70.6 |
| (2) Lower reject limit for subgroup averages | 70.3 | 69.8 |
| (3) Lower warning limit for individuals | 69.4 | 68.8 |
| (4) Lower reject limit for individuals | 68.1 | 67.2 |
| (5) Average range value | 3.0 | 3.7 |
| (6) Maximum range for a subgroup | 6.3 | 7.9 |

It is hereby 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 amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that:

(1) Interested processors have asked the Department to make slight adjustments in these fill-weight values which have been substantiated by further checks by the Department;

(2) The canning industry affected by the amendment is familiar with the need for these adjustments;

(3) The season for canning clingstone peaches will begin soon and it is desirable that the amendment be in effect by that time;

(4) Additional time will not be needed for the industry to make preparation for compliance with the amendment to these standards; and

(5) The amendment involves a relaxation of a restrictive rule.

The amendment is as follows:

In § 52.2569, Table II, in the lower portion titled "Sliced—Fill weight values," change the last line to read for the respective columns as follows:

| | $\bar{X}'_{min}$ | $LWL_{\bar{X}}$ | $LRL_{\bar{X}}$ | LWL | LRL | $\bar{R}'$ | $R_{max}$ |
|---|---|---|---|---|---|---|---|
| No. 10 | 72.0 | 70.6 | 69.8 | 68.8 | 67.2 | 3.7 | 7.9 |

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated July 25, 1962, to become effective on the date of publication in the FEDERAL REGISTER.

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

[F.R. Doc. 62–7457; Filed, July 27, 1962; 8:54 a.m.]

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

### SUBCHAPTER D—SPECIAL PROGRAMS

[Amdt. 1]

### PART 775—FEED GRAINS

### Subpart—1962 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1962 Feed Grain Program Regulations 27 F.R. 146 are amended as follows:

1. Section 775.101 is amended by changing the second sentence thereof to read as follows: "Producers may elect in lieu of conservation uses to devote the diverted acreage to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower: *Provided,* That no payments shall be made with respect to acreage devoted to flax, mustard seed, rapeseed, or safflower."

2. Section 775.102 is amended in paragraphs (c)(2) and (d)(2) by changing the parenthetical reference from (22 F.R. 3747) to (24 F.R. 4223).

3. Section 775.102 is further amended by adding at the end thereof a new paragraph (l) as follows:

(l) "Great Plains Conservation Program" means the program provided for by the act of August 7, 1956, 70 Stat. 1115–1117 (16 U.S.C. 590p(b)).

4. Section 775.105(b)(5) is amended by adding immediately after the reference to § 775.111 in the first sentence thereof the following: "and other than a producer of barley on a summer-fallow farm as described in paragraph (d) of this section,"

5. Section 775.105 is further amended by adding at the end thereof a new paragraph (d) as follows:

(d) *Producer of barley on summer-fallow farm.* A producer of barley on a farm where summer fallow is the normal practice may, pursuant to the provisions of Public Law 87–425, participate in the corn-grain sorghum program without regard to whether he has exceeded his barley base for 1962, if he (1) does not knowingly devote an acreage on the farm to barley in excess of the barley feed grain base established for the farm plus the acreage devoted to summer fallow in 1961 which is diverted from the production of wheat under the special 1962 wheat program, and (2) does not knowingly devote an acreage on the farm to corn, grain sorghums, and barley in excess of 80 percent of the average acreage devoted on the farm to corn, grain sorghums, and barley in 1959 and 1960. Where the requirements in the previous sentence are met, the acreage devoted to barley in 1962 in excess of the barley feed grain base established for the farm shall be considered as planted to corn and grain sorghums for determining the extent of participation and payments.

6. Section 775.106(a)(11) is amended by adding immediately preceding the word "may" the following: "or if no date is specified, before the disposal date approved by the Deputy Administrator."

7. Section 775.106(a) is further amended by changing subparagraph (12) to (13), and adding a new subparagraph (12) as follows:

(12) Guar which is not harvested may be considered as a conservation use provided the farm operator notifies the county office that the crop will be used only for cover.

8. Section 775.107(a) is amended by adding immediately after the words "conservation reserve contract" the following: "or a Great Plains contract."

9. Section 775.107(a) is further amended by adding an "and" immediately after the reference "§ 775.108," in the second sentence thereof.

10. Section 775.107(b) is amended by changing the first sentence thereof to read as follows: "No crop shall be harvested from the designated diverted acreage in 1962 for which payment is made under the program except (1) where the Secretary considers it necessary to permit harvesting the diverted acreage in order to alleviate a shortage of forage for use in the area resulting

from severe drought, flood, or other natural disaster, (2) where an acreage is approved for double cropping (information as to such areas and the conditions under which such harvesting is permitted may be obtained from the county office), (3) where the crop is one which matured in 1961 on land which was not designated under the 1961 Feed Grain Program as diverted acreage, and the harvesting was delayed because of adverse weather or other conditions beyond the control of the farm operator, or (4) as provided in § 775.101."

11. Section 775.107(b) is further amended by changing the last sentence thereof to read as follows: "For restrictions on the use of diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower, see paragraph (d) of this section."

12. Section 775.107(d) is amended to read as follows:

(d) *Diverted acreage devoted to crops planted in lieu of conservation uses.* Diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower shall not be grazed, and violation of this provision shall render the acreage ineligible for designation as diverted acreage.

13. Section 775.108 is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing provisions of this section, the establishment of a permanent cover of trees, perennial grasses, or perennial legumes, shall not be required on such retired cropland acreage if it is determined by the Deputy Administrator that such acreage is being permanently removed from production due to failure of an irrigation water source in a normal desert area, and permanent cover cannot be established."

14. Section 775.110(a) is amended by changing the parenthetical reference in the second sentence thereof from (22 F.R. 3747) to (24 F.R. 4223).

15. Section 775.110(b) is amended by deleting the following: "issued in accordance with applicable regulations."

16. Section 775.111(b) is amended by adding at the end of the first sentence thereof the following new sentence: "Compana is also approved for the state of Montana only."

17. Section 775.113(c) is amended by adding "or the Great Plains Program" immediately after the words "Conservation Reserve Program" and by adding "or Great Plains contract" immediately after the words "conservation reserve contract."

18. Section 775.114 is amended by adding at the end thereof a new paragraph (f) as follows:

(f) Notwithstanding any other provision of this section the rates of payment under the program shall be (1) 20 percent of the minimum acre payment rate in the case of land devoted to guar and sunflower, (2) 30 percent of the minimum acre payment rate in the case of land devoted to castor beans, and (3) 40 percent of the minimum acre payment rate in the case of land devoted to sesame.

19. Section 775.120(a) is amended by changing the parenthetical reference from (22 F.R. 3747) to (24 F.R. 4223).

20. Section 775.121(b)(4) is amended to read as follows: "The number of acres in the designated diverted acreage of the applicable crop(s) less any acreage devoted to flax, mustard seed, rapeseed or safflower; or".

21. Section 775.121(b) is further amended by changing the next to the last sentence thereof to read as follows: "Except as provided below, no payment shall be made on any farm on which the total diverted acreage on which the payment is based (including acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame or sunflower which has not been grazed as provided in § 775.107(d)) is less than 20 percent of the farm feed grain base."

22. Section 775.121 is further amended by changing paragraphs (d) and (e) to (e) and (f) respectively, and adding a new paragraph (d) as follows:

(d) Notwithstanding any other provision of this section, the rates of payment with respect to (1) land devoted to castor beans, guar, sesame, or sunflower, and (2) land cash-rented from the Federal, State, county or local goverment, or subdivisions thereof, shall not exceed the rates specified for such land in accordance with § 775.114.

23. Section 775.124(b)(1) is amended to read as follows:

(1) The respective interests which the predecessor and successor would have had in barley or in corn and grain sorghums if such crop(s) had been produced on the diverted acreage;

24. Section 775.124(b)(3) is amended by changing the date therein from "1961" to "1962."

25. Section 775.126(c) is amended by changing the first sentence to read as follows: "Notwithstanding the foregoing provisions of this section, a farm shall not be reconstituted for the purpose of this program after the planting of the applicable feed grain(s) has been completed on the farm unless the conditions supporting the reconstitution existed at the time such crop(s) was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported in the county office."

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1962.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 62-7460; Filed, July 27, 1962; 8:55 a.m.]

## PART 776—WHEAT STABILIZATION PROGRAM

### Subpart—1962 Wheat Stabilization Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1962 Wheat Stabilization Program, 26 F.R. 11347, are amended as follows:

**§ 776.1 [Amendment]**

1. The third sentence of § 776.1 is amended to read as follows: "Producers may elect in lieu of conservation uses to devote the diverted acreage to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower: *Provided,* That no payments shall be made with respect to acreage devoted to flax, mustard seed, rapeseed, or safflower."

**§ 776.7 [Amendment]**

2. The last sentence of § 776.7(b) is amended to read as follows: "For restrictions on the use of diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower, see paragraph (d) of this section."

3. Section 776.7(d) is amended to read as follows:

(d) *Diverted acreage devoted to crops planted in lieu of conservation uses.* Diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower shall not be grazed, and violation of this provision shall render the acreage ineligible for designation as diverted acreage.

**§ 776.8 [Amendment]**

4. Section 776.8 is amended by adding at the end thereof the following new sentence, "Notwithstanding the foregoing provisions of this section, the establishment of a permanent cover of trees, perennial grasses, or perennial legumes shall not be required on such retired cropland acreage if it is determined by the Deputy Administrator that such acreage is being permanently removed from production due to failure of an irrigation water source in a normal desert area and permanent cover cannot be established."

**§ 776.11 [Amendment]**

5. Section 776.11 is amended by adding at the end thereof the following new paragraph:

(g) Notwithstanding any other provision of this section, the rates of payment under the program shall be (1) 20 per centum of the minimum acre payment rate in the case of land devoted to guar and sunflower, (2) 30 per centum of the minimum acre payment rate in the case of land devoted to castor beans, and (3) 40 per centum of the minimum acre payment rate in the case of land devoted to sesame.

6. Section 776.18 is amended to read as follows:

**§ 776.18 Final payment.**

(a) Payments of any amounts due the producers on a farm participating in the program shall be made when it has been determined by the county committee that the producers and the farm are in compliance with the requirements of the program. To be eligible for payment the producer must complete Form ASCS-656 not later than May 1, 1963, unless approval to sign at a later date is approved by the Administrator, ASCS, or his designee. The percentage shares of all producers who would have had an inter-

est in the wheat produced on the farm in 1962, had wheat been produced on the diverted acreage, must equal 100 percent.

(b) The total diverted acreage of wheat on the farm shall be determined by subtracting the wheat acreage on the farm as defined in the regulations governing the Wheat Marketing Quota for 1961 and subsequent years from the larger of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, or the highest actual acreage of wheat on the farm for harvest in any of the years 1959, 1960 or 1961: *Provided,* That such acreage in each of such years did not exceed 15 acres. The total diverted acreage on which payment shall be based shall be the smallest of:

(1) The total diverted acreage of wheat on the farm determined as provided above;

(2) The total intended diverted acreage as specified on Form ASCS–654;

(3) The increased acreage devoted in 1962 to approved conservation uses on the farm, excluding (i) designated diverted acreage under the 1962 Feed Grain Program and (ii) cropland retired to replace noncropland in accordance with § 776.8;

(4) The number of acres in the designated diverted acreage less any acreage which is devoted to flax, rapeseed, mustard seed, or safflower; or

(5) If the farm is covered by a Soil Bank Conservation Reserve Contract, the number of permitted acres of soil bank base crops minus, (i) the acreage diverted under the 1962 Feed Grain Program, and (ii) the acreage devoted in 1962 to soil bank base crops, excluding designated diverted acreage under the Feed Grain Program and this program on which soil bank base crops are planted as a conservation use in accordance with the provisions of § 776.6.

Notwithstanding subparagraphs (1) through (5) of this paragraph, a reduction in diverted acreage otherwise eligible for payment shall be made for each acre of noncropland which is planted for harvest in 1962 (excluding noncropland planted to perennial grasses and perennial legumes on which no nurse crop is harvested for grain or oilseed) that is not replaced by cropland retired pursuant to the provisions of § 776.8. Except as provided below, no payment shall be made with respect to any farm on which the total diverted acreage on which payment is based (including acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sunflower, or sesame which has not been grazed in violation of § 776.7(d)) is less than (i) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961: *Provided,* That such acreage in each of such years did not exceed 15 acres or (ii) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended. The provisions of the foregoing sentence shall not apply if (i) the farm is covered by a Soil Bank Conservation Reserve contract and the provisions of the second sentence in § 776.5(b)(2) are applicable, or (ii) noncompliance with the provisions of the foregoing sentence was caused solely by (*a*) an understatement made in good faith by producers in supplying data to the county committee or (*b*) an error, and the county committee determines that (*1*) producers on the farm were in no way responsible for the error, (*2*) the extent of the error was such that the producers would not reasonably be expected to question it, and (*3*) the producers in good faith complied with the program on the basis of the error.

(c) The amount of the total earned payment for the farm shall be computed in accordance with the following subparagraphs (1) through (4) of this paragraph, as applicable:

(1) If the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 is greater than 15 acres, the total acreage on which payment is based shall be divided into the following two categories for the purpose of computing the acreage eligible for payment, at the minimum and additional acre payment rates:

(i) The number of acres equal to 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, shall be computed at the minimum acre payment rate; and

(ii) The number of acres, if any, in excess of 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, shall be computed at the additional acre payment rate.

(2) If the 1962 wheat acreage is greater than the farm acreage allotment for the 1962 crop of wheat and the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 did not exceed 15 acres, the total acreage on which payment is based shall be divided into the following two categories for the purpose of computing the acreage eligible for payment at the minimum and additional acre payment rates:

(i) The number of acres equal to 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 shall be computed at the minimum acre payment rate; and

(ii) The number of acres, if any, in excess of 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 shall be computed at the additional acre payment rate.

(3) If the 1962 wheat acreage is equal to or less than the farm acreage allotment for the 1962 crop of wheat and the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 did not exceed 15 acres, the total acreage on which payment is based shall be divided into the following two categories for the purpose of computing the acreage eligible for payment at the minimum and additional acre payment rates:

(i) The number of acres equal to the smaller of (*a*) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961, or (*b*) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, shall be computed at the minimum acre payment rate; and

(ii) The number of acres, if any, in excess of acreage computed under subdivision (i) of this subparagraph shall be computed at the additional acre payment rate.

(4) On farms with recognized irrigated and non-irrigated wheat history for 1959, 1960, or 1961, irrigated wheat shall be credited with an acreage equivalent to the smaller of the actual wheat acreage diverted from such practice category or the total diverted acreage on which payment is based, and nonirrigated wheat shall be credited with the remainder, if any, of the diverted acreage on which payment is based. The acreage of each practice category eligible for payment at the minimum and additional payment rates shall be determined by multiplying the acreage eligible for payment in each practice category by the ratio of acreage eligible for payment at the minimum or additional rate, as applicable, determined under subparagraphs (1), (2), or (3) of this paragraph to the total applicable acreage eligible for payment on the farm.

(d) Notwithstanding any other provision of this section, the rates of payment with respect to (1) land devoted to castor beans, guar, sesame, or sunflower and (2) land cash-rented from the Federal, State, county, or local government, or subdivisions thereof, shall not exceed the rates specified for such land in accordance with § 776.11.

(e) The balance of the total earned payment due each eligible producer shall be determined by multiplying the total earned payment for the farm by the producer's share of the payment and subtracting therefrom the advance payment made to such producer. Producers shall refund any payment previously made to which they are not entitled.

(f) Notwithstanding any provision of these regulations, if a producer declines for personal reasons to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

§ 776.23 [Amendment]

7. The first sentence of § 776.23(c) is amended to read as follows: "Notwithstanding the foregoing provisions of this section, a farm shall not be reconstituted for the purpose of this program after the planting of wheat has been completed on the farm unless the conditions supporting the reconstitution existed at the

time such crop was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported in the county office."

(Sec. 124(i), 75 Stat. 300)

Issued at Washington, D.C., on 25th day of July 1962.

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

[F.R. Doc. 62-7461; Filed, July 27, 1962; 8:55 a.m.]

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

[Valencia Orange Reg. 23]

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

### Limitation of Handling

§ 908.323 Valencia Orange Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 26, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 29, 1962, and ending at 12:01 a.m., P.s.t., August 5, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 450,000 cartons;
(iii) District 3: Unlimited movement.

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

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

Dated: July 27, 1962.

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

[F.R. Doc. 62-7546; Filed, July 27, 1962; 11:17 a.m.]

[Lemon Reg. 32]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.332 Lemon Regulation 32.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 29, 1962, and ending at 12:01 a.m., P.s.t., August 5, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

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

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

Dated: July 26, 1962.

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

[F.R. Doc. 62-7488; Filed, July 27, 1962; 8:55 a.m.]

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

[Milk Order 33]

## PART 1033—MILK IN GREATER CINCINNATI MARKETING AREA

### Order Amending Order Regulating Handling of Milk in Greater Cincinnati, Ohio Marketing Area; Correction

The following correction is made to the order amending the order issued

February 27, 1962, and published in the FEDERAL REGISTER on Friday, March 2, 1962 (27 F.R. 2029; F.R. Doc. 62-2100) by adding the following:

5. Change the references in §§ 1033.60 (e) and 1033.61(a)(1) to read "§ 1033.50" instead of "§ 1033.50(b)".

Signed at Washington, D.C., on July 25, 1962.

JOHN P. DUNCAN, JR.,
*Assistant Secretary.*

[F.R. Doc. 62-7458; Filed, July 27, 1962; 8:54 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1048, Amdt. 468]

### PART 507—AIRWORTHINESS DIRECTIVES

### Douglas DC-8 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modifications to Douglas DC-8 aircraft to permit opening of the overwing exits from outside the airplane was published in 27 F.R. 986.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment recommended that a combination of the modifications specified in paragraphs (a) and (b) of the proposal be permitted. The Agency has carefully considered this recommendation and finds that the purposes of this AD can be accomplished by the modifications specified in (a) or (b) or by an appropriate combination thereof. The AD has been revised accordingly. It was also recommended that the time for compliance with the requirements of paragraph (c) of the proposed rule, be extended from 300 to 700 hours' time in service. The Agency does not, however, believe that it would be in the interests of safety at this time to so extend the compliance time.

A further comment stated that a restriction of the seat-back as provided for in paragraph (c) of the proposed AD would not advance safety in that the seat-back break over feature, which is a safety measure, would be lost on at least four seats and possibly more should the blocked seats be relocated during normal maintenance of the aircraft. In this connection, the Agency is of the opinion that over-all safety is enhanced by providing for access to the aircraft in the event of an accident even though the break over feature may not be available on four seats. Furthermore, the Agency sees no problem in the comment concerning the relocation of blocked seats since the stops which restrict seat-back movement can be easily removed if the seat is placed in a location where seat-back restriction is not required.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to DC-8 aircraft, Serial Numbers 45253-45289, 45291-45306, 45376-45382, 45384-45393, 45408-45413, 45416-45419, 45421-45431, 45433, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45617-45618, 45620-45622, 45624-45627.

Compliance required within 300 hours' time in service after the effective date of this AD.

Investigation has shown that the overwing emergency exits cannot, under all necessary circumstances, be opened from outside the airplane, as required by Civil Air Regulations Sections 4b.362(e)(2) and 4b.362(e)(3). To eliminate this condition, one of the following modifications shall be accomplished with respect to each aft overwing exit which is not deactivated per Note 7 of Type Certificate Data Sheet 4A25 and with respect to each forward overwing exit:

(a) The outboard seat in the row of seats forward of each overwing exit shall be permanently blocked to prevent the seat from being reclined across any portion of the exit opening. The outboard seat in the row of seats aft of each overwing exit shall be permanently blocked to prevent the seat from being moved forward across any portion of the exit opening.

(b) Each row of seats forward and aft of each overwing exit shall be relocated in an approved manner that will permit the exit door to be readily opened from the outside and removed when the back of the outboard seat in each such row of seats is in any of its possible positions. The seat track or other seat positioning means shall be clearly marked or blocked in a manner which will assure that these rows of seats are continuously retained in this position during service.

(c) Combinations of the modifications specified in (a) and (b) may be used provided that fore and aft outboard seat backs are restricted from being placed in a position which will prevent opening of the exit from the outside.

(d) Rework each overwing exit door assembly, door jamb and lower stop, install a handle on the exterior of each of those door assemblies, and restrict the forward movement of the outboard seat in each row of seats just aft of an overwing exit. This total modification shall be such as to permit the exit door to be readily opened and removed from the outside when the backs of both adjacent outboard seats are in any of their possible positions.

(Douglas DC-8 Service Bulletin No. 52-21 pertains to this same subject and describes an FAA approved means of complying with modification method (c).)

This amendment shall become effective August 27, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

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

GEORGE C. PRILL,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 62-7409; Filed, July 27, 1962; 8:47 a.m.]

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-21]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

### Designation of Federal Airway and Associated Control Areas

On April 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3931) stating that the Federal Aviation Agency (FAA) proposed to designate a new segment of low altitude VOR Federal airway No. 129 from Duluth, Minn., to International Falls, Minn. V-129 presently extends from Polo, Ill., to Eau Claire, Wis.

The Air Transport Association of America endorsed the designation of the proposed airway. The Aircraft Owners and Pilots Association, while concurring in the proposed action, questioned the need for the increased route width between the points more than 45 miles from the terminal aids. They recommended that the airway be routed via the Eveleth, Minn., state operated VOR. This facility has not been approved by the FAA for public use. Moreover, the FAA is planning for a VORTAC installation at Hibbing, Minn., at which time the airway will be redesignated via this facility. The expanded width portion of the airway can then be reduced. The Department of the Air Force recognized the need for this airway and offered recommendations toward modernizing air traffic service in the Duluth terminal area based on their feeling that the proposed airway will be in contest with Air Defense Command operations. However, the Air Force stated they would have no objection to the proposed airway provided the FAA could give assurance that there would be no further restrictions or changes to current ADC procedures at Duluth. In respect to this concern, the FAA does not contemplate any plans for restrictions or changes to current procedures based solely on the new airway. Further, the designation of this airway will improve upon the techniques presently employed since many aircraft now entering and leaving the Duluth control area extension via random routes will be routed via the airway.

No other comments were received regarding the proposed amendment.

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

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

1. In § 600.6129 (14 CFR 600.6129) the following changes are made:

(a) In the caption "to Eau Claire, Wis.)." is deleted and "to Eau Claire, Wis., and Duluth, Minn., to International Falls, Minn.)." is substituted therefor.

(b) In the text "From the Duluth, Minn., VORTAC to the International Falls, Minn., VOR (13-mile wide airway from a point 45 nautical miles from the Duluth VORTAC to a point 45 nautical miles from the International Falls VOR)." is added.

2. In the caption of § 601.6129 (14 CFR 601.6129) "to Eau Claire, Wis.)." is deleted and "to Eau Claire, Wis., and Duluth, Minn., to International Falls, Minn.)." is substituted therefor.

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

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

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62-7411; Filed, July 27, 1962; 8:47 a.m.]

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[Airspace Docket No. 61-NY-42]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

### Revocation and Alteration of Federal Airways and Associated Control Areas

On April 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3892) stating that the Federal Aviation Agency (FAA) proposed to designate an additional segment of VOR Federal airway No. 72 and its associated control areas from the Concord, N.H., VOR to the intersection of the Concord VOR 011° and the Lebanon, N.H., VOR 103° radials. In addition, the Notice proposed to revoke the segment of Blue Federal airway No. 63 from Concord to Laconia, N.H.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

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

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

**§ 600.6072 [Amendment]**

1. In § 600.6072 (14 CFR 600.6072) the following changes are made:

(a) In the caption "and Findlay, Ohio, to Williamsville, Vt.)." is deleted and "Findlay, Ohio, to Williamsville, Vt.; and Concord, N.H., to Laconia, N.H.)." is substituted therefor.

(b) In the text "From the Concord, N.H., VOR to the INT of the Concord VOR 011° and the Lebanon, N.H., VOR 103° radials." is added.

**§ 601.6072 [Amendment]**

2. In the caption of § 601.6072 (14 CFR 601.6072) "and Findlay, Ohio, to Williamsville, Vt.)." is deleted and "Findlay, Ohio, to Williamsville, Vt.; and Concord, N.H., to Laconia, N.H.)." is substituted therefor.

3. Section 600.663 (14 CFR 600.663) is amended to read:

**§ 600.663 Blue Federal airway No. 63 (Laconia, N.H., to Berlin, N.H.).**

From the Laconia, N.H., RBN via the North Conway, N.H., RBN to the Berlin, N.H., RBN.

**§ 601.663 [Amendment]**

4. In the caption of § 601.663 (14 CFR 601.663) "(Concord, N.H., to Berlin, N.H.)." is deleted and "(Laconia, N.H., to Berlin, N.H.)." is substituted therefor.

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

(Sec. 307(a), 72 Stat. 749; 48 U.S.C. 1348)

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

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62-7412; Filed, July 27, 1962; 8:47 a.m.]

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[Airspace Docket No. 62-EA-49]

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

## PART 608—SPECIAL USE AIRSPACE

### Alteration of Control Zone and Restricted Area/Military Climb Corridor

The purpose of these amendments to Parts 601 and 608 of the regulations of the Administrator is to alter the Dover, Del. (Dover AFB), control zone and the Restricted Area/Military Climb Corridor R-2803.

The Dover AFB control zone is designated, in part, on the Dover radio beacon. The Dover AFB Restricted Area/Military Climb Corridor R-2803 is designated, in part, on the Dover VOR. The Department of the Air Force advises they intend to decommission the radio beacon and relocate the VOR to the present site of the radio beacon. Therefore, action is taken herein to substitute the Dover AFB Runway 13 for the Dover radio beacon in the description of the Dover control zone and delete reference to the Dover VOR in the description of the Dover Restricted Area/Military Climb Corridor R-2803.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnnecessary and they may be made effective immediately.

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

1. In the text of § 601.2227 (14 CFR 601.2227) "within 2 miles either side of the 126° bearing of the Dover AFB RBN extending from the 6-mile radius zone to 10 miles SE of the RBN." is deleted and "within 2 miles either side of the extended centerline of the Dover AFB Runway 13 extending from the 6-mile radius zone to 12 miles SE of the lift off end of Runway 13." is substituted therefor.

2. § 608.28 *Delaware* (14 CFR 608.28) R-2803 Dover, Del. is amended to read as follows:

R-2803 Dover, Del. (Dover AFB) Restricted Area/Military Climb Corridor.

*Boundaries.* The area based on the 184° radial of the Dover AFB TACAN extending from 5 miles S of the Dover AFB (latitude 39°07'45" N., longitude 75°27'50" W.) to 32 miles S of Dover AFB, having a width at the beginning from 1 mile W to 2.4 miles E of the TACAN 184° radial and expanding to a width at the outer extremity from 2.3 miles W to 2.4 miles E of the TACAN 184° radial.

*Designated altitudes.* 2,000 feet MSL to 15,000 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.

2,000 feet MSL to flight level 240 from 6 to 7 miles S of the airbase.

2,000 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.

6,000 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.

10,000 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.

15,000 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.

19,000 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.

*Time of designation.* Continuous.

*Using agency.* Dover AFB Approach Control.

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

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

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

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

[F.R. Doc. 62-7410; Filed, July 27, 1962; 8:47 a.m.]

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[Airspace Docket No. 62-EA-18]

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

### Revocation of Segments of Jet Routes

On May 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4521) stating that the Federal Aviation Agency proposed to revoke Jet Routes Nos. 26 and 30 from Appleton, Ohio, to Gordonsville, Va.

No adverse comments were received regarding the proposed amendments.

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

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

In § 602.100 *Jet routes* (14 CFR Part 602), the following changes are made:

a. In the captions of Jet Routes Nos. 26 and 30 "Gordonsville, Va." is deleted and "Appleton, Ohio" is substituted therefor.

b. In the text of Jet Routes Nos. 26 and 30 "Joliet, Ill.; Appleton, Ohio, to Gordonsville, Va." is deleted and "Joliet, Ill., to Appleton, Ohio." is substituted therefor.

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

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

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62-7413; Filed, July 27, 1962; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket C-98]

### PART 13—PROHIBITED TRADE PRACTICES

### Acme Brief Case Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-40 In general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Acme Brief Case Company, Inc., et al., Yonkers, N.Y., Docket C-98, Mar. 23, 1962]

*In the Matter of Acme Brief Case Company, Inc., a Corporation, and Abraham Klotz, Abraham Lishinsky, and Gerald S. Klotz, Individually and as Officers of Said Corporation*

Consent order requiring New York City manufacturers of brief cases, looseleaf notebooks, ring binders, school bags, etc., to cease such false and misleading practices as tagging zipper binders "Made of solid one piece split cowhide leather", and "A top value in laminated split cowhide leather" when the interior surfaces and sections were made of a material simulating leather; and labeling binders as "Virgin vinyl" and school bags as "Vinyl Plastic", both of which had outside sections made of very thin sheets of a plastic-like material backed with thicker layers of cardboard or paper.

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

*It is ordered,* That respondents Acme Brief Case Company, Inc., a corporation, and its officers, and Abraham Klotz, Abraham Lishinsky and Gerald S. Klotz, 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 offering for sale, sale, or distribution of looseleaf notebooks, ring binders, school bags, brief cases or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "one piece split cowhide leather", "laminated split cowhide leather" or any other words or terms denominating leather to describe any of said products or their parts which are not made wholly of the kind of leather so stated and which are made of said leather laminated to or backed with a different kind of leather from that so stated or with nonleather material without clearly, conspicuously and in immediate connection therewith stating that said product is laminated or backed and revealing the kind of leather or nonleather material comprising such lamination or backing.

2. Using the words "Virgin Vinyl", "Vinyl Plastic" or any other words or terms which reveal or purport to reveal the substance from which said products or their parts are made, to describe any of said products or their parts which are not made wholly of said substance and which are made of said substance laminated to or backed with a material different from said substance without clearly, conspicuously and in immediate connection therewith stating that said product is laminated or backed and revealing the kind of material comprising such lamination or backing.

3. Offering for sale or selling said products made of nonleather material which simulates leather without attaching thereto or affixing thereon in such manner that it cannot readily be removed, and of such nature as to remain on the product until it reaches the ultimate consumer, a mark, tag or label, which clearly and conspicuously discloses that the product is not made of leather.

4. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

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

Issued: March 23, 1962.

By the Commission.

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

[F.R. Doc. 62-7417; Filed, July 27, 1962; 8:48 a.m.]

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[Docket 8334]

### PART 13—PROHIBITED TRADE PRACTICES

### Norfolk Handkerchief Co.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, David Feldman et al. trading as Norfolk Handkerchief Co., New York, N.Y., Docket 8334, Mar. 20, 1962]

*In the Matter of David Feldman, Charles Wicentowski and Sidney Wicentowski, Individually and as Copartners Trading as Norfolk Handkerchief Company*

Order requiring New York City distributors to cease selling handkerchiefs in commerce without labeling as required by the Textile Fiber Products Identification Act, and furnishing their customers a false guaranty that the handkerchiefs were properly labeled, by including on invoices the statement "Continuing guaranty under the Textile Fiber Products Identification Act filed with the Federal Trade Commission."

The order to cease and desist is as follows:

*It is ordered,* That respondents David Feldman and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the importation into the United States of textile fiber products; and in connection with selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and in connection with selling, offering for sale, advertising, delivering, transporting, and causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which have been made of other textile fiber products shipped in commerce; as the term "commerce" is defined in the Textile Fiber Products Identification Act, of handkerchiefs or other "textile fiber products" as such products are defined in and subject to the Textile Fiber Products Identification Act, do forthwith cease and desist from:

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

2. Furnishing false guarantees that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification Act.

*It is further ordered,* That the complaint be dismissed as to respondent Charles Wicentowski, deceased.

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

*It is ordered,* That David Feldman and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 20, 1962.

By the Commission.

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

[F.R. Doc. 62-7418; Filed, July 27, 1962; 8:48 a.m.]

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[Docket C-97]

## PART 13—PROHIBITED TRADE PRACTICES

### Sells Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.*

(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, Sells Enterprises, Inc., et al., Atlanta, Ga., Docket C-97, Mar. 14, 1962]

Consent order requiring Atlanta, Ga., distributors of toys, nursery products including potted plants, coffee bars and supplies, knives, and other merchandise, to cease making a variety of misrepresentations to induce purchase of their products in newspaper advertisements soliciting distributors to service merchandise routes, including deceptive employment offers, exaggerated earnings claims, purported assistance in securing routes, and special selection of customers, as in the order below indicated.

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

*It is ordered,* That respondents, Sells Enterprises, Inc., a corporation, and its officers, and Edward S. Munro, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of toys, nursery products including potted plants, coffee bars and supplies, knives or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication that:

1. Employment is offered by respondents, when in fact the real purpose of respondents' advertisement is to obtain purchasers and distributors of their products.

2. Respondents' products are sold only to a selected group of persons, or that any qualifications are necessary to become a distributor other than ability to pay for the merchandise ordered.

3. Established or profitable merchandise routes are offered for sale.

4. Only profitable locations will be secured by respondents for merchandise displays or that respondents usually or customarily obtain locations in chain stores, supermarkets, drug stores or other high traffic areas for merchandise displays sold by respondents.

5. Purchasers of respondents' merchandise displays will earn substantial profits from the first week or $75 or $100 per week immediately, or will make a profit of $3,00 to $6.00 per display per week.

6. Purchasers of respondents' products will derive earnings or profits from the operation of a display route or from a single display or location in any amounts which are in excess of the earnings or profits typically received by others contemporaneously engaged in the operation of similar distributorships or merchandise display routes situated in similar locations in like trade areas.

7. Distributors or purchasers of respondents' products are guaranteed 100 percent profit on their investment the first year or representing in any manner that profits are guaranteed by respondents to distributors.

8. The only effort required for profitable or successful operation of respondents' display routes is the delivery of packages.

9. Respondents' offer is to manage an established business.

10. No selling is required in the operation of respondents' merchandise display routes.

11. Purchasers of respondents' merchandise will be granted exclusive territory for the operation of their display routes.

12. Purchasers of respondents' products will make 25 percent profit on their investment for each display or misrepresenting in any other manner the percentage of profit or mark up afforded to operators of display routes.

13. Respondents employ or furnish experts to make surveys or to locate favorable or profitable placement of the merchandise displays or that such displays will be placed only in desirable and profitable locations.

14. Profits of $5.00 to $10.00 a week or $50 a month per location are assured.

15. Respondents' employees or representatives will relocate the displays at the request of the purchaser or operators of the display routes.

16. Respondents have large numbers of successful distributors over the country who are making large or substantial profits per week.

17. Respondents will pay all transportation costs or make allowances to fully meet such costs.

18. Respondents will train or assist the purchasers of their merchandise in operating their display routes or in the resale of the merchandise sold by respondents.

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

Issued: March 14, 1962.

By the Commission.

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

[F.R. Doc. 62-7419; Filed, July 27, 1962; 8:48 a.m.]

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[Docket 8406 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### United Farmers of New England, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, United Farmers of New England, Inc., Morrisville, Vt., Docket 8406, Mar. 22, 1962]

*In the Matter of United Farmers of New England, Inc., a Cooperative Marketing Association, its Officers, Directors and Members and, Earl N. Gray, Eldon J. Corbett, William F. Sinclair, and J. C. Thomas, Individually and as Officers, Directors and Members and as Representatives of the Entire Membership of United Farmers of New England, Inc.*

Consent order requiring a marketing cooperative composed of dairy farmers in the New England States to cease discriminating in price among its customers in violation of section 2(a) of the Clayton Act by charging some retailer-purchasers substantially higher prices than their competitors, the differentials ranging as high as 40 percent for cream and 15 percent for fluid milk; and to cease violating section 2(d) of the Act by such practices as granting large grocery chains preferential cash payments for promotional advertising, display cabinets, and new store openings, while making no such allowances available on proportionally equal terms to all other competing customers.

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

*It is ordered,* That respondent, United Farmers of New England, Inc., a corporation, its officers, members, employees, agents, representatives, successors and assigns, directly or through any corporate or other device, in connection with the sale of fluid milk and other dairy products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling fluid milk and other dairy products of like grade and quality to any purchaser at a price lower than the price granted to other purchasers:

(1) Where respondent, in the sale of said products, is in competition with any other seller; or

(2) Where any purchaser who does not receive the benefit of the lower price does, in fact, compete in the resale of said products with the purchaser who does receive the benefit of the lower price.

*It is further ordered,* That respondent, United Farmers of New England, Inc., a corporation, its officers, members, employees, agents, representatives, successors, and assigns, directly or through any corporate or other device, in connection with the sale of fluid milk and other dairy products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment or allowance of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent, unless such payment or allowance is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

*It is further ordered,* That the complaint be, and it hereby is, dismissed as to the individuals Earl N. Gray, Eldon J. Corbett, William F. Sinclair, and J. C. Thomas, named as respondents individually and as officers, directors, and members, and in their representative capacities as representative of all the members of respondent cooperative.

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

Issued: March 22, 1962.

By the Commission.

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

[F.R. Doc. 62-7420; Filed, July 27, 1962; 8:49 a.m.]

# Title 30—MINERAL RESOURCES

## Chapter V—General Services Administration

## PART 501—STABILIZATION PAYMENTS TO SMALL DOMESTIC PRODUCERS OF LEAD AND ZINC ORES AND CONCENTRATES

Chapter V, including Part 501, is added to Title 30 of the Code of Federal Regulations, reading as follows:

Sec.


AUTHORITY: §§ 501.1 to 501.11 issued under secs. 4, 5, 75 Stat. 767, 768; 30 U.S.C. 684, 685. Delegation of the Secretary of the Interior, 27 F.R. 3822.

### § 501.7 Basis and purpose.

The purpose of the regulations in this part is to implement the Act of Congress approved October 3, 1961, Public Law 87-347, 75 Stat. 766, which authorizes the establishment and maintenance of a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by such producers on public, Indian, and other lands. Pursuant to this Act and the delegation of authority from the Secretary of Interior dated April 19, 1962, and published in the FEDERAL REGISTER (27 F.R. 3822), on April 20, 1962, the Administrator of General Services is authorized to make stabilization payments and to establish and promulgate such regulations and to require such reports as he deems necessary to carry out the purposes of the Act and to assure equitable distribution of the benefits provided for by the Act among the small domestic producers affected. The Administrator of General Services will make such stabilization payments in accordance with the Act and the regulations in this part.

### § 501.2 Definitions.

As used in the regulations in this part:

(a) "Administrator" means the Administrator of General Services or his duly authorized representative.

(b) "Act" means the Act of Congress approved October 3, 1961, Public Law 87-347, 75 Stat. 766.

(c) "Small domestic producer" means any person or firm engaged in producing ores or concentrates from mines located within the United States or its possessions and in selling the material so produced in normal commercial channels who, during any twelve-month period between January 1, 1956, and the first day of the first period for which he seeks a payment under the Act, has not produced or sold ores or concentrates the recoverable content of which is more than three thousand tons of lead and zinc combined.

(d) The term "normal commercial channels" means the use of beneficiating plants, smelters, refineries, or other processing plants which purchase and process lead or zinc ores or concentrates as a usual part of their business.

(e) "Recoverable content" means 95 percent of the lead content of ores or concentrates, and 85 percent of the zinc content of ores or concentrates, as determined by assay.

(f) "Ton" means 2,000 pounds avoirdupois net dry weight.

(g) "Sale" means a bona fide transfer for value of ores or concentrates from a producer to a processor, which shall be deemed to have occurred not later than the date of receipt of the material by the processor. If a producer smelts or refines his own ores or concentrates, a sale shall be deemed to have occurred when such ores or concentrates are received at his smelter or refinery. A sale of concentrates produced from ores sold to a processing plant by a small domestic producer in accordance with the regulations in this part shall not be considered as a sale by the owner of the processing plant, but shall be considered as a sale by such producer.

(h) "Newly mined ores or concentrates" means domestic ores severed from the land, or concentrates produced from such domestic ores, subsequent to October 3, 1961, including a normal inventory of crude ore as defined in paragraph (i) of this section. The term does not refer to material recovered from mine dumps, mill tailings, smelter slags, or residues, derived from ore mined prior to October 3, 1961, or to secondary or salvage material, or to any ores or concentrates which have been commingled with such materials.

(i) A "normal inventory of crude ore" means the quantity of broken ore on hand at the surface of a mine on October 3, 1961, but not in excess of a quantity which bears a reasonable relation to the quantities of such material customarily maintained during the calendar year, between January 1, 1950, and December 31, 1960, in which the producer attained his maximum production.

(j) "Operating unit" means a mine or group of mines, or portions of either, which the Administrator determines, on the basis of cost and operating records or other available data, is being operated as a single unit separate and apart from other units in the same area.

(k) "Quarter" means a three-month period commencing on the first day of January, April, July, or October.

### § 501.3 Duration of the program.

The program shall terminate with respect to each calendar year upon the happening of either of the following events, whichever occurs first:

(a) The closing of the calendar year, or

(b) When the amounts of stabilization payments for the calendar years 1962, 1963, 1964, and 1965 total $4,500,000, $4,500,000, $4,000,000, and $3,500,000, respectively.

### § 501.4 Participation in the program.

(a) Any small domestic producer desiring to participate in the program shall apply on GSA Form 1776 to General Services Administration, Defense Materials Service, General Services Building, Washington 25, D.C. The application should state that the applicant has read the regulations in this part and accepts their terms and conditions. The Administrator may request such additional information as may be necessary and will issue to each applicant found by him to be qualified a certificate of participation on GSA Form 1777, authorizing the applicant to apply for stabilization payments under the regulations in this part to the extent he is eligible and qualified to receive such payments. The issuance of such a certificate shall not entitle the applicant to any stabilization payments to which he would not otherwise be entitled under the terms and conditions of the Act and the regulations in this part.

(b) To obtain stabilization payments a certified producer shall submit to General Services Administration a request for payment on GSA Form 1778.

(c) Notwithstanding the fact that all requirements of the regulations in this part may have been met, a small domestic producer shall not be entitled to any stabilization payments if funds are not available therefor under the program.

(d) The rights under a certificate of participation cannot be acquired by assignment through a sale, lease, permit or other similar transaction, but may be acquired by succession in interest other than by such an assignment.

(e) No person or firm may succeed to the rights under a certificate of participation unless an amended application on GSA Form 1776 is made to the above address giving all the facts relating to such succession in interest. If a valid succession in interest is shown to have occurred and the successor in interest is otherwise eligible, an amended certificate of participation on GSA Form 1777 will be issued entitling the successor in interest to continue the rights under the original certificate.

### § 501.5 Stabilization payments.

Stabilization payments will be made to small domestic producers upon the following terms and conditions:

(a) Presentation of evidence satisfactory to the Administrator of the sale by such applicant of his production of newly mined ore, or concentrates produced therefrom, as provided for in the regulations in this part.

(b) Payment shall be made only with respect to the lead or zinc metal content as determined by assay in accordance with paragraphs (c) and (d) of this section.

(c) When the producer sells ore to a processing plant, the assays for lead and zinc shown on the certified assay report issued by the processing plant shall be used. When the producer ships ore to his own processing plant, or ships ores to a toll processing plant, and sells the concentrates therefrom, the assays shown on the certified assay report issued by the smelter or refinery purchasing the concentrates shall be used. Such assays shall be furnished without cost to General Services Administration. Prior to the issuance of a certificate of participation to an applicant, the applicant shall agree that a representative of the Administrator may be present at the weighing, sampling and assaying of the material upon which stabilization payments are claimed; that a representative portion of the sample shall be packaged, sealed, and identified as the Government's sample; that the Government's sample shall be set aside and held for the Government; and that the Government may have its sample assayed, in which event the Government's assays shall be accepted as establishing the metal content of the material sampled for the purpose of determining the amount of stabilization payments which the applicant may claim against the sales of such material. The cost of the Government's assays shall be for the Government's account.

(d) Lead or zinc metal content shall be calculated on the basis of the dry weights of the ores or concentrates sold multiplied by the percentages of contained lead or zinc metal shown in the assays issued in accordance with paragraph (c) of this section. No stabilization payments shall be made for zinc metal contained in a lead ore or concentrate, or for lead metal contained in a zinc ore or concentrate, unless both metals are sold. If, however, the processor is the same person as the producer, such payments will be made only if such ore or concentrate is to be primarily processed for the recovery of both metals.

(e) For lead, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for common lead at New York, New York, as determined by the Administrator, is below 14½ cents per pound, and such payments shall be 75 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(f) For zinc, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for prime western zinc at East Saint Louis, Illinois, as determined by the Administrator, is below 14½ cents per pound, and such payment shall be 55 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(g) The Administrator's market price determinations shall be based upon trade publications and such other sources of market information as he deems relevant.

(h) Each small domestic producer shall submit one request for payment, on GSA Form 1778, covering all sales for each month. Each such request should be submitted by the 15th day after the end of the month in which the sales covered by such request are made, except that requests with respect to sales made between January 1, 1962, and the last day of the month in which the participant receives his certification of participation are to be submitted by the 15th day of the following month. Request shall be submitted to: Office of Comptroller, General Services Administration, Washington 25, D.C. Unless justifiable cause beyond the reasonable control of the applicant is shown, requests for payment received after the applicable date will not be paid until the month following their receipt, and in no event will payments be made on requests received after March 31 of the year following the year of the sale. Late requests run the risk of the exhaustion of funds through the payment of timely requests.

(i) Except for applications for participation received during the first three quarters of 1962, an applicant may be eligible for payments under the regulations in this part only with respect to sales in a quarter commencing after the date of the receipt of his application.

### § 501.6 Limitations on individual producers and properties.

Stabilization payments otherwise authorized under the regulations in this part shall be subject to the following limitations and restrictions:

(a) (1) No stabilization payments shall be made to any small domestic producer on sales, or further processing in lieu of sales, of newly mined ores or concentrates produced therefrom, in excess of the following quantities:

| | *Tons (metal content)* | |
|---|---|---|
| Calendar year: | *Lead* | *Zinc* |
| 1962 | 1,500 | 1,500 |
| 1963 | 1,200 | 1,200 |
| 1964 | 900 | 900 |
| 1965 | 600 | 600 |

(2) No small domestic producer may receive stabilization payments on lead in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of lead during any calendar year between January 1, 1950, and December 31, 1960.

(3) No small domestic producer may receive stabilization payments on zinc in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of zinc during any calendar year between January 1, 1950, and December 31, 1960.

(4) No stabilization payments shall be made on any domestically produced material which is sold to or eligible for sale to the United States Government, or any agency thereof, pursuant to a contract made under the provisions of the Defense Production Act of 1950, as amended, or the Strategic and Critical Materials Stock Piling Act. The amounts of such material shall be applied to reduce the annual maximum quantities specified in subparagraph (1) of this paragraph (a) and the applicable quarterly limitations and quotas fixed by the Administrator pursuant to § 501.7.

(b) Stabilization payments shall be made only with respect to lead or zinc ores and concentrates produced from an operating unit which was also operated during the whole or some part of the period January 1, 1956, to August 1, 1961.

(c) No stabilization payments shall be made on any production from any property acquired by the applicant by sale, lease, permit, or otherwise (except devise or inheritance) subsequent to August 1, 1961. However, any person or firm acquiring a property by sale, lease, permit, or otherwise after August 1, 1961, and otherwise meeting the requirements for a small domestic producer, may qualify as a small domestic producer if such person or firm produced lead or zinc ores or concentrates from a mine specified in a lease, permit, or contract during the whole or some part of the period January 1, 1956, to August 1, 1961, but not if his production during such period was from a mine owned by him.

(d) The Administrator may determine what constitutes a single operating unit producing ores. If more than one producer claims payment for sales from production of a single operating unit, the Administrator may determine the quantity of sales for each such producer to which the limitations set forth in the regulations in this part apply.

(e) No producer shall be eligible for payment under the regulations in this part if he is operating under a lease, contract, or permit obtained after October 3, 1961, from another producer of lead or zinc who has placed a larger portion of his lead and zinc mining properties under lease, contract, or permit to other producers than he had placed at his highest production level of lead and zinc since January 1, 1956, to October 3, 1961.

**§ 501.7 General limitations.**

(a) Notwithstanding any other provisions of the regulations in this part, the maximum amounts of stabilization payments which may be made on account of sales of newly mined ores or concentrates produced therefrom shall not exceed the following amounts or the amounts appropriated therefor, whichever is less:

| During the calendar year: | *Not to exceed* |
|---|---|
| 1962 | $4,500,000 |
| 1963 | $4,500,000 |
| 1964 | $4,000,000 |
| 1965 | $3,500,000 |

(b) For the purpose of achieving stabilization in the annual rates of production, the Administrator will fix limitations each quarter on the total amounts of lead and zinc on which stabilization payments will be made. The Administrator will assign quotas to individual producers within such quarterly limitations to the extent necessary and in a manner designed to assure equitable distribution of the benefits of the programs. The limitations and quotas so fixed and assigned will not be subject to adjustment except in the event of changes in market prices having such substantial impact upon amounts payable on sales during the quarter as the Administrator determines to require adjustments to avoid defeating the statutory purposes of stabilizing production and making equitable distribution of benefits. The sum of the quarterly limitations or the sum of all producers' quarterly quotas for a calendar year may be less than the total eligible tonnage if funds are not available to cover the full eligible tonnage. Shortfalls in meeting quarterly quotas for any of the first three quarters may be made up by sales in excess of the individual producer's quota for the following quarter only. Shortfalls in the fourth quarter cannot be made up by sales in the first quarter of the following year. Sales made in any quarter in excess of the quota for that quarter may not be carried forward for payment during subsequent quarters.

**§ 501.8 Reports and inspections.**

(a) Applicants shall furnish the Administrator from time to time reports showing production and disposition of ores or concentrates, together with such other reports and information as the Administrator may require for the administration of the regulations in this part. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and any requirements subsequently prescribed will be subject to such approval.

(b) Authorized representatives of the United States Government may enter the applicant's property at all reasonable times for inspection of the operations of the applicant. The applicant shall provide such authorized representatives with all reasonable means of access for such inspections.

**§ 501.9 Access to books and records.**

Until three (3) years after the termination of the program established under the regulations in this part, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers and records of any participant involving transactions related to the program.

**§ 501.10 Modification of benefits.**

The regulations in this part may be amended or revised by the Administrator from time to time whether or not such amendment or revision increases or decreases any of the benefits provided for by the regulations in this part or affects the distribution of benefits among small domestic producers.

**§ 501.11 Criminal and civil penalties.**

As provided in section 9 (a) and (b) of the Act—

(a) Whoever, for the purpose of procuring a payment to which he is not entitled under the Act or the regulations in this part or for the purpose of assisting another to procure a payment to which the other is not entitled under the Act or the regulations in this part, misrepresents any material fact, knowing the same to be false, fictitious, or fraudulent, shall be guilty of an offense against the United States and shall be fined not more than $5,000 or imprisioned not more than two years, or both, and shall thenceforth be entitled to no benefits under the Act or the regulations in this part.

(b) Whoever accepts a payment under the Act or the regulations in this part to which, or any portion of which, he is not entitled, knowing that he is not entitled thereto or whoever, having accepted a payment under the Act or the regulations in this part to which, or any portion of which, he is not entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine or not more than $5,000 or imprisonment for not more than two years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under the Act or the regulations in this part.

Dated: April 26, 1962.

BERNARD L. BOUTIN,
*Administrator of General Services.*

Concurred in by:
STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 62-7518; Filed, July 27, 1962; 8:55 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### Potomac River at Washington, D.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.325 governing the operation of drawbridges across the Potomac River at Washington, D.C., is hereby amended in its entirety to permit the drawbridges to remain in a closed position, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.325 Potomac River at Washington, D.C.; drawbridges.**

The draws of the bridges need not be opened for the passage of vessels.

[Regs., July 12, 1962, 285/111 (Potomac River, Wash., D.C.) ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 62-7403; Filed, July 27, 1962; 8:46 a.m.]

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## PART 206—FISHING AND HUNTING REGULATIONS

### Chesapeake Bay, Maryland and Virginia

*Correction*

In F.R. Doc. 62-7010, appearing at page 6829 of the issue for Thursday, July 19, 1962, in the table of § 206.50 (f) (10), the first figure in the latitude column should read "37" instead of "38".

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 132—REGISTRATION

## PART 152—PROHIBITED OR RESTRICTED ARTICLES

### International Mail Amendments

The regulations of the Post Office Department are amended as follows:

§ 132.2 [Amendment]

1. In § 132.2 *Preparation by mailer*, subparagraph (2) of paragraph (b) is amended to delete the provision for optional sealing of 8 ounce merchandise packages addressed to Canada. As so amended, subparagraph (2) reads as follows:

(b) *Sealing.* * * *

(2) Articles under the classification of commercial papers, printed matter, books, matter for the blind, samples of merchandise and small packets, or as 8-ounce merchandise packages presented for registration, must not be sealed.

NOTE: The corresponding Postal Manual section is 242.222.

§ 132.5 [Amendment]

II. In § 132.5 *Return receipts*, subparagraph (1) of paragraph (e) is amended for the purpose of clarification and to require post offices to examine foreign return receipts to assure proper completion before return. As so amended, subparagraph (1) reads as follows:

(e) *Issued in other countries.* (1) *Completion.* Return receipts from other countries bear the words "Avis de reception." Have the addressee or his authorized agent date and sign the receipt with ink or indelible pencil. When signed by an agent of the addressee, have the agent sign the addressee's name followed by his own signature. Postmark the receipt in the appropriate spaces on both sides. Examine all return receipts to assure proper completion. Return the completed receipt unenclosed in the ordinary (unregistered) surface mail. If it bears the notation "Renvoi par avion" or a Par Avion label, or both, return it by airmail.

NOTE: The corresponding Postal Manual section is 242.551.

III. In § 132.6 *Restricted delivery*, make the following changes in paragraph (a)(1) to the list of countries therein where restricted delivery of registered article is available.

A. Insert the following countries and their accompanying data in alphabetical order therein:

Anguilla (Leeward Is.)—Deliver to addressee in person.
Montserrat (Leeward Is.)—Deliver to addressee in person.
Nevis (Leeward Is.)—Deliver to addressee in person.
St. Christopher (Leeward Is.)—Deliver to addressee in person.

B. Amend the country "Leeward Islands" to read "Leeward Islands (Anguilla, Montserrat, Nevis, and St. Christopher only)—Deliver to addressee in person."

NOTE: The corresponding Postal Manual section is 242.611.

IV. § 152.4 is amended to reflect changes in the reporting procedure involving customs seizures of registered and insured mail from other countries. As so amended, § 152.4 reads as follows:

§ 152.4 Report of customs seizure.

When a seizure is made by customs of matter found to be prohibited importation, falsely declared, or otherwise imported contrary to law, the customs officer will notify the addressee. If the seizure involves registered or insured mail, the customs officer will also notify the International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C.

NOTE: The corresponding Postal Manual section is 262.4.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5105)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 62-7422; Filed, July 27, 1962; 8:49 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

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

### SUBCHAPTER S—RIGHTS-OF-WAY

[Circular No. 2084]

## PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

## Subpart G—Rights-of-Way and Material Sites of Highways Under Title 23, United States Code

*Correction*

In F.R. Doc. 62-7129, appearing at page 6934 of the issue for Saturday, July 21, 1962, a section headnote reading "§ 244.55 *Application; grants.*" should be inserted immediately following the text of § 244.54(b)(3).

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 909 ]

[Docket No. AO 143–A3]

### HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; AND DESIGNATED PARTS OF CALIFORNIA

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

Pursuant to the rules of practice and procedure 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 a proposed further amendment of the marketing agreement and Order No. 909 (7 CFR Part 909) hereinafter called the "order" regulating the handling of grapefruit grown in Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, to be made effective under 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 called 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 tenth 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 initiated by the Agricultural Marketing Service as a result of proposals submitted by the Administrative Committee, the agency established to administer the provisions of the order, and was held on May 24, 1962, in the Elks Lodge, NW. corner of Bliss and Jackson Streets, Indio, California. The hearing notice was published in the FEDERAL REGISTER (27 F.R. 3858) on April 21, 1962.

*Material issues.* The material issues presented on the record of the hearing are as follows:

(1) Authorize marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapefruit.

(2) Establish marketing zones and provide for the establishment of different size limitations for grapefruit handled to any of these zones.

(3) Amend the provisions for collection of assessments to include inspection expenses.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on the evidence presented at the hearing:

(1) The order should be amended to authorize the committee to undertake marketing research and development projects designated to assist, improve, or promote the marketing, distribution, and consumption of grapefruit. The expenses of such projects should 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, or to bring together existing information, which will be of value to the industry in establishing more orderly marketing and expanding market outlets for grapefruit. Projects referred to at the hearing related to the development, assembly, and dissemination of information to assist in marketing larger quantities of grapefruit. Examples given of the type of research contemplated included studies to ascertain the basic constituents of grapefruit, investigation of types of packing and handling methods which may lower the cost of marketing, treatment to increase the keeping qualities of grapefruit in retail stores, and the development and distribution of recipes to encourage the sale and consumption of grapefruit. The addition of research and development authority is needed to permit the conduct of such projects by the committee. The foregoing are only examples of the type of research and development work which could be undertaken. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as circumstances indicate would tend to broaden the market for grapefruit.

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 may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out a 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 order should be amended to establish four geographic marketing zones as separate divisions of the United States and export markets for the marketing of grapefruit and to authorize the establishment of different size limitations for grapefruit shipped to any of these zones. Although precise information is not available as to the demand for the various sizes in different zonal markets, it is known generally that certain sizes are more acceptable in some markets than in others, and that the shipment of the smaller sizes into the principal markets of the western United States early in the season depresses the price markedly in such markets for the larger sizes. Current provisions of the order authorize the issuance of regulations providing for the shipment to export markets of sizes that are different from those which may be shipped to markets in the United States. This authority has been used to permit shipment of smaller sizes to the export market than those shipped to markets in the United States. This, in effect, has constituted regulation on the basis of two zones. In recent years it has been the practice to prescribe larger minimum sizes for the domestic market early in the season than in the export market. However, the volume of production of smaller sizes, relative to the total quantity produced, is increasing and a broader area of distribution is necessary for timely disposition. Reference was made to the possible increased opportunity for disposition of small sizes in midwestern and eastern areas of the United States resulting from the cold destruction of grapefruit trees in Texas, a principal supplier of such markets. It was indicated that these markets have accepted the smaller sizes of grapefruit from Texas and that the supply from this source is likely to be small or nonexistent for several years.

The record indicates that the following zones would be practical and would provide a reasonable basis for regulation and enforcement: Zone 1, California and Arizona; zone 2, Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah; zone 3, all of the remaining states of the United States not enumerated in zones 1, 2, and 4; and zone 4, all export markets and Alaska and Hawaii. Authority for regulation by sizes on the basis of the foregoing zones would provide additional flexibility in the order and enable the shipment of small sizes into a larger area earlier in the season than heretofore. For example, regulations could permit shipment of smaller sizes to zones 2, 3, and 4, while at the same time prohibit the shipment of such sizes to zone 1, or the regulations could permit shipment of smaller sizes to zones 3 and 4 only, depending upon the circumstances. The evidence indicates that it is anticipated that normally the same minimum size would be prescribed for zones 1 and 2 and a smaller minimum size for zones 3 and 4. However, it is possible that circumstances may arise which would make it advantageous to prescribe a different minimum size for each of the 4 zones, and it is concluded that the order should so provide. Although the proposed zones were set up

in such manner that geographic factors and transportation routes would minimize, to the extent possible, problems of compliance, it is recognized that compliance problems may be increased if different minimum sizes are prescribed for an increased number of zones. Therefore, the order should provide that when different size limitations are prescribed, grapefruit may not be shipped to a prohibited zone for reshipment, but may be handled only in a direct shipment to a zone in which distribution of that particular size is not limited. Further, the committee should be authorized to require necessary reports and establish safeguards to assure compliance, including requirements that handlers certify that grapefruit will be distributed only in the permitted zone, and mark packages to show the permitted zone of distribution.

(3) The order should be amended to authorize the inclusion of inspection expenses in the committee's budget. The service of inspection has for several years been provided to handlers by the committee under a contract with the inspection agency, and the committee has made collections to cover these costs as well as the assessment for the expenses of maintaining the committee. However, the expenses of inspection have not been considered a budgetary item and therefore have not been included in the committee's budgets when submitted for approval of the Secretary. Few problems have been encountered in the separate handling of the collections to cover these expenses. However, the committee, in contracting for the inspection services as authorized by the order, assumes the obligation of paying the expenses so incurred. The expenses should, therefore, be treated the same as any other expense of the committee; and it is concluded that the amendment of § 909.40 and § 909.41(a) will make it clear that the inspection expenses should be so treated.

*General findings.* (1) 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 order, as amended, and as hereby proposed to be amended, regulates the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

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

(4) The order, as amended, and as hereby proposed to be amended, prescribes such different terms applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of grapefruit.

*Rulings on proposed findings and conclusions.* June 11, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

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

1. A new § 909.32 is added as follows:

**§ 909.32 Research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapefruit; the expense of the projects to be paid from funds collected under § 909.41.

**§ 909.40 [Amendment]**

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

**§ 909.41 [Amendment]**

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

**§ 909.51 [Amendment]**

4. The second sentence of § 909.51(a) is revised to read as follows: "Whenever the committee finds that the conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes it deems advisable to be handled during that period; and the recommendation may include different size limitations for any variety handled to any of the marketing zones described in § 909.56."

**§ 909.53 [Amendment]**

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

6. A new § 909.56 is added as follows:

**§ 909.56 Marketing zones.**

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

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

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

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

Dated: July 25, 1962.

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

[F.R. Doc. 62-7456; Filed, July 27, 1962; 8:54 a.m.]

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## Agricultural Stabilization and Conservation Service

## [ 7 CFR Parts 1005, 1011, 1065, 1066, 1071–1076, 1090, 1094, 1096, 1098, 1101–1103, 1105–1107, 1120, 1126–1130, 1132, 1134, 1135, 1137 ]

## HANDLING OF MILK IN CERTAIN MARKETING AREAS

## Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

*7 CFR Part, Docket No., Marketing Area*

| | | |
|---|---|---|
| 1005 | AO–177–A20 | Tri-State. |
| 1011 | AO–251–A4 | Appalachian. |
| 1065 | AO–86–A14 | Nebraska-Western Iowa. |
| 1066 | AO–122–A9 | Sioux City, Iowa. |
| 1071 | AO–227–A13 | Neosho Valley. |
| 1072 | AO–235–A4 | Sioux Falls-Mitchell, S. Dak. |
| 1073 | AO–173–A14 | Wichita, Kans. |
| 1074 | AO–249–A4 | Southwest Kansas. |
| 1075 | AO–248–A3 | Black Hills, S. Dak. |
| 1076 | AO–260–A4 | Eastern South Dakota. |
| 1090 | AO–266–A3 | Chattanooga, Tenn. |
| 1094 | AO–103–A20 | New Orleans, La. |
| 1096 | AO–257–A8 | Northern Louisiana. |
| 1098 | AO–184–A18 | Nashville, Tenn. |
| 1101 | AO–195–A10 | Knoxville, Tenn. |
| 1102 | AO–237–A6 | Fort Smith, Ark. |
| 1103 | AO–252–A7 | Central Mississippi. |
| 1105 | AO–297–A2 | Mississippi Delta. |
| 1106 | AO–210–A14 | Oklahoma Metropolitan. |
| 1107 | AO–304–A3 | Mississippi Gulf Coast. |
| 1120 | AO–328–A1 | Lubbock-Plainview, Tex. |
| 1126 | AO–231–A19 | North Texas. |
| 1127 | AO–232–A11 | San Antonio, Tex. |
| 1128 | AO–238–A13 | Central West Texas. |
| 1129 | AO–256–A7 | Austin-Waco, Tex. |
| 1130 | AO–259–A7 | Corpus Christi, Tex. |
| 1132 | AO–262–A8 | Texas Panhandle. |
| 1134 | AO–301–A2 | Western Colorado. |
| 1135 | AO–300–A4 | Colorado Spring-Pueblo. |
| 1137 | AO–326–A1 | Eastern Colorado. |

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 with sessions at Wichita, Kansas, on June 7, 1962; at Nashville, Tennessee, on June 12, 1962; and at New Orleans, Louisiana, on June 14, 1962, pursuant to notices thereof which were

issued on May 22, 1962, and June 4, 1962 (27 F.R. 5402; 27 F.R. 4919).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on July 6, 1962 (27 F.R. 6549; F.R. Doc. 62-6758) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Basic formula prices used to compute Class I prices;

2. Basic butterfat test in specified markets; and

3. Conforming changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month (adjusted to a 3.5 percent butterfat) should be the basic formula price from which the Class I milk price is computed in each of the Federal orders named herein.

(a) *Present order provisions.* Class I prices in Federal order markets are established under the authority of the Agricultural Marketing Agreement Act. The standards for milk order prices described in the Act require that such prices reflect economic conditions which affect market supply and demand for milk in the marketing area. In accordance with these standards, Class I milk pricing formulas have been developed for use in the several Federal orders.

Class I milk price formulas, in markets here considered, employ a basic formula price representing a manufacturing milk value. To this is added a price differential, and in most of these markets a further adjustment is made to reflect the changing relationship of milk supplies to Class I milk disposition. The latter adjustment is commonly referred to as a supply-demand adjustment. Eight of the orders considered here do not have basic formula prices, since the Class I prices thereunder are established at fixed relationships to the Class I prices of other orders.

There is considerable diversity in the basic formulas used in the remaining 23 orders. In 20 of these orders the average paying price of Midwest condenseries is used as a basic formula factor, but since 13 of such orders that compute prices at either 3.8 percent or 4.0 percent butterfat use various methods of adjusting to such tests the condensery price announced at a 3.5 percent basis, five different prices result from the use of this one formula factor. Two orders use the paying prices of a different list of condenseries. All basic formulas include a price computed from market values of butter and nonfat dry milk. In all but one order this is an alternative price used when it is higher than a condensery pay price or other alternatives. The order for the Sioux Falls-Mitchell, South Dakota, market uses the butter-powder formula price as the sole basic formula factor. There are in all, eleven different butter-powder formulas in use in the several orders. Eight orders also include paying prices of local plants as alternative basic formula factors, three use computations based on butter and cheese prices, and one uses the average price of manufacturing milk at plants in the United States.

The lack of uniformity among the various basic formulas and the consequent diversity of results produced in Class I prices constitutes a serious problem with respect to coordination of prices among these markets and with other markets adjacent to the respective markets. The extent to which the Midwest condensery price, common to 28 of the orders here under consideration, has been the effective price in these markets and the adjacent markets, has mitigated this problem somewhat in the past. The variety of means used to adjust this price to the basic butterfat test used in the various orders has, however, resulted in uniformity of basic prices under this condition only among those orders using the same basic test and adjustment factor.

The Midwest condensery price was originally based on reports by 18 plants. From time to time individual plants have ceased operations. Recently, seven plants (5 in Wisconsin and 2 in Michigan) have been reporting prices. Four of these are operated by a single firm and two others by another firm. In addition to the effect that reductions in the number of plants has had in impairing this average price as a representative value of manufacturing milk, there is substantial evidence that the posted pay prices reported for the two Michigan plants in the series do not currently reflect the total cost of milk to such plants. As a consequence of these developments the reliability of the Midwest condensery price as an accurate measure of manufacturing milk values has been reduced.

The factors used in the formula computations based on prices of butter and nonfat dry milk vary considerably in the price quotations used, product yields per hundredweight of milk and manufacturing allowances. Such factors as yields and manufacturing allowances are rigid elements in these formulas that do not respond to changes in efficiency. Most butter-powder formulas give substantial weight to the price of roller process powder. The volume of roller process powder produced has declined substantially so that it no longer represents the end product for a substantial volume of manufacturing milk, and, accordingly, is not now being purchased for price support purposes.

The formulas based on prices of butter and cheese are affected by considerations similar to those in connection with butter-powder formulas, and have never been the effective basic formula prices in the orders here under consideration.

Local plant paying prices have tended to play a lesser role in establishing basic formula prices. Generally they have been lower than other alternative formula computations. An exception has been the "Illinois condensery" prices used in the Nebraska-Western Iowa and Sioux City, Iowa, orders in lieu of the Midwest condensery prices. Since different groups of plants are used in each of these orders, uniformity of pricing among orders cannot be attained by use of such prices.

Uniformity of basic formulas is desirable for the purposes of aligning prices among related markets and promoting understanding of order pricing methods among parties in the industry. Disadvantages inherent in the existing formulas based on product prices and the lessening representation provided by the Midwest condensery prices, make it imperative that a sounder basis for determining basic formulas be provided.

(b) *Minnesota-Wisconsin price.* The price for manufacturing grade milk in the two-state area of Wisconsin and Minnesota is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. In each state plant operators regularly report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. Average state prices based on these reports are available near the end of the month following. For the two-state area a special reporting system has been arranged which provides a reliable estimated price by the 5th day after the end of the month. The two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States.

This price better meets the requirements for a basic formula price than other formulas now used. It is representative of prices paid to farmers for about half of the manufacturing grade milk produced in the country. It is a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as existing basic formulas. This price is now used as the basic formula price in the orders for 38 markets. Many of the markets here under consideration adjoin one or more of such markets.

It is concluded that the average price for manufacturing grade milk in Wisconsin and Minnesota, as reported by the Department on about the 5th day of the following month should be adopted as the basic formula price in these orders, excepting those where prices are determined on the basis of differentials from other markets. All producer groups from each market and practically all handler witnesses supported use of this price as the basic formula price to be used in these orders.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the butterfat test (3.5 percent) to be used in these orders must be adopted. For this purpose a generally recognized value of butterfat, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is used in the 38 orders now using this price series as a basic formula price. It is concluded elsewhere in this decision that prices in each of the orders here considered should be stated on a 3.5 percent butterfat basis.

(c) *Transition to new formula (general)*. The principal issue of the hearing related to proposed adjustments in Class I differentials to provide transition to the new basic formula price without changing the level of Class I prices. Producers in some markets requested Class I differentials be unchanged, in other markets they requested increases of from 1 to 10 cents. Handlers proposed decreases of from 2 to 7 cents in some markets, no adjustment in others, and increases of 2 to 3 cents in still others.

The variety of basic formulas among the various orders precludes consideration of a uniform basis of adjustment. Before the effective basic formula prices in many orders could be compared with the Minnesota-Wisconsin price, it was necessary to convert the present prices to a 3.5 percent basis by use of the Class I butterfat differentials of the respective orders. These existing formulas have not maintained precise relationship with the Minnesota-Wisconsin series during recent years (data for the period January 1958 through May 1962 were available in the record). In view of the variations in such relationships it is not possible to establish with precision the relationships that may be expected in the future.

For the 34-month period from January 1958 through October 1960 the Minnesota-Wisconsin price and the Midwest condensery price represented virtually the same level of price, differing by less than one-half cent on a simple average basis. In only six of these months did the prices vary by more than 3 cents and the difference never exceeded 7 cents. Beginning with November 1960 through February 1961 the Midwest condensery price exceeded the Minnesota-Wisconsin price by 6–14 cents; for March and April 1961 the condensery price was approximately the same as the Minnesota-Wisconsin price. The condensery price was 4 cents less in May 1961 and it has been from 9 to 15 cents less each month since than the Minnesota-Wisconsin price. Despite these wider but offsetting variations the two price series averaged within less than one-half cent of each other for the four-year 1958–1961 period.

In those markets for which the Midwest condensery price has been the usually effective basic formula price there is no basis for adjusting Class I differentials in making the transition from the present basic formula price to the Minnesota-Wisconsin price. The present relationship of the Midwest condensery price to paying prices in the area, and a somewhat similar relationship to market prices of manufactured dairy products are symptoms of its progressive failure to represent accurately manufacturing milk values. It would not be appropriate to reduce Class I differentials to reflect recent levels in the condensery price.

(d) *Transition to new formula (market by market)*. For only two markets here involved, Black Hills and Eastern South Dakota, has the 3.5 percent Midwest condensery price without adjustment been the effective price at all times. For the Tri-State, Oklahoma Metropolitan, Western Colorado, Colorado Springs-Pueblo, and Eastern Colorado markets, basic formula factors are identical. Under this type of formula the condensery price has been the dominant price. While the Nebraska-Western Iowa and Sioux City orders include the "Illinois" condensery price rather than the Midwest price, prices of these two series were substantially the same prior to the development of the present weakness in the Midwest series. For all these orders, for which prices are announced on a 3.5 percent basis, it is concluded that the transition to the new basic formula should be made without change in the Class I price differential.

For the Neosho Valley, Wichita, Southwest Kansas, Northern Louisiana, Fort Smith, North Texas, and Texas Panhandle orders the formula factors generally resemble those in the Oklahoma and Colorado markets, except that prices are stated at 3.8 percent butterfat in the Wichita and Southwest Kansas orders and at 4.0 percent in the remaining markets. Conversion of the condensery price to such tests by direct ratio has been at a higher rate than the Class I butterfat differentials of the orders. As a consequence basic formula prices of these orders, when reconverted to a 3.5 percent basis, are slightly higher than those for the Oklahoma and Colorado orders. The deterioration in the condensery price series more than overcomes this difference so that transition to the new basic formula may be accompanied without current reduction in Class I prices if present Class I price differentials are maintained. Such transition will best serve to avoid distortion of price alignments among markets.

With respect to the Appalachian, Chattanooga, New Orleans, Nashville, Knoxville, and Central Mississippi orders, Midwest condensery prices have not been so predominatingly effective. These markets all use a 4.0 percent basic test. In the four-year period 1958–1961, butter-powder formula prices were the effective basic formula prices about 40 percent of the time in New Orleans and Central Mississippi and almost 60 percent of the time in the other markets. In all these markets butter-powder prices are presently the effective basic formula prices. Differences in the butter-powder formula, methods of converting prices to the basic tests of the orders and Class I butterfat differentials provide diverse results when each of these orders is compared with the Minnesota-Wisconsin price at 3.5 percent test.

The increases in Class I price differentials suggested by producer spokesmen based on a comparison of order basic formula prices with the Minnesota-Wisconsin manufacturing milk price in earlier years do not provide a valid basis for transition from current levels of the existing basic formula prices in these orders. The suggested comparison does not allow for recognized changes in the industry. A comparison on a more recent basis is more valid for this reason.

On the basis of this comparison for recent months, it is concluded that no adjustment of Class I differentials is required to prevent decrease of price in the Chattanooga and Knoxville markets, but that Class I differentials should be increased 3 cents in the New Orleans, Nashville and Central Mississippi markets and 1 cent in the Appalachian market.

The Sioux Falls-Mitchell order does not include a condensery price alternative in its basic formula but computes the Class I price by addition of a Class I differential to the Class II price determined by a butter-powder formula price. This price has been and now is less than the Midwest condensery price. Class I price relationships with the adjacent Eastern South Dakota market in which Sioux Falls-Mitchell handlers sell milk have varied substantially as the differences between condensery prices and butter-powder values have changed. Sioux Falls handlers opposed change in the basic formula on the basis of price alignments with the Minneapolis-St. Paul order for which the Minnesota-Wisconsin price is now the basic formula price. Adjustment of Class I differentials on the basis of local factors is beyond the scope of action possible from a joint hearing of the nature held. On the other hand the Sioux Falls-Mitchell basic formula price has not been equal to the Midwest condensery price nor is it now equal to that price. It is concluded that present relationships with the Eastern South Dakota market will be preserved by a decrease of 10 cents (from $1.40 to $1.30) in the Class I differential of the Sioux Falls-Mitchell order. This will also restore a fixed alignment with the Minneapolis-St. Paul order similar to that in effect before amendment of the basic formula price of that order. Further alignment of Class I prices between these markets to reflect current supply and marketing conditions can be done only on the basis of further hearings of a more localized nature.

No basic formula prices are contained in eight of the orders under consideration. Class I prices of the Red River Valley order are based on those of the Oklahoma Metropolitan order, those of the Mississippi Delta and Gulf Coast orders on the Central Mississippi price, while the North Texas price determines prices in San Antonio, Central West Texas, Austin-Waco, Corpus Christi and Lubbock-Plainview. No amendment to the Red River Valley order will be required to carry out the conclusions of this decision but amendment of the other orders named will be required by conclusions with respect to another issue of the hearing.

2. Prices under all orders should be stated on a 3.5 percent butterfat basis.

Prices under the Appalachian, Neosho Valley, Chattanooga, New Orleans, Northern Louisiana, Nashville, Knox-

ville, Fort Smith, Central Mississippi, Mississippi Delta, Mississippi Gulf Coast, Lubbock-Plainview, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, and Texas Panhandle orders are now stated on a 4.0 percent butterfat basis. Prices under the Wichita and Southwest Kansas orders are stated on a 3.8 percent butterfat basis.

In order that the uniformity of basic formula prices provided herein may be maintained, class and producer prices in these orders should be stated at the same butterfat content, 3.5 percent, as for other markets involved in this hearing and for the 38 other markets now using this common basic formula price.

Provision is made that change in the basic test will not affect the level of the Class II (and Class III in some orders) price(s). Prices presently computed at 4.0 or 3.8 percent are converted to 3.5 percent prices by use of the Class II butterfat differentials of the respective orders. Producer prices stated on a 3.5 percent basis will aid in making price comparisons among markets. The producer price at any given test will remain the same whether computed on a 3.5 percent basis or at another test. Cooperative associations distributing returns to their member producers are not prevented from using another basis if they so choose.

3. *Conforming changes.* Conforming changes are adopted in a substantial number of the orders to continue without change pricing provisions for milk in classes other than Class I. Such changes consist principally in setting forth under the pricing provisions for such classes of milk present basic formula factors now incorporated therein by reference.

All but one of the orders considered herein use a basic formula price determined from the preceding month's condensery price or product prices to determine the current month's Class I price. For uniformity of language, the basic formula price of each order has been defined as the manufacturing milk pay price for the current month, and use of the basic formula price of the preceding month has been specified in the Class I pricing provision. In order that the uniform basic formula price adopted herein may be applied uniformly to the same period in all orders affected, the order for the Tri-State area, which presently uses the current condensery price or product values, is amended to conform to the other orders. Since the Class I price for this order is now announced on the 5th day after the end of the month to which it applies, the present provisions will be applicable with respect to computation and announcement of prices for the month preceding the effective date of this amendment and the amended provisions will apply to the month following the effective date. Thus, announcement of the Class I price for the preceding month and that for the current month will on that occasion be made on the same day.

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

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

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and orders.* Attached hereto and made a part hereof are sixty documents, thirty of which are entitled, with respect to each of the above designated marketing areas, exclusive of the Red River Valley marketing area (7 CFR Part 1104) "Marketing Agreement Regulating the Handling of Milk in the Marketing Area", and the remaining thirty of which are entitled, with repect to identical marketing areas, "Order Amending the Order Regulating the Handling of Milk in the Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions with respect to each of the respective orders, specified therein.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative periods.* The month of June 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1962 is hereby determined to be the representative period for such purpose with respect to each of the other orders amending the respective orders that are attached hereto.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New Orleans, Louisiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1962 is hereby determined to be the representative period for the conduct of such referendum.

William J. Larzelere is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

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

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

*Order [1] Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area*

**§ 1005.0 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

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

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 Tri-State 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.

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

1. In § 1005.22(j), subparagraph (1) is revised to read as follows:

**§ 1005.22 Duties.**

* * * * *

(j) * * *

(1) On or before the 5th day of each month, the Class I price and the Class I butterfat differential for the month and the Class II and Class III prices and the Class II and Class III butterfat differentials for the preceding month, as computed pursuant to §§ 1005.50 through 10005.55; and

2. Section 1005.50 is revised to read as follows:

**§ 1005.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basis formula price shall be rounded to the nearest full cent.

3. The introductory text of § 1005.51 is revised to read as follows:

**§ 1005.51 Class I milk prices.**

Subject to the provisions of §§ 1005.54 through 1005.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price for the preceding month determined pursuant to § 1005.50 adjusted as follows:

4. Paragraph (b) of § 1005.53 is revised to read as follows:

**§ 1005.53 Class III milk prices.**

* * * * *

(b) For each month except April, May, June and July, the price for Class III milk shall be the price (rounded to the nearest one-tenth cent) computed pursuant to subparagraph (1) or subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Present Operator and Location*

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price computed by adding together the plus values determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price per pound of butter for the month as described in § 1005.50, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the previous month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

5. Section 1005.54 is amended by revising paragraph (a) and paragraph (b) to read as follows:

**§ 1005.54 Butterfat differentials to handlers.**

* * * * *

(a) *Class I milk.* Add 1.0 cent to the butterfat differential for Class II and Class III milk for the preceding month computed pursuant to paragraph (b) of this section;

(b) *Class II and Class III milk.* Subtract 3.0 cents from the average price per pound of butter for the month as described in § 1005.50 and multiply by 0.119.

*Order[1] Amending the Order Regulating the Handling of Milk in the Appalachian Marketing Area*

**§ 1011.0 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 procedures 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 Appalachian 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.

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

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

1. Section 1011.50 is revised to read as follows:

**§ 1011.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1011.51 paragraphs (a) and (b) (1) and (2) are revised to read as follows:

**§ 1011.51 Class price.**

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.67 during the months of March through July; and $2.11 during all other months.

(b) * * *

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month, less five times the butterfat differential for the month computed pursuant to § 1011.52(b):

*Company and Location*

Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Carnation Co., Galax, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Franklin Milk, Co., Jonesboro, Tenn.
Kraft Foods Co., Independence, Va.
Kraft Foods Co., Greeneville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, subtract 75 cents and subtract five times the butterfat differential for the month computed pursuant to § 1011.52(b).

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department.

**§§ 1011.52, 1011.71, 1011.72, 1011.91 [Amendment]**

3. In §§ 1011.52, 1011.71, 1011.72 and 1011.91, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area*

**§ 1065.0 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 Nebraska-Western Iowa 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.

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

1. Section 1065.50 is revised to read as follows:

**§ 1065.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

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

*Order[1] Amending the Order Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area*

**§ 1066.0 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 Sioux City, Iowa, 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.

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

1. Section 1066.50 is revised to read as follows:

**§ 1066.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for

manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1066.51 the introductory text of paragraph (a) is revised to read as follows:

§ 1066.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding delivery period, plus $1.40.

*Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area*

§ 1071.0 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 Neosho Valley 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.

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

1. Section 1071.50 is revised to read as follows:

§ 1071.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1071.51, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided,* That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period: *And provided further,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

(1) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1106 of this chapter regulating the handling of milk in the Oklahoma Metropolitan marketing area less 33 cents; or

(2) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period under Part 1067 of this chapter regulating the handling of milk in the Ozarks marketing area, plus 15 cents.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the price computed pursuant to subparagraphs (1) and (2) of this paragraph, less 5 times the butterfat differential for the respective month computed pursuant to § 1071.52(b).

§§ 1071.52, 1071.71, 1071.72, 1071.91 [Amendment]

3. In §§ 1071.52, 1071.71, 1071.72, and 1071.91, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Sioux Falls-Mitchell, South Dakota, Marketing Area*

§ 1072.0 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 Sioux Falls-Mitchell, South Dakota, 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.

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

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

1. A new § 1072.50 is added to read as follows:

**§ 1072.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1072.50 is redesignated as § 1072.51 and paragraph (a) therein is revised to read as follows:

**§ 1072.51 Class prices.**

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30.

**§ 1072.51 [Redesignation]**

3. Section 1072.51 is redesignated as § 1072.52 and the reference "§ 1072.50" therein is revised to "§1072.51".

**§ 1072.52 [Redesignation]**

4. Section 1072.52 is redesignated as § 1072.53.

**§ 1072.55 [Amendment]**

5. In § 1072.55 the reference "1072.51" is revised to "1072.52".

*Order[1] Amending the Order Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area*

**§ 1073.0 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 Wichita, Kansas, 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.

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

1. Section 1073.50 is revised to read as follows:

**§ 1073.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1073.51, the introductory texts of paragraph (a) and of paragraph (c) are revised to read as follows:

**§ 1073.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided,* That the Class I price so computed shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same period pursuant to Federal Order No. 64 (Greater Kansas City) during each month of the period August through March and plus ten cents for each of the months of April through July, nor more than the Kansas City Class I price (3.5 percent butterfat content) plus fifty cents during each of the months of the period August through March and plus sixty cents for each of the months of April through July.

* * * * *

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, less three times the butterfat differential for the respective month computed pursuant to § 1073.52(c).

**§§ 1073.52, 1073.71, 1073.80, 1073.81 [Amendment]**

3. In §§ 1073.52, 1073.71, 1073.80 and 1073.81, "3.8" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Southwest Kansas Marketing Area*

**§ 1074.0 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 Southwest Kansas 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.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwest Kansas marketing

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

area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1074.50 is revised to read as follows:

**§ 1074.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1074.51 the introductory text of paragraph (a), that part of paragraph (a) following subdivision (iii) of subparagraph (3) and paragraph (b) are revised to read as follows:

**§ 1074.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

* * * * *

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of, the price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1073 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1132 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f.o.b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio, less three times the butterfat differential for the respective month computed pursuant to § 1074.52 (b).

**§§ 1074.52, 1074.71, 1074.81 [Amendment]**

3. In §§ 1074.52, 1074.71, and 1074.81, "3.8" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Black Hills, South Dakota, Marketing Area*

**§ 1075.0 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 Black Hills, South Dakota, 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.

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

1. Section 1075.50 is revised to read as follows:

**§ 1075.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1075.51 is revised to read as follows:

**§ 1075.51 Class prices.**

* * * * *

(b) *The Class II milk price.* The Class II milk price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 6.5 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator, of the arithmetical average of the carlot prices per pound of nonfat dry milk solids, spray and roller process for human consumption delivered at Chicago as reported for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913: *Provided,* That if the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the price for nonfat dry milk solids, spray and roller process for human consumption, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

*Order[1] Amending the Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area*

**§ 1076.0 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 Eastern South Dakota 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

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

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.

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

1. Section 1076.50 is revised to read as follows:

**§ 1076.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

*Order[1] Amending the Order Regulating the Handling of Milk in the Chattanooga, Tennessee, Marketing Area*

**§ 1090.0 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 Chattanooga, Tennessee, 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 sufficent 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.

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

1. Section 1090.50 is revised to read as follows:

**§ 1090.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1090.51, the introductory text and paragraph (b) are revised to read as follows:

**§ 1090.51 Class prices.**

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

* * * * *

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months, the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, adjusted in each case to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1090.52(b) and rounding to the nearest cent.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

*Company and Location*

Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

3. Paragraph (b) of § 1090.52 is revised to read as follows:

**§ 1090.52 Butterfat differentials to handlers.**

* * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided,* That for the months of February through August, such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1090.51(b) by 40, and for all other months, by dividing the higher of the prices computed pursuant to subparagraphs (1) and (2) of § 1090.51(b) by 40.

**§§ 1090.52, 1090.71, 1090.72, 1090.73 [Amendment]**

4. In §§ 1090.52, 1090.71, 1090.72 and 1090.73, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area*

**§ 1094.0 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 agree-

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

ments 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 New Orleans, Louisiana, 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.

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

1. Section 1094.50 is revised to read as follows:

**§ 1094.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. The introductory text of § 1094.51, the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

**§ 1094.51 Class prices.**

Subject to the provisions of §§ 1094.52 and 1094.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.51 during the months of March through June and $2.71 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That in no case shall such price exceed the basic formula price by more than 13.5 cents:

*Present Operator and Location*

Pet Milk Co., Kosciusko, Miss.
Borden Co., Starkville, Miss.
McClendon Cheese Co., Newton, Miss.
Borden Co., Macon, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1094.52(b); and

(2) Add 28.5 cents during the months of February through August and 38.5 cents during all other months.

**§§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74, 1094.75 [Amendment]**

3. In §§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74 and 1094.75, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing area*

**§ 1096.0 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 Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(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.

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

1. Section 1096.50 is revised to read as follows:

**§ 1096.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1096.51 is revised to read as follows:

**§ 1096.51 Class prices.**

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the months of June 1962 through August 1963 the Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1096.52 (b), rounding to the nearest one-tenth cent and, during the months of March through June, deducting 5 cents.

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing

plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

**§§ 1096.52, 1096.71, 1096.72, 1096.73, 1096.74 [Amendment]**

3. In §§ 1096.52, 1096.71, 1096.72, 1096.73, and 1096.74, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area*

**§ 1098.0 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 Nashville, Tennessee, 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.

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

1. Section 1098.50 is revised to read as follows:

**§ 1098.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1098.51 the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

**§ 1098.51 Class prices.**

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.53 during the months of August through January, plus $1.23 during all other months and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3), and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1098.52(b), and rounding to the nearest cent.

(1) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

*Present Operator and Location*

Carnation Co., Murfreesboro, Tenn.
Kraft Foods Co., Gallatin, Tenn.
Kraft Foods Co., Pulaski, Tenn.
Borden Co., Fayetteville, Tenn.
Borden Co., Lewisburg, Tenn.
Borden Co., Carthage, Tenn.
Summer County Cooperative Creamery, Gallatin, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Wilson and Co., Murfreesboro, Tenn.

Add 25 cents during the months of February through August and add 35 cents during all other months.

(2) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

*Present Operator and Location*

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1098.52(a) by 5.

(3) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4 the average price per pound of butter as described in § 1098.50 and add 20 percent thereof;

(ii) From the simple average, as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

(4) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1098.50;

(ii) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided,* That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

**§§ 1098.52, 1098.71, 1098.72, 1098.83 [Amendment]**

3. In §§ 1098.52, 1098.71, 1098.72 and 1098.83, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area*

**§ 1101.0 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 agree-

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

ments 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 Knoxville, Tennessee, 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.

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

1. Section 1101.50 is revised to read as follows:

**§ 1101.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1101.51 is revised to read as follows:

**§ 1101.51 Class prices.**

* * * * *

(b) *Class II milk price.* The price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3) and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1101.52(b) and rounding to the nearest cent.

(1) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, on or before the 6th day after the end of the month:

*Company and Location*

Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Kraft Foods Co., Greeneville, Tenn.

Add 10 cents in the months of February through August and add 25 cents in all other months.

(2) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

*Company and Location*

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential pursuant to § 1101.85(a) by 5.

(3) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1101.50;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided,* That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

(4) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph.

(i) Multiply by 4 the average price per pound of butter as described in § 1101.50 and add 20 percent thereof;

(ii) From the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

3. Paragraph (b) of § 1101.52 is revised to read as follows:

**§ 1101.52 Butterfat differentials to handlers.**

* * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115: *Provided,* That such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1101.51(b) by 40; nor exceed the result obtained by dividing the highest of the prices, computed pursuant to subparagraphs (2), (3) and (4) of § 1101.51(b), by 40.

**§§ 1101.52, 1101.71, 1101.72, 1101.85 [Amendment]**

4. In §§ 1101.52, 1101.71, 1101.72 and 1101.85, "4.0" is changed to "3.5" wherever it appears.

*Order*[1] *Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area*

**§ 1102.0 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 Fort Smith, Arkansas, 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

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

to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

1. Section 1102.50 is revised to read as follows:

**§ 1102.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1102.51 is revised to read as follows:

**§ 1102.51 Class prices.**

Subject to the provisions of § 1102.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.45 for the months of April, May and June, and plus $1.85 for all other months: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, less five times the butterfat differential for the respective month computed pursuant to § 1102.52(b):

*Present Operator and Location*

Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.
Ozark Creamery, Ozark, Ark.

**§§ 1102.52, 1102.71, 1102.72, 1102.81 [Amendment]**

3. In §§ 1102.52, 1102.71, 1102.72 and 1102.81, "4.0" is changed to "3.5" wherever it appears.

*Order*[1] *Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area*

**§ 1103.0 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 Central Mississippi 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.

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

1. Section 1103.50 is revised to read as follows:

**§ 1103.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1103.51 is revised to read as follows:

**§ 1103.51 Class prices.**

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.16.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph;

*Present Operator and Location*

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1103.52(b); and

(2) Add 10 cents during each of the months of March through June and 20 cents during all other months.

**§§ 1103.52, 1103.71, 1103.72, 1103.91 [Amendment]**

3. In §§ 1103.52, 1103.71, 1103.72, and 1103.91, "4.0" is changed to "3.5" wherever it appears.

*Order*[1] *Amending the Order Regulating the Handling of Milk in the Mississippi Delta Marketing Area*

**§ 1105.0 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 tenta-

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

tive marketing agreement and to the order regulating the handling of milk in the Mississippi Delta marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, is 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.

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

1. Section 1105.50 is revised to read as follows:

**§ 1105.50 Class prices.**

Subject to the provisions of §§ 1105.51 and 1105.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area less 16 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustment provided in subparagraph (1) and (2) of this paragraph;

*Present Operator and Location*

Kraft Cheese Co., Houston, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1105.51(b); and

(2) Add 10 cents during each month of February through August and 20 cents during all other months.



**§§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, 1105.75 [Amendment]**

2. In §§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, and 1105.75 "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area*

**§ 1106.0 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 Oklahoma Metropolitan 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.

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

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

1. Section 1106.50 is revised to read as follows:

**§ 1106.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1106.51, the introductory text of paragraph (a) is revised to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.48 during the months of April, May and June and plus $1.88 during all other months: *Provided,* That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall not be more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

*Order[1] Amending the Order Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area*

**§ 1107.0 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 Mississippi Gulf Coast 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.

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

1. Section 1107.50 is revised to read as follows:

**§ 1107.50 Class prices.**

Subject to the provisions of §§ 1107.51 and 1107.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area plus 10 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph;

*Present Operator and Location*

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1107.51(b); and

(2) Add 10 cents during each of the months of March through July and 20 cents during all other months.

**§§ 1107.51, 1107.71, 1107.72, 1107.80, 1107.81 [Amendment]**

2. In §§ 1107.51, 1107.71, 1107.72, 1107.80 and 1107.81 "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Lubbock-Plainview, Texas, Marketing Area*

**§ 1120.0 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 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 Lubbock-Plainview, 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.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Lubbock-Plainview, 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:

1. In § 1120.50 the introductory text of paragraph (b) is revised as follows:

**§ 1120.50 Class prices.**

* * * * *

(b) *Class II price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed to § 1120.51(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

**§§ 1120.51, 1120.71, 1120.72, 1120.73, 1120.74 [Amendment]**

2. In §§ 1120.51, 1120.71, 1120.72, 1120.73 and 1120.74, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area*

**§ 1126.0 Findings and determinations.**

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

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

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

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

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

1. Section 1126.50 is revised to read as follows:

**§ 1126.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

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

2. In § 1126.51 paragraph (b) is revised to read as follows:

**§ 1126.51 Class prices.**

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the months of July through March and for all other months the higher of the price computed pursuant to subparagraph (1), less 14 cents, and the price computed pursuant to subparagraph (2) of this paragraph, all adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1126.52(b):

(1) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

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

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

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

**§§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, 1126.91 [Amendment]**

3. In §§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, and 1126.91, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area*

**§ 1127.0 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 San Antonio, 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.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, 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:

1. In § 1127.52, the introductory text of subparagraph (1) of paragraph (a) and paragraph (b) are revised to read as follows:

**§ 1127.52 Class II and Class II–A milk.**

(a) *Class II milk.* * * *

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b) and rounding to the nearest full cent:

* * * * *

(b) *Class II-A milk.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

**§§ 1127.53, 1127.71, 1127.81 [Amendment]**

2. In §§ 1127.53, 1127.71, and 1127.81, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Central West Texas Marketing Area*

**§ 1128.0 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 Central West 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.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central West 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:

1. In § 1128.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

**§ 1128.51 Class II and Class II–A milk.**

(a) *Class II milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each

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

handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph and subtracting five times the butterfat differential computed pursuant to § 1128.52 (b):

* * * * *

(b) *Class II-A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved and subtracting five times the butterfat differential computed pursuant to § 1128.52(b).

**§§ 1128.52, 1128.71, 1128.72, 1128.73, 1128.92 [Amendment]**

2. In §§ 1128.52, 1128.71, 1127.72, 1128.73 and 1128.92, "4.00" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area*

**§ 1129.0 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 Austin-Waco, 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.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco, 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:

1. In § 1129.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

**§ 1129.51 Class II milk.**

* * * * *

(a) The sum of the plus values of subparagraphs (1) and (2) of this paragraph, less five times the butterfat differential computed pursuant to § 1129.52(b):

* * * * *

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month, and subtracting five times the butterfat differential computed pursuant to § 1129.52(b).

**§§ 1129.52, 1129.71, 1129.72, 1129.91 [Amendment]**

2. In §§ 1129.52, 1129.71, 1129.72 and 1129.91, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area*

**§ 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.

*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:

1. In § 1130.50 the introductory text of subparagraph (1) of paragraph (b) and paragraph (c) are revised to read as follows:

**§ 1130.50 Class prices.**

* * * * *

(b) *Class II milk price.* * * *

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52(b):

* * * * *

(c) *Class II–A milk price.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month and subtracting five times the butter fat differential computed pursuant to § 1130.52(b).

**§§ 1130.52, 1130.71, 1130.72, 1130.81 [Amendment]**

2. In §§ 1130.52, 1130.71, 1130.72 and 1130.81, "4.0" is changed to "3.5" wherever it appears.

*Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area*

**§ 1132.0 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

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

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 Texas Panhandle 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.

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

1. Section 1132.50 is revised to read as follows:

**§ 1132.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1132.51, paragraph (b) is revised to read as follows:

**§ 1132.51 Class prices.**

* * * * *

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus value of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1132.52(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

**§§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73, 1132.81 [Amendment]**

3. In §§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73 and 1132.81, "4.0" is changed to "3.5" wherever it appears.

*Order*[1] *Amending the Order Regulating the Handling of Milk in the Western Colorado Marketing Area*

**§ 1134.0 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 Western Colorado 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.

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

1. Section 1134.50 is revised to read as follows:

**§ 1134.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamary butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1134.51(b) is revised to read as follows:

**§ 1134.51 Class prices.**

* * * * *

(b) *Class II milk.* The Class II price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the current month rounded to the nearest one-tenth cent:

(1) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

*Present Operator and Location*

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this paragraph:

(i) From the butter price specified in § 1134.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day

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

of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

*Order[1] Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area*

**§ 1135.0 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 Colorado Springs-Pueblo 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.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo 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:

The provisions of the proposed marketing agreement and order amending the order for the Colorado Springs-Pueblo marketing area contained in the recommended decision issued by the Assistant Secretary of Agriculture, on July 6, 1962, and published in the FEDERAL REGISTER on July 11, 1962 (27 F.R. 6549; F.R. Doc. 62–6758) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision: A change is made in § 1135.51 (b) (1) (ii).

1. Section 1135.50 is revised to read as follows:

**§ 1135.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) § 1135.51 is revised to read as follows:

**§ 1135.51 Class prices.**

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided,* That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1135.50 for the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

(2) The average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

*Present Operator and Location*

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co, West Bend, Wis.

**§ 1135.53 [Amendment]**

3. In § 1135.53 (a) and (b) "§ 1135.50 (b) (1)" is revised to "§ 1135.50".

*Order[1] Amending the Order Regulating the Handling of Milk in the Eastern Colorado Marketing Area*

**§ 1137.0 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 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 Eastern Colorado 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.

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

1. Revise § 1137.50 to read as follows:

**§ 1137.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Depart-

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

ment for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1137.51 is revised to read as follows:

§ 1137.51 Class prices.

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided,* That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1137.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(2) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

*Present Operator and Location*

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co, West Bend, Wis.

§ 1137.53 [Amendment]

3. In § 1137.53 (a) and (b) "§ 1137.50 (b)(1)" is revised to "§ 1137.50".

[F.R. Doc. 62-7459; Filed, July 27, 1962; 8:55 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 857) has been filed by S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, Wisconsin, proposing the issuance of a regulation to provide for the safe use of morpholine as a component of coatings for fruits and vegetables.

Dated: July 24, 1962.

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

[F.R. Doc. 62-7436; Filed, July 27, 1962; 8:51 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 600 ]

[Airspace Docket No. 61-NY-61]

## FEDERAL AIRWAYS

### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an alteration to § 600.1693 of the regulations of the Administrator. This proposal relates to the navigable airspace both within and outside the United States.

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

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

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

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

The southern terminus of intermediate altitude VOR Federal airway No. 1693 is the Riverhead, N.Y., VOR. The Federal Aviation Agency has under consideration a proposal to extend Victor 1693 from the Riverhead VOR as a 16-mile-wide airway direct to the intersection of the Riverhead VOR 203° and the Idlewild, N.Y., VOR 155° True radials. This proposed extension of Victor 1693 would provide a route for International air traffic operating at intermediate altitudes between the New York terminal area and the Oceanic control area via control channel No. 1147.

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

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

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

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62-7406; Filed, July 27, 1962; 8:46 a.m.]

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## [ 14 CFR Part 600 ]

[Airspace Docket No. 62-NY-3]

## FEDERAL AIRWAYS

### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1505 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1505 is presently designated in part as a 16-mile wide airway from the Florence, S.C., VOR via the intersection

of the Florence VOR 002° and the Raleigh-Durham, N.C., 225° True radials to the Raleigh-Durham VOR. The Federal Aviation Agency has under consideration the redesignation of this portion of Victor 1505 as a 16-mile wide airway from the Florence VOR via the intersection of the Florence VOR 002° and the Raleigh-Durham VOR 240° True radials to the Raleigh-Durham VOR.

Increased activity at Pope Field, Fort Bragg, N.C., requires that a more favorable approach from the west be developed. An arc penetration has been developed which provides for an initial penetration from 20,000 feet MSL along the Pope, N.C., TACAN 305° Magnetic radial from a point 21 nautical miles northwest of the facility, descending to 15,000 feet at the 13 nautical mile point; thence along a 13 nautical mile arc to the Pope TACAN 040° Magnetic radial, descending to 2,000 feet MSL. The proposed approach procedure infringes on Victor 1505, west of Pope Field.

The alteration of Victor 1505 as proposed would provide lateral separation between aircraft operating on Victor 1505 and aircraft utilizing the proposed TACAN penetration.

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

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

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

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62–7407; Filed, July 27, 1962; 8:47 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 62–WA–5]

## CONTROLLED AIRSPACE

### Proposed Designation of Control Area

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

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

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

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

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

The FAA has under consideration the designation of a control area at 20,000 feet MSL and above within the following boundaries:

From latitude 72°00'00" N., longitude 141°-00'00" W.; thence to latitude 70°28'40" N., longitude 141°00'00" W.; thence to latitude 64°39'30" N., longitude 145°50'00" W.; thence to latitude 65°00'00" N., longitude 149°10'00" W.; thence to latitude 72°00'00" N., longitude 144°13'15" W.; thence to point of beginning.

This proposed corridor would provide a connecting link between the Alaskan airway system and a polar flight information region (FIR) which was recommended for establishment by the Fourth North Atlantic Regional Air Navigation Meeting of the International Civil Aviation Organization (Recommendation 14/4). The FIR would be established to encompass polar routes between northern Europe and Alaska. A width of 100 statute miles is required for this corridor because the routes flown by transpolar aircraft will vary from day to day, depending upon the prevailing pressure pattern.

The designation of the above described control area would place in controlled airspace a route presently used by civil turbojet air carrier aircraft in transpolar operations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62–7405; Filed, July 27, 1962; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 62–SO–35]

## CONTROLLED AIRSPACE

### Proposed Designation of Transition Area and Alteration of Control Area Associated With Federal Airway

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering

amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Albany, Ga. The proposed transition area would be designated to extend upward from 1,200 feet above the surface within the airspace southwest of Albany bounded on the north by the Albany control area extension (§ 601.1156), on the east by VOR Federal airway No. 35, on the southeast by a line extending through latitude 31°20'12'' N., longitude 84°17'40'' W. and latitude 31°11'00'' N., longitude 84°29'00'' W., and on the west by the arc of a 30-mile radius circle centered at the Albany Airport (latitude 31°32'08'' N., longitude 84°11'35'' W.); and that airspace extending upward from 3,000 feet above the surface bounded on the north by a line 12 miles southwest of and parallel to the Albany VOR 294° True radial, on the east by the arc of a 30-mile radius circle centered at the Albany Airport, on the southeast by a line extending through latitude 31°11'00'' N., longitude 84°29'00'' W., and latitude 30°57'15'' N., longitude 84°45'45'' W., on the southwest by the northeast boundary of VOR Federal airway No. 7, and on the west by a line extending from the northeast boundary of VOR Federal airway No. 7 counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55'' N., longitude 85°46'20'' W., to its intersection with a line 5 miles north of and parallel to the Dothan, Ala., VOR 093° True radial, thence east along this line to longitude 84°55'00'' W., thence north along this meridian to a line 12 miles southwest of and parallel to the Albany VOR 294° True radial.

The portion of the proposed transition area with a controlled airspace floor of 1,200 feet above the surface would provide protection for aircraft executing prescribed jet penetration, approach and departure procedures at Turner AFB. The portion extending upward from 3,000 feet above the surface would provide protection for aircraft conducting the higher altitude portions of the arrival and departure procedures at Turner AFB.

In addition, it is proposed to alter the control areas associated with VOR Federal airway No. 7 to add the airspace between Victor 7 and its west alternate north of VOR Federal airway No. 22 north alternate. This would provide controlled airspace for the protection of aircraft conducting low altitude departures direct from Turner AFB to the Marianna, Fla., VOR and for the separation of en route air traffic along these airway segments from such departures by the utilization of radar vectoring service. Although such action would result in the designation of this airspace between the main and alternate airway with a floor of 700 feet above the surface, because of the relatively small area involved and its close relationship to the airway structure, the floor of this area should properly be compatible with the floors of the airways. To permit fulfillment of the urgent airspace requirements at the earliest practicable date, this action is being proposed in advance of the implementation of Amendments 60–21 and 60–29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Albany area. Upon completion of the area review of the airspace requirements attendant to full implementation of these amendments, separate airspace action will be initiated proposing the conversion of the control area extensions in this area to transition areas with appropriate floor assignments, and the designation of appropriate airway floors consistent with en route requirements.

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

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

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

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
*Chief, Airspace Utilization Division.*

[F.R. Doc. 62–7408; Filed, July 27, 1962; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 2, 6–11, 16, 19, 21 ]

[Docket Nos. 14712, 13083; FCC 62–752]

## FREQUENCY ALLOCATIONS

### Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110–2200 Mc/s band exclusively for the use of Domestic Fixed Public stations and for the use of Operational Fixed and International Control stations and to reserve a portion thereof for omnidirectional operations; in the matter of technical standard governing the grant of applications for the use of microwave frequencies for Private Communications Systems, excluding Broadcasters.

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

2. The Commission proposes to designate portions of the 2110–2200 Mc/s band for use by Domestic Fixed Public stations (Part 21) and by International Control stations and Operational Fixed stations (Parts 2, 6, 7, 9, 10, 11, and 16) on an exclusive basis. Narrow band technical standards for operation in the 2110–2190 Mc/s portion of this band are also proposed. Changes to Footnote NG23, which permits international fixed public use in the 2110–2200 Mc/s band south of 25°30' north latitude in Florida and U.S. Caribbean possessions, are not contemplated in this proceeding. (The precise proposal with reference to Part 2 of the rules is indicated below. The proposed amendment of Parts 7, 9, 10, 11, 16, and 21 will follow the same pattern, as appropriate to each part.)

3. The Commission, in the Fifth Report and Order in Docket 12404, adopted February 18, 1959, and effective March 31, 1959, (24 F.R. 1417) allocated the 2110–2200 Mc/s band to shared use by Common Carrier Fixed, International Control and Operational Fixed stations. The Commission in that proceeding also proposed an authorized bandwidth of 5 Mc/s but prohibited video transmission in the band.

4. Subsequent use of the 2110–2200 Mc/s band has been relatively light as reflected by Commission records. This lack of use can be attributed in part to a previous lack of type-accepted equipment capable of operating in the band. Additionally, the wide channel width limited the number of assignable channels to the extent that the band could not accommodate any appreciable number of conventional long haul point-to-point microwave systems.

5. Equipment has been developed recently by several manufacturers which has been type-accepted by the Commission thus indicating that greater use of the 2110–2200 Mc/s band can reasonably be anticipated in the near future. Consequently, one of the obstacles to the fuller utilization of the 2110–2200 Mc/s band has been greatly reduced, and possibly eliminated.

6. In Docket 11866, the Commission determined that, as a general rule, sharing of frequencies above 890 Mc/s between common carrier and private users would not be advisable. Sharing was permitted in the 2110–2200 Mc/s band, however, for certain reasons then obtaining, one of which was the relatively light occupancy of that band. There is now apparently increasing need for narrow band fixed operations above 890 Mc/s and there is now available equipment capable of such operations in the 2110–2200 Mc/s band. Therefore, the Commission is of the opinion that this band is now ripe for development on a regular basis and, consistent with the Commission's determinations in Docket 11866, it is proposed not to permit its sharing (with the ex-

ceptions mentioned below) between common carrier and private users.

7. Therefore, it is proposed to divide the 2110–2190 Mc/s portion of the 2110–2200 Mc/s band into four 20 Mc/s segments with alternative allocations to Domestic Fixed Public stations, on the one hand, and to Operational Fixed and International Control stations, on the other. Specifically, the 2110–2130 Mc/s and 2150–2170 Mc/s segments would be allocated to the use of Domestic Fixed Public stations, and the 2130–2150 Mc/s and 2170–2190 Mc/s segments to the use of Operational Fixed and International Control stations. Thus, such stations would have, to the extent indicated, access to the lower and higher frequencies in this area. It is also proposed to apply Footnote NG10 to all portions of this band. Footnote NG10 provides for assignment of the highest order of frequency which will not cause interference to existing stations. Existing licensees in this band which will become out-of-band will be expected to be moved at the expiration of their current license terms.

8. In order to provide a maximum number of low density channels in the 2110–2190 Mc/s band, the Commission also proposes to establish, in connection with the designation discussed herein, a maximum channel bandwidth of 800 kc/s and a frequency tolerance of 0.001 percent. Other standards will remain unchanged. To ensure availability of a maximum number of low density channels in this band, it is proposed that two or more 800 kc/s increments will not be assigned to accommodate wideband systems.

9. The Commission further proposes to reserve the 2190–2200 Mc/s segment of the 2110–2200 Mc/s band to permit its development for wide-band, nonbroadcast, omnidirectional, point-to-point operations. The 2190–2200 Mc/s band is to continue to be shared between common carrier and private users until such time as its development and potential use dictate otherwise.

10. In Docket 13083, wherein the Commission established interim technical standards governing the grant of applications for use of frequencies above 952 Mc/s for private communications excluding broadcasters, the matter of permissible maximum bandwidth in the 2110–2200 Mc/s band was left for determination at a later date, and the proceedings in that Docket remained pending for that purpose. In view of the proposals adopted herein, the proceedings in Docket 13083 should be terminated.

11. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before August 25, 1962, and reply comments on or before September 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

14. *It is ordered,* This 18th day of July 1962, that the proceedings in Docket 13083 be terminated.

Released: July 20, 1962.

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

Section 2.106 of the Commission's rules and regulations is amended, in part, to read as follows:

**§ 2.106 Table of frequency allocations.**

Federal Communications Commission

| Band (Mc/s) 7 | Services 8 | Class of station 9 |
|---|---|---|
| • | • • | • • |
| 2110–2130 (NG 10) (NG 23) | FIXED | Domestic fixed public. |
| 2130–2150 (NG 10) (NG 23) | FIXED | Operational fixed. International control. |
| 2150–2170 (NG 10) (NG 23) | FIXED | Domestic fixed public. |
| 2170–2190 (NG 10) (NG 23) | FIXED | Operational fixed. International control. |
| 2190–2200 (NG 23) (NG—) | FIXED | |

• • • • •

NG Authorizations in this frequency band will be granted for omnidirectional point-to-point operations only, excluding broadcast and auxiliary broadcast operations.

[F.R. Doc. 62–7387; Filed, July 27, 1962; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

### ROCKINGHAM NATIONAL BANK OF HARRISONBURG AND AUGUSTA-ROCKINGHAM BANK

#### Notice of Decision Granting Application To Merge

The Rockingham National Bank of Harrisonburg, Harrisonburg, Virginia, on May 11, 1962, made application to merge under its charter and title the Augusta-Rockingham Bank, Weyers Cave, Virginia.

On July 3, 1962, the Comptroller of the Currency granted this application, effective on or after July 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 24, 1962.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62-7452; Filed, July 27, 1962; 8:54 a.m.]

### UNION NATIONAL BANK AND TRUST CO. OF SOUDERTON AND NATIONAL BANK AND TRUST CO. OF SCHWENKSVILLE

#### Notice of Decision Granting Application To Merge

An application filed on May 24, 1962, by the $18.4 million Union National Bank and Trust Company of Souderton, Souderton, Pennsylvania, requests the approval of the Comptroller of the Currency to the proposed merger under its charter and title of the $4.9 million National Bank and Trust Company of Schwenksville, Schwenksville, Pennsylvania.

On July 18, 1962, the Comptroller of the Currency granted this aplication, effective on or after July 25, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 24, 1962.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62-7453; Filed, July 27, 1962; 8:54 a.m.]

### VALLEY NATIONAL BANK OF LONG ISLAND AND THE BELLPORT NATIONAL BANK

#### Notice of Decision Granting Application To Merge

On April 27, 1962, the Valley National Bank of Long Island, Valley Stream, Nassau County, New York, filed an application with the Comptroller of the Currency for permission to merge with The Bellport National Bank, Bellport, Suffolk County, New York, under the charter and title of Valley National Bank of Long Island.

On July 3, 1962, the Comptroller of the Currency granted this application, effective on or after July 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 24, 1962.

[SEAL] A. J. FAULSTICH,
*Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 62-7454; Filed, July 27, 1962; 8:54 a.m.]

### STATE NATIONAL BANK OF CONNECTICUT, STAMFORD, CONN.

#### Application To Change Main Office Location; Notice of Hearing

A public hearing will be held on August 9, 1962, at 9:30 a.m., in Room 4119 of the Main Treasury Building, Washington, D.C., on the application of The State National Bank of Connecticut, Stamford, Connecticut, to change the location of its main office to Bridgeport, Connecticut.

All persons desiring to testify should notify the Comptroller of the Currency by August 7, 1962.

Dated: July 25, 1962.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 62-7455; Filed, July 27, 1962; 8:54 a.m.]

### Internal Revenue Service

[Order No. 86]

### DISTRICT DIRECTORS AND DIRECTOR OF INTERNATIONAL OPERATIONS

#### Inspection of Certain Returns by Certain Applicants

Pursuant to authority vested in me as Commissioner of Internal Revenue, authority is hereby delegated to District Directors and the Director of International Operations to permit inspection of returns in their custody, inspection of which may be authorized by me pursuant to 26 CFR 601.702(d), to the same persons and subject to the same conditions as prescribed for such persons in 26 CFR 301.6103(a)-1(c).

The authority delegated herein is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

Whenever it is determined that a return or related document as defined above is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

The authority delegated herein may not be redelegated.

Date of issuance: July 12, 1962.

Effective date: July 12, 1962.

[SEAL] MORTIMER M. CAPLIN,
*Commissioner.*

[F.R. Doc. 62-7451; Filed, July 27, 1962; 8:53 a.m.]

## POST OFFICE DEPARTMENT

### DIRECTOR, PROCUREMENT DIVISION, BUREAU OF FACILITIES

#### Authorization To Make Administrative Determinations With Respect to Mistakes in Bids

The following are excerpts from Headquarters Circular No. 62-28, signed by the Assistant Postmaster General, Bureau of Operations (27 F.R. 6436) delegating authority to the Director, Procurement Division, Bureau of Facilities:

I. *Purpose.* To provide for the handling of claims of mistakes in bids under the Federal Procurement Regulations (FPR).

II. *Scope.* As this circular is issued to implement the FPR, which themselves are issued under the Federal Property and Administrative Services Act, it does not cover contracts to which that Act does not apply, such as contracts for transportation of mail and leases of realty.

III. *Background.* Section 1-2.406 of the Federal Procurement Regulations, Title 41, Code of Federal Regulations, authorizes executive agencies to allow mistakes in bids to be corrected in certain cases both before and after award. The regulations contain limitations on the redelegation of the authority and require the establishment of procedures to be followed.

IV. *Authorization.* The Director, or Acting Director, Procurement Division, Bureau of Facilities, shall exercise for the Post Office Department the functions delegated to heads of executive agencies by § 1-2.406 of the Federal Procurement Regulations, Title 41, Code of Federal Regulations. This authority may not be redelegated.

V. *Post Office Department Procedures.* The Director, Procurement Division, Bureau of Facilities, shall also establish procedures necessary under § 1-2.406 of Title 41, Code of Federal Regulations.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 62-7421; Filed, July 27, 1962; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Trade Route No. 28]

### U.S. PACIFIC COAST/MIDDLE EAST (BURMA, CEYLON, INDIA, PAKISTAN, PERSIAN GULF AND GULF OF ADEN)

### Notice of Determination Regarding U.S. Flag Service Requirements

Notice is hereby given that on July 24, 1962, the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that U.S. flag service requirements include approximately one sailing per month between U.S. Pacific Northwest ports and West Coast of India and West Pakistan ports in conjunction with service between U.S. Pacific coast ports and other areas. The Maritime Administrator also ordered that the foregoing conclusions be published in the FEDERAL REGISTER.

Dated: July 24, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 62-7414; Filed, July 27, 1962; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-1]

### ARMOUR RESEARCH FOUNDATION OF ILLINOIS INSTITUTE OF TECHNOLOGY

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-3, as amended. The license authorizes Armour Research Foundation of Illinois Institute of Technology to operate its Armour Research Reactor, a homogeneous solution type nuclear facility located in Chicago, Illinois. The amendment authorizes the licensee to load the reactor to 3.5 percent delta k/k in excess reactivity and to use a revised program for increasing the power of the reactor to 75 kw. as described in the application for license amendment dated April 17, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's Regulation (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the the licensee's application for license amendment dated April 17, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

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

For the Atomic Energy Commission.

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

[License No. R-3, Amdt. 4]

License No. R-3, as amended, issued to Armour Research Foundation of Illinois Institute of Technology, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-3, as amended, Armour Research Foundation of Illinois Institute of Technology is authorized to load the Armour Research Reactor, located in Chicago, Illinois, to 3.5 percent delta k/k in excess reactivity and to use a revised program for increasing the power of the reactor to 75 kw., as described in the application for license amendment dated April 17, 1962. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-3, as amended, and in the application for license amendment dated April 17, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: July 23, 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62-7399; Filed, July 27, 1962; 8:45 a.m.]

[Docket No. 50-144]

### CAROLINAS VIRGINIA NUCLEAR POWER ASSOCIATES, INC.

### Notice of Hearing on Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on August 28, 1962, in the Auditorium of the United States Atomic Energy Commission Headquarters in Germantown, Maryland, to consider the issuance of a provisional facility operating license for a period not to exceed eighteen (18) months to the above named applicant under section 104b of the Atomic Energy Act of 1954, as amended. The facility is a heterogeneous heavy water cooled and moderated reactor located in Parr, South Carolina about twenty-five miles northwest of Columbia, South Carolina. The application and the record in prior proceedings in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the applicant has been submitted;

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction permit and the application, as amended, the provisions of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance that the activities authorized by the provisional operating license can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the provisional operating license in accordance with the rules and regulations of the Commission;

5. Whether the applicant has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements";

6. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety days from the date of issuance of a provisional license; and

7. Whether issuance of a provisional license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the Commission's Advisory Committee on Reactor Safeguards in this matter is

available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's rules of practice must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than August 21, 1962 or, in the event of a postponement of the hearing date specified, at such time as the Presiding Officer may specify.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before August 14, 1962, by the applicant.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to § 2.708 of the Commission's rules of practice, an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated: July 25, 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
*Assistant Secretary.*

[F.R. Doc. 62-7437; Filed, July 27, 1962; 8:52 a.m.]

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[Docket No. 50-172; 50-176]

## LOCKHEED AIRCRAFT CORP. AND THE DEPARTMENT OF THE AIR FORCE

### Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-86 jointly to Lockheed Aircraft Corporation and the Department of the Air Force, authorizing possession by the Department of the Air Force and operation by Lockheed Aircraft Corporation of the Radiation Effects Reactor located at Air Force Plant No. 67 in Dawson County, Georgia.

The license as issued was set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER July 4, 1962, 27 F.R. 6341.

Dated at Germantown, Md., this 20th day of July 1962.

For the Atomic Energy Commission.

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

[F.R. Doc. 62-7400; Filed, July 27, 1962; 8:45 a.m.]

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[Docket No. 50-199]

## MANHATTAN COLLEGE CORP.

### Notice of Receipt of Application for Construction Permit and Utilization Facility License

Please take notice that Manhattan College Corporation, New York City, New York, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for license to construct and operate a pool-type reactor at power levels up to 10 watts, thermal, on the Manhattan College campus in New York City.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 18th day of July 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
*Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.*

[F.R. Doc. 62-7401; Filed, July 27, 1962; 8:45 a.m.]

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[Docket No. 50-182]

## PURDUE UNIVERSITY

### Notice of Proposed Issuance of Utilization Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or a petition for leave to intervene is filed as provided by the Commission's rules of practice (10 CFR Part 2), the Commission proposes to issue a facility license, substantially as set forth below, to Purdue University. The license would authorize the University to operate, at steady-state power levels not in excess of one kilowatt, thermal, the pool-type nuclear reactor located on its campus in West Lafayette, Indiana. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2).

For further details see (1) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) Purdue University's application for license filed under Docket No. 50-182, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of July 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
*Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.*

PROPOSED UTILIZATION FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor ("the reactor") which is owned by Purdue University ("the licensee") and located on the licensee's campus in West Lafayette, Indiana, and authorized by Construction Permit No. CPRR-64, and described in the "Hazards Summary Report" which is hereinafter defined.

2. Pursuant to the Atomic Energy Act of 1954, as amended ("the Act") and having considered the record in this matter, the Atomic Energy Commission ("the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-64 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of any Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nucelar material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in West Lafayette, Indiana;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor up to three kilograms of uranium-235 contained in uranium enriched in the isotope uranium-235 and up to 80.0 grams of plutonium contained in encapsulated plutonium-beryllium sources; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR,

and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not, unless previously authorized in writing by the Commission, operate the reactor at any time at a steady-state power level in excess of one kilowatt thermal.

B. The drop time for each of the scrammable control rods shall be measured and recorded by the licensee at least once every three months.

C. Whenever any bulk shielding samples are added to or moved within the reactor pool, sufficient fuel elements shall be removed to assure that the reactor remains subcritical during the emplacement of the experiment and then a stepwise approach to criticality shall be performed.

D. The licensee shall annually inspect the boral plates in both of the fuel element storage racks to assure that they have not deteriorated. The licensee shall maintain written reports of these inspections.

E. Technical specifications. The technical specifications shall consist of the Hazards Summary Report as defined in paragraph 4.K. of this license. Except as hereinafter provided, the licensee shall operate the reactor only in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission pursuant to § 50.59 of 10 CFR 50.

F. Authorization of changes and experiments. The licensee may (a) make changes in the reactor, (b) make changes in the procedures, and (c) conduct tests or experiments, only in accordance with § 50.59 of 10 CFR 50.

G. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

H. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, the licensee shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Worth of each regulating rod;

(2) Worth of each safety rod;

(3) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(4) Minimum shutdown margin at both room and operating temperatures;

(5) Maximum rate of change in reactivity of

a. each regulating rod

b. each safety rod

(6) Reactivity coefficients;

(7) Measured drop time for each of the scrammable control rods; and

(8) Radiation levels above the pool surface when the reactor is being operated at one kilowatt thermal.

I. In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

J. The licensee shall immediately report to the Commission in writing any substantial variance disclosed by operation of the reactor from performance specifications of the reactor contained in the technical specifications.

K. As used in this license, the term "Hazards Summary Report", means collectively "Hazards Summary Report for the Purdue University Reactor I" dated January 15, 1962, and "Addendum to the Hazards Summary Report for the Purdue University Reactor I" dated May 15, 1962.

5. This license is effective as of the date of issuance and shall expire at midnight August 7, 1966.

For the Atomic Energy Commission.

[F.R. Doc. 62-7402; Filed, July 27, 1962; 8:46 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 62-SW-5]

## PROPOSED CONSTRUCTION OF TELEVISION ANTENNA STRUCTURE

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

The Lanford Telecasting Company, Inc., Alexandria, Louisiana, proposes to construct a television antenna structure near Alexandria, Louisiana, at latitude 31°18'22.2" N., longitude 92°24'56.4" W. The overall height of the structure would be 1,388 feet above mean sea level (1,293 feet above ground). The proposed structure would replace an existing 678 feet MSL television antenna structure at the above location.

Objections were made in response to the circularization as follows:

1. The Department of the Air Force objected on the basis that the proposed structure would exceed the Air Force Airspace criteria as applied to the England Air Force Base, Alexandria, Louisiana, and the Ground Controlled Approach traffic pattern to Runway 32 of this airport would be increased from 1,700 feet to 2,300 feet. Additionally, the proposed structure would pose a major hazard to aviation interests attempting to remain in uncontrolled airspace.

2. The Air Transport Association of America objected on the basis that the transition altitudes between the Alexandria VOR/LFR and the Esler, Louisiana Radio Beacon, would be increased from 1,700 feet to 2,400 feet; the Instrument Flight Rules minimum en route altitude on the approved off-airway routes between Alexandria, Louisiana, and Natchez, Mississippi, and Alexandria and Monroe, Louisiana, would be increased from 1,700 feet to 2,400 feet; the minimum obstruction clearance altitude on VOR Federal airway No. 114N between the Alexandria VOR and the Marks, Louisiana Intersection would be increased from 1,700 feet to 2,400 feet and the "cardinal" altitude of 2,000 feet on the above routes would be lost. The ATA objected to a structure of any height exceeding 1,049 feet MSL at the above location.

3. The president of Buhlow Lake Airport, Alexandria, Louisiana, advised that the downwind leg of the Buhlow Lake Airport traffic pattern is directly over the existing antenna and and the normal traffic pattern for most light planes would be well below the proposed antenna height. Also, a left turn-out after take-off from Runway 36 places a departing aircraft in the vicinity of this tower.

4. The Air Line Pilots Association objected on the basis of changes in MEA's and instrument approach altitudes.

At the Fort Worth Informal Airspace Meeting the ATA restated its objection to a structure in excess of 1,049 feet MSL at the proposed site. The Air Force objected on the basis that the minimum altitude for its GCA procedure at England AFB would be increased from 1,700 feet to 2,300 feet.

In the aeronautical study consideration was given to any possible effect a planned TVOR to serve Esler Field might have on the evaluation of the proposed structure. It was disclosed that the planned TVOR near Esler Field would be used as a very high frequency navigational aid to serve aircraft arriving or departing the above airport and would not affect the airway structure in the area or change the effects that the proposed structure would have on presently established procedures.

The proposed structure would have the following effects upon airports, Federal airways, approved off-airway routes and instrument approach procedures:

1. The proposed structure would be located approximately 7.9 miles east of the England AFB reference point and would penetrate the outer horizontal surface of this airport by 799 feet.

The minimum altitude for the GCA traffic pattern for England AFB would be increased from 1,700 feet to 2,400 feet.

An increase in the procedure turn altitude for instrument approach procedures AL-13-RNG, AL-13-ADF, and JAL-13-ADF-2 to England AFB from 1,700 feet to 2,400 feet would be required. The missed approach altitude for instrument approach procedures AL-13-TACAN-2 and JAL-13-TACAN-2 to the above airport would be increased from 1,500 feet to 1,900 feet.

During Fiscal Year 1961 there were 73,230 aeronautical operations at the above airport, 22,507 of which were handled by approach control.

2. It would be located 2.8 miles southeast of the Buhlow Lake Airport and would penetrate the conical surface for this airport by 980 feet. There are fifteen aircraft based at this airport. Records are not available on the number of aeronautical operations.

3. It would be located approximately 9.2 miles southwest of the Esler Field airport reference point and would penetrate the outer horizontal surface for this airport by 780 feet.

There are twenty-four aircraft based at Esler Field. There are an estimated 276,000 general aviation and 43,500 air

carrier operations per year at this airport.

4. It would be located 5.9 miles north of the centerline of Victor 114 and would require an increase in MEA on this airway between the Alexandria VOR and the Bunkie, Louisiana, Intersection from 1,400 feet to 1,900 feet. The 1961 peak day IFR traffic count for this segment of airway was 42 flights.

5. It would be located 4.8 miles north of the centerline of Victor 114N and would require an increase in MOCA on this airway between the Alexandria VOR and the Marks, Louisiana, Intersection from 1,400 feet to 2,400 feet. The MEA for this segment of airway is 2,900 feet and would not be increased; however, the cardinal altitude of 2,000 feet between the Alexandria VOR and a point 25 nautical miles southeast of the above VOR along this airway could not be assigned to IFR traffic due to the increase in MOCA. The 1961 peak day IFR traffic count for this segment of airway was nine flights.

6. It would be located 4 miles east of the centerline of the approved off-airway route between the Alexandria VOR and the Monroe VOR and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet. The 1961 peak day IFR traffic count for this route was 10 flights.

7. It would be located 2.7 miles east of the centerline of the approved off-airway route between the Alexandria LFR and the Monroe VOR and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet.

8. It would be located 2.1 miles southeast of the centerline of the approved off-airway route between the Alexandria VOR and the Monroe VOR via the Clew Intersection and would require an increase in the MEA between the Alexandria VOR and the Clew Intersection from 2,000 feet to 2,400 feet.

9. It would be located 1.6 miles north of the centerline of the approved off-airway route between the Alexandria VOR and the Natchez RBn and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet. The 1961 peak day IFR traffic count for this route was three flights.

10. It would be located 2 miles north of the approved off-airway route between the Alexandria LFR and the Natchez RBn and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet.

11. It would be located 1.7 miles north of the centerline of the transition route from the Alexandria VOR and the Esler RBn and would require an increase in altitude on this route from 1,700 feet to 2,400 feet.

12. It would be located 2.2 miles north of the transition route from the Alexandria LFR to the Esler RBn and would require an increase in altitude on this route from 1,700 feet to 2,400 feet.

13. It would require an increase from 1,700 feet to 2,400 feet in the minimum radar vectoring altitude within 3 nautical miles of the structure and an increase from 1,500 feet to 1,900 feet within a circular area centered on the structure, having an inner radius of 3 nautical miles and an outer radius of 5 miles.

The Agency study disclosed that the altitudes for the airways, GCA traffic patterns, radar vectoring and instrument approach procedures which would be affected if the proposed structure were built, could not be adjusted to accommodate the structure without having a substantial adverse effect upon IFR aeronautical operations as stated above.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have a substantial adverse effect upon aeronautical operations, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on July 19, 1962.

OSCAR W. HOLMES,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 62-7404; Filed, July 27, 1962; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14706, 14707; FCC 62M-1017]

## QUEEN CITY RADIO STATION AND CANNON BROADCASTING CO.

### Order Scheduling Hearing and Prehearing Conference

In re applications of Warren E. Angel and Jack T. Farrar d/b as Queen City Radio Station, Tullahoma, Tennessee, Docket No. 14706, File No. BP-14434; Cannon Broadcasting Company, Woodbury, Tennessee, Docket No. 14707, File No. BP-15264; for construction permits.

*It is ordered,* This 17th day of July 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: July 18, 1962.

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

[F.R. Doc. 62-7442; Filed, July 27, 1962; 8:52 a.m.]

[Docket No. 14617 etc.; FCC 62M-1019]

## MARTIN J. KARIG ET AL.

### Order Scheduling Hearing

In the matter of Revocation of Construction Permit of Martin R. Karig, for Standard Broadcast Station WIZR, Johnstown, New York, Docket No. 14617; in re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, for Renewal of License for Standard Broadcast Station WSPN Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; in re applications of Radio Station WRSA, Inc., Troy, New York, Docket No. 14619, File No. BP-13827; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828; Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

In accordance with the Memorandum released July 11, 1962: *It is ordered,* This 17th day of July 1962, that the hearing is rescheduled for Monday, September 17, 1962, at 10 a.m., in Saratoga Springs, N.Y., at a place to be announced.

Released: July 18, 1962.

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

[F.R. Doc. 62-7443; Filed, July 27, 1962; 8:52 a.m.]

[Docket No. 12920; FCC 62M-1045]

## ATLASS BROADCASTING CO., INC. (KKHI)

### Order Continuing Hearing

In re application of Atlass Broadcasting Co., Inc. (KKHI), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permit.

On the basis of agreements reached at a prehearing conference held on this date: *It is ordered,* This 24th day of July 1962, that the following schedule will govern the future course of hearing:

Exchange of Exhibits, September 10, 1962;

Hearing, October 5, 1962 (continued from September 5, 1962).

Released: July 25, 1962.

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

[F.R. Doc. 62-7444; Filed, July 27, 1962; 8:53 a.m.]

[Docket No. 14659; FCC 62M-1044]

## CHERRYVILLE BROADCASTING CO., INC.

### Order Continuing Hearing

In re application of Cherryville Broadcasting Co., Inc., Cherryville, North Carolina, Docket No. 14659, File No. BP-14041; for construction permit.

Pursuant to a prehearing conference held this date: *It is ordered,* This 24th day of July 1962, that the hearing herein now scheduled for September 6, 1962, be and the same is hereby rescheduled for October 4, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: July 25, 1962.

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

[F.R. Doc. 62-7445; Filed, July 27, 1962; 8:53 a.m.]

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[Docket Nos. 14708, 14709; FCC 62M-1018]

## ALFRED RAY FUCHS AND C. M. ROUSE

### Order Scheduling Hearing and Prehearing Conference

In re applications of Alfred Ray Fuchs, Grants, New Mexico, Docket No. 14708, File No. BP-14516; C. M. Rouse, Milan, New Mexico, Docket No. 14709, File No. BP-15049; for construction permits.

*It is orderd,* This 17th day of July 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: July 18, 1962.

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

[F.R. Doc. 62-7446; Filed, July 27, 1962; 8:53 a.m.]

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[Docket No. 14705; FCC 62M-1016]

## GULF SOUTH BROADCASTERS, INC.

### Order Scheduling Hearing and Prehearing Conference

In re application of Gulf South Broadcasters, Inc., Houma, Louisiana, Docket No. 14705, File No. BP-14380; for construction permit.

*It is ordered,* This 17th day of July 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1962, in Washington, D.C.; and *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 11, 1962.

Released: July 18, 1962.

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

[F.R. Doc. 62-7447; Filed, July 27, 1962; 8:53 a.m.]

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[Docket No. 12315, 12316; FCC 62M-1042]

## SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

### Order Scheduling Hearing

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

In conformity with the Commission's Memorandum Opinion and Order (FCC 62-770), released July 23, 1962; *It is ordered,* This 24th day of July 1962, that a further hearing will be held in this proceeding on October 15, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: July 25, 1962.

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

[F.R. Doc. 62-7448; Filed, July 27, 1962; 8:53 a.m.]

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[Docket No. 14577; FCC 62M-1046]

## TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

### Order Scheduling Prehearing Conference

In re application of Triangle Publications, Inc. (WNHC-TV), (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

*It is ordered,* This 24th day of July 1962, on the Hearing Examiner's own motion, that, in view of the Commission's Order herein released on July 20, 1962 (FCC 62-771), a hearing conference shall be held at 12:30 p.m., July 31, 1962, at the Commission's offices, Washington, D.C.

Released: July 25, 1962.

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

[F.R. Doc. 62-7449; Filed, July 27, 1962; 8:53 a.m.]

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# FEDERAL MARITIME COMMISSION

## ALEXANDER & CO. OF LA., INC., ET AL.

### Notice of Freight Forwarder Applications Filed With Commission for Approval

Notice is hereby given that the following New Orleans applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

*No.; Name and Address; Officers*

172; Alexander & Co. of La., Inc., V., 318 Carondelet Street (12)—Vaniah Alexander, pres.; William J. Morrison, vice pres.-treas.; Ross J. Valette, Jr., sec.

67; Allen & Co., Inc., J. W., 228 St. Charles Avenue—H. J. Bernard, Jr., pres.; John B. Nuss, sec.-treas.; Marvin Harwell, asst. sec.; Lester G. Orth, asst. sec.

305; Alonso Shipping Co., 315 St. Charles Avenue (12)—Partnership: Manuel Alonso, partner; John B. Arrigunaga, partner.

140; Baxter Co. Customhouse Brokers, Inc., 527 Canal Street (16)—Estey Baxter, pres.-director; Frederick T. Miller, Jr., vice pres. and director; E. Roy Austin, sec.-treas.-director.

602; Buchholz & Kuttruff, Inc., 107 Camp Street—H. A. Buchholz, Jr., pres.; Mae Kuttruff, vice pres.; Mrs. H. A. Buchholz, sec.

320; Dupuy Storage & Forwarding Corp., 2601 Decatur Street (17)—Allan D. Colley, vice pres.-sec., and director; John A. Montelepre, vice pres.-director; George J. Schroeder, vice pres.; Salvador Palmisano, vice pres.

296; Farrell Shipping Co., Inc., 228 St. Charles Street (12)—Richard E. Farrell, pres.-director; Fred R. Becker, Jr., sec.-treas. and director.

747; Glennon Drayage & Warehouse Co., Inc., Hibernia Bank Building, Corner Gravier and Carondelet Streets (12)—Terence J. Smith, pres.-director; W. S. Smith, Jr., vice pres.-director; J. E. Smith, vice pres.-director; Mrs. M. R. Smith, director; W. C. Apgar, vice pres.-Treas.; H. C. Isenberg, vice pres.-sec.

89; Gulf Forwarding Co., 1234 Whitney Building—Partnership: George Renaudin, active partner; J. E. Farrell, Retiring active partner.

41; Jackson & Son, S., McCandless, Inc., 422 Natchez Street, P.O. Box 137—J. Norcom Jackson, pres.; W. H. McCandless, Jr., exec. vice pres.; J. Norcom Jackson, Jr., vice pres.; J. G. Richardson, sec.-treas.

189; Krennerich & Harle, Inc., 837 Gravier Street (12)—LeRoy A. Krennerich, pres.-sec.; Joe P. Harle, vice pres.; Raul Nunez, vice pres.; Alton A. Dunn, vice pres.; Leo B. Thompson, treas.

670; Lambert Co., Inc. of La., H. P., 318 Carondelet Street (12)—Eleanore P. Lambert, pres.-treas.; Ella C. Fifield, 1st vice pres.; Mario Macchione, 2d vice pres.; Marguerite V. Pujol, sec.

670; Lambert Co., H. P., 148 State Street, Boston 9, Mass.—Eleanore P. Lambert, pres.-treas.; Ella C. Fifield, vice pres.; Mario J. Macchione, vice pres.; Marguerite F. Scavitto, sec.-clerk.

325; Leininger Co., Inc., George M., 226 Carondelet Street (12)—Joseph E. Leininger, sec.-director; Robert C. Leininger, pres.-director; Teresa Leininger Slavich, director; John J. West, treas.; Andrew J. Hynes, vice pres.-director.

930; Loeliger, Inc., Edmond, 1805 American Bank Building, Carondelet Street and Common Street (12)—Edmond Loeliger, pres.; Col. Edmond Loeliger, vice pres.; Anton Meyer, sec.-treas.

128; Lusk Shipping Co., Inc., P.O. Box 775 (2)—P. B. Lusk, pres.; Walter C. Flower II., vice pres.; Sophie M. Crozat, sec.-treas.; Melvin William Mathes, Jr., director.

909; Lykes Bros. Steamship Co., Inc., 821 Gravier Street—Solon B. Turman, pres., director, and chief exec., officer; Joseph T. Lykes, chairman-director; James M. Lykes, Jr., Sr., vice pres.-director; Joseph T. Lykes, Jr., Sr., vice pres.-director; Chester H. Ferguson, director; Richard C. Colton, vice pres.-director; Frank A. Nemec, Sr., vice pres.-director-sec.-treas.; Charles P. Lykes, director; Aage Qvistgaard-Petersen, director; Howard W. McCall, Jr., director; Thomas Preston Bartle, vice pres.—Central Atlantic Division; Alexander Clayton Cocke, vice pres.—Traffic Division; Ashley Ward Lott, vice pres., Traffic—West Coast Division; Ralph Joseph Marse, vice pres.—Operating Division; Robert Fort Rader, vice pres.; James Glover Tompkins, vice pres.—West Coast Division; Joseph Torregrossa, vice pres.—Caribbean Division; J. J. Creevy, comptroller; A. J. Sanchez, asst. comptroller-asst. sec.; T. L. Abernathy, asst. treas.; J. P. O'Kelly, asst. sec.; Douglas L. Clarke, asst. sec.

341; Marine Forwarding and Shipping Co., Inc., 124 Camp Street (12)—Albert B. Barone, pres.-director; Gladys M. Schofield, vice pres.-sec.-director and acting treas.; Edward R. Schofield, treas., on active reserve duty, U.S. Army; Ernest A. H. Schofield, director; John F. Hartmann, Sr., director.

187; Mississippi Valley Forwarding Co., 4021 Carondelet Street (15)—Individual.

914; Ovalle, M. J., 4305-A South Carrollton Avenue (19)—Individual.

245; Pan-American Shipping Co., 527 Canal Street (16)—Partnership: Harold L. Boihem, senior partner; C. A. Zitzmann, Jr., junior partner; F. J. Zitzmann, junior partner.

242; Renshaw, Inc., H. S., 610 Poydras Street, P.O. Box 999 (12)—Norman A. Renshaw, pres.; Kathleen D. Renshaw, vice pres.; Louis Flores, sec.-treas.

88; Richeson & Sons, Inc., W. L., 442 Canal Street, P.O. Box 248—Edward R. Richeson, vice pres.-treas.; R. N. Shaw, sec.; Joseph R. Surgi, office manager.

402; Rogers Terminal and Shipping Corp., 1004 International Building (12)—Calvin J. Anderson, sec.; Clifford H. Axelson, vice pres.; Robert P. Berkey, pres. and director; Milton C. Bondus, vice pres.; Lee D. Canterbury, vice pres.; H. Robert Diercks, director; Raymond W. King, exec. vice pres.; Donald C. Levin, director; Whitney MacMillan, director; John F. McGrory, asst. sec.; Charles W. Mooers, treas.; W. Royce Salisbury, vice pres-director; Maitland D. Wyard, director.

523; Rueff, Inc., Geo. Wm., 107 Camp Street (12)—D. W. Tuttle, pres. and director; I. R. Siener, vice pres.-treas.-director; F. X. Hogan, sec.; Fred Jacob, director.

276; Transoceanic Shipping Co., 505 Pan American Building, 610 Poydras Street (12)—Basil Rusovich, Jr., pres.; Basil J. Rusovich, Sr., vice pres.; Roland J. Ledet, vice pres.; Marie L. Cronan, vice pres.; Shelley Schuster, board chairman.

165; Tujague, Inc., Gerard F., 442 Canal Street, P.O. Box 935 (8)—Gerard F. Tujague, pres.; F. DiBendetto, vice pres.; B. J. Edler, treas.; Evelyen M. Burt, director; Max M. Heinemann, director.

167; Westfeldt Brothers Forwarders, Inc., 524 Gravier Street—George G. Westfeldt, Jr., pres.; Wallace O. Westfeldt, vice pres.; E. A. Leonhardt, sec.-treas.; Charles R. Penot, asst. sec.

288; Wichterich & Co., Al G., 321 St. Charles Avenue, P.O. Box 982—Partnership: Al G. Wichterich, partner; Mrs. Anna Stein, silent partner.

348; Williams Inc., J. G. R., 231 Carondelet Street (12)—H. G. Williams, pres.-director; J. G. R. Williams 2d, sec.-treas. and director; Mrs. H. G. Williams, vice pres.

171; Win-Mar, Inc., 302 Magazine Street (12)—Francis J. Prevost, pres.; Victor E. Castillo, vice pres.; Ernest J. Elvir, sec.

752; Zanes and Co. of La., Inc., W. R., 442 Canal Street (16)—John F. Guenther, Jr., pres. and director; W. R. Zanes, Sr., vice pres.-chairman; W. R. Zanes, Jr., vice pres.-director; R. D. Hancock, vice pres.-director; Glover Funderburk, treas.-director; Sidney E. Gaudin, Jr., vice pres. and sec.; Wm. St. John, Jr., vice pres.

752; Zanes and Co., W. R., 1300 Prairie Avenue, Houston 2, Tex.—W. R. Zanes, Jr., vice pres.-director; W. R. Zanes, Sr., pres.-director; R. D. Hancock, sec.-vice pres.-director; Glover Funderburk, treas.-director; Mary McDonnold, vice pres.; J. F. Guenther, Jr., vice pres.

Dated: July 24, 1962.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 62-7450; Filed, July 27, 1962; 8:53 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. E-7044]

## IOWA SOUTHERN UTILITIES CO.

### Notice of Application

JULY 23, 1962.

Take notice that on July 18, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Southern Utilities Company (Applicant) for authorization to issue and sell 10,000 additional shares of its Common Stock, par value $15 per share. Applicant, incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Iowa and Illinois, provides electric and natural gas service in the State of Iowa, its principal place of business being located in Centerville, Iowa.

Applicant proposes to issue and sell to its employees up to but not exceeding 10,000 additional shares of its Common Stock, par value $15 per share, in accordance with the terms and conditions of its Employee Stock Purchase Plan, a copy of which is filed as an exhibit to its application. The sales will be made through payroll deductions; the offering price per share will be 95 percent of the over-the-counter market bid price on designated Price Dates as published in the Midwest Edition of The Wall Street Journal, but will not be less than $15 per share. Any fraction of a cent will be rounded up. The Price Dates will be December 15 for a July 1 to December 31 Payment Period and June 15 for a January 1 to June 30 Payment Period. (If no closing market price is available on a particular December 15 or June 15, the Price Date will be the next preceding day on which such a price was available.) Applicant states that the net proceeds realized from the sale of the additional shares of its Common Stock dedicated to the Employee Stock Purchase Plan is estimated at approximately $331,000, and will be used for Applicant's general corporate purposes.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 13th day of August, 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 62-7415; Filed, July 27, 1962; 8:48 a.m.]

# FEDERAL RESERVE SYSTEM

## CITIZENS BANK OF PERRY, N.Y.

### Order Approving Merger of Banks

In the matter of the application of The Citizens Bank of Perry, N.Y., for approval of merger with The First National Bank of Perry.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Citizens Bank of Perry, N.Y., Perry, New York, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Perry, Perry, New York, also a member bank of the Federal Reserve System, under the charter of the former and title of The Bank of Perry and, as an incident to the merger, a branch would be operated for one year at the location of The Citizens Bank of Perry, N.Y. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

*It is hereby ordered,* For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

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

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 62-7416; Filed, July 27, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governors Robertson and Mitchell also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and King. Voting against this action: Governors Robertson and Mitchell.

# INTERSTATE COMMERCE COMMISSION

[Notice 670]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 25, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 64832. By order of July 18, 1962, Division 3, Acting as an Appellate Division, approved the transfer to Henry Schmaelzle, doing business as Henry Schmaelzle Transportation, New Haven, Conn., of a portion of the operating rights in Certificate No. MC 69917, issued May 11, 1960, to H & B Freightways, Inc., West Haven, Conn., authorizing the transportation of: Scrap metals, between points in Connecticut, on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey other than those within 15 miles of Jersey City, N.J. Reubin Kaminsky, 410 Asylum Street., Hartford 3, Conn., attorney for applicants.

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

[F.R. Doc. 62–7438; Filed, July 27, 1962; 8:52 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–2260]

## AMERICAN BERYLLIUM & OIL CORP. Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 23, 1962.

I. Great Divide Oil Corporation (issuer), a corporation, Salt Lake Stock Exchange Bldg., Salt Lake City, Utah, filed its notification on October 11, 1957 and its offering circular relating to the offer of 300,000 shares of common stock of a par value of 10 cents per share at an offering price of $1 per share for an aggregate of $300,000 and filed various amendments thereto 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 thereunder. On July 27, 1961, the company changed its name to American Beryllium & Oil Corporation.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. Elmer K. Aagaard, president, director, promoter and underwriter, has been expelled from the National Association of Securities Dealers for conduct contrary to high standards of commercial honor and just and equitable principles of trade.

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, in the failure to disclose in Item 6(c) of the notification the expulsion from membership in the National Association of Securities Dealers.

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

By the Commission.

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

[F.R. Doc. 62–7423; Filed, July 27, 1962; 8:49 a.m.]

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[File No. 1–3848]

## APEX MINERALS CORP.

### Order Summarily Suspending Trading

JULY 24, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

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

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

*It is ordered,* Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 25, 1962, to August 3, 1962, both dates inclusive.

By the Commission.

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

[F.R. Doc. 62–7424; Filed, July 27, 1962; 8:49 a.m.]

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[File No. 1–4579]

## AUTOMATED PROCEDURES CORP.

### Order Summarily Suspending Trading

JULY 23, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

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

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

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

By the Commission.

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

[F.R. Doc. 62–7425; Filed, July 27, 1962; 8:49 a.m.]

[File No. 24A-1416]

## GLAS FOAM CORP.

### Notice and Order for Hearing

I. Glas Foam Corporation (Issuer), a Delaware corporation, last known address 1071 East 52d Street, Hialeah, Florida, filed with the Commission on September 28, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of $0.10 par value common stock at $3.00 per share for an aggregate amount 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) and Regulation A promulgated thereunder. Martinelli & Company, Inc., 79 Wall Street, New York 5, New York, was named as underwriter on a best efforts basis. The offering commenced on December 5, 1960. On May 31, 1961, the Form 2-A was filed stating that all shares offered had been sold.

II. The Commission on June 14, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

*It is hereby ordered,* Pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that a hearing be held at the Atlanta Regional Office, Suite 138, 1371 Peachtree Street NE., Atlanta, Georgia, at 10:00 a.m., e.d.t., on August 28, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the exemption under Regulation A was available in that the aggregate offering price of the securities of the issuer and those securities sold in violation of section 5 of the Securities Act of 1933, to persons falsely listed as promoters, exceeded the $300,000 ceiling limitation imposed by Rule 254(a).

B. Whether the terms and conditions of Regulation A have been complied with in that

1. The Offering Circular fails to disclose certain direct and indirect interests of officers, directors, and persons occupying a control relationship with the issuer, which are required by paragraph 9(c) of Schedule I.

2. The offering circular fails to disclose the amount of proceeds from the sale of this issue to be paid to officers and directors of the issuer as required by paragraph 6(a) of Schedule I.

C. Whether the offering circular contains untrue statements of material facts, and omits 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 cost of real estate without disclosing the markup in the value of such land acquired by the issuer from an agent of an insider in a non-arms-length transaction;

2. A statement in the offering circular that all material interests of officers, directors, controlling persons and affiliates of the issuer have been disclosed, when, in fact there were:

(a) Undisclosed loans to and from officers and directors by the issuer;

(b) An obligation arising from a sale to the president of the issuer, and

(c) Undisclosed transactions between the issuer and its General Manager, whose controlling relationship with the issuer and his active role in the management of the company during the absence of its nonresident president, was not disclosed.

3. The issuer's ability to fulfill a contract for the sale by the issuer of boats to a distributor, without disclosing that the issuer had received notice of cancellation of said contract because of nonfulfillment on its part.

D. Whether the Form 2-A fails to disclose the use of proceeds from the offering to repay loans from officers and directors, and to pay a finder's fee in connection with the offering.

E. Whether the offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered,* That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail on Glas Foam Corporation; and that a notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise to participate in the hearing, shall file with the Secretary of the Commission on or before August 24, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's Rules of Practice.

*It is further ordered,* That Glas Foam Corporation pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Glas Foam Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

*Notice is hereby given* that if Glas Foam Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Glas Foam Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

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

[F.R. Doc. 62-7426; Filed, July 27, 1962; 8:50 a.m.]

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[File No. 24SF-2835]

## FRED HARVEY ASSOCIATES, INC.

### Notice and Order for Hearing

JULY 23, 1962.

I. Fred Harvey Associates, Inc. (issuer), Queens Canyon, Mineral County, Nevada, incorporated in Nevada on September 3, 1959, to succeed to a previously conducted mining partnership, filed with the Commission on January 9, 1961, a notification and offering circular relating to an offering of 50,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $50,000, 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) thereof and Regulation A promulgated thereunder.

II. The Commission on June 29, 1962, issued an order, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

*It is hereby ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Los Angeles Branch Office, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, at 10:00 P.d.s.t., on August 27, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that the issuer, its officers, directors and promoters have failed to cooperate by withholding basic information requested in deficiency letters.

B. Whether the offering circular omits to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading with respect to:

1. Receipts and disbursements of issuer for the two years preceding the date

of the financial statements, and the content of and valuation of assets in the financial statements;

2. The interests of participants in the predecessor, which were the bases for the allocation of shares of the issuer for the property of the predecessor, and the cash costs attributable to such interests; and

3. The bases for allocation of shares of the issuer for prior cash contributions, and the identity of certain of the contributors.

4. The offering of 25,671 shares in violation of the registration requirements of section 5 of the Securities Act of 1933 giving rise to undisclosed contingent liabilities against issuer.

C. Whether the offering, if made, would be made in violation of Section 17 of the Securities Act of 1933, as amended.

*It is further ordered*, That Frederick Zazove or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail on Fred Harvey Associates, Inc. and that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before August 24, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's Rules of Practice.

*It is further ordered*, That Fred Harvey Associates, Inc. pursuant to Rule 7 of the Rules of Practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Fred Harvey Associates, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Fred Harvey Associates, Inc., fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Fred Harvey Associates, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

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

[F.R. Doc. 62-7427; Filed, July 27, 1962; 8:50 a.m.]

[File No. 1-4597]

## INDUSTRIAL ENTERPRISES, INC.

### Order Summarily Suspending Trading

JULY 23, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

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

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

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

By the Commission.

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

[F.R. Doc. 62-7428; Filed, July 27, 1962; 8:50 a.m.]

[File No. 811-1009]

## LINCOLN FUND, INC.

### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 23, 1962.

Notice is hereby given that The Lincoln Fund, Incorporated ("Applicant"), 300 Main Street, New Britain, Connecticut, a Delaware corporation and an open-end nondiversified management company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

Applicant makes the following representations in its application.

The Applicant has not more than twenty-eight beneficial owners of its common stock, is not making and does not presently propose to make a public offering of its securities, and has applied for withdrawal of its registration statement pursuant to Rule 477 of the Securities Act of 1933.

Section 8(f) of the Act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 6, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 62-7429; Filed, July 27, 1962; 8:50 a.m.]

[File No. 811-1074]

## STRATFORD CAPITAL CORP.

### Notice of Filing Application for Order Declaring Company Has Ceased To Be Investment Company

JULY 19, 1962.

Notice is hereby given that Stratford Capital Corporation ("Applicant"), 745 5th Avenue, New York 20, New York, organized under New York law and a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

Through its President and only shareholder, it has filed a Certificate of Dissolution with the Secretary of the State of New York and has filed an appropriate final Franchise Tax Report with the New York State Tax Commission and has further filed a final return with the United States Government.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by

order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 3, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 62–7430; Filed, July 27, 1962; 8:50 a.m.]

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[File No. 24SF–3007]

## TRAIL-AIRE, INC.

### Notice and Order for Hearing

JULY 23, 1962.

I. Trail-Aire, Inc. (issuer), 18033 South Santa Fe Avenue, Long Beach, California, incorporated in California on September 22, 1958, filed with the Commission on December 27, 1961, a notification and offering circular relating to an offering of 55,000 shares of its $1.00 par value common stock at $5.00 per share, for an aggregate offering of $275,000, 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) thereof and Regulation A promulgated thereunder. The offering, underwritten by Adams and Company, 5455 Wilshire Boulevard, Los Angeles 36, California, on a firm commitment basis, commenced on February 6, 1962.

II. The Commission, on June 29, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

*It is hereby ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Los Angeles Branch Office, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, at 10:00 a.m., P.d.s.t., on August 23, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

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

1. The beneficial owners of 41.7 percent of issuer's outstanding shares, prior to the public offering, who were affiliates of and control issuer, and

2. The relationship between issuer and the major purchaser of its products and services which, through the beneficial owners of 41.7 percent of issuer's outstanding shares prior to the public offering and the volume of its purchases, effectively controlled issuer.

B. Whether the offering was made in violation of section 17 of the Securities Act of 1933, as amended.

*It is further ordered,* That Frederick Zazove, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order by registered mail on Trail-Aire, Inc.; that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before August 20, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

*It is further ordered,* That Trail-Aire, Inc., pursuant to Rule 7 of the Rules of Practice of the Commission (17 CFR 201.7) shall file an answer to the allegations set forth in Section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Trail-Aire, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Trail-Aire, Inc., fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Trail-Aire, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

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

[F.R. Doc. 62–7431; Filed, July 27, 1962; 8:50 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–X–19 (Revision 2)]

## DEPUTY REGIONAL DIRECTOR, DALLAS, TEXAS

### Delegation Relating to Financial Assistance, Investment, Procurement and Technical Assistance, Administrative Functions, and Eligibility

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), (27 F.R. 6247), there is hereby redelegated to the Deputy Regional Director, Dallas Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*

By ----------
(Name)

*Deputy Regional Director.*

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involv-

ing accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurement and sales.

D. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

2. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instances for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

5. To (a) authorize or approve official travel within the Region and (b) administratively approve travel reimbursement claims.

6. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

7. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

8. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

E. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

2. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

II. All authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Regional Director.

IV. All previous authority delegated by the Regional Director to the Deputy Regional Director is hereby rescinded without prejudice to actions taken under all such delegation of authority prior to the date hereof.

Effective date: July 9, 1962.

ROBERT E. WEST,
*Regional Director, Region X, Dallas Regional Office, Small Business Administration.*

[F.R. Doc. 62–7432; Filed, July 27, 1962; 8:51 a.m.]

# TARIFF COMMISSION

## TOWELING OF FLAX, HEMP, OR RAMIE

### Tariff Commission Reports to the President

JULY 25, 1962.

The U.S. Tariff Commission today submitted to the President its fifth periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action effective July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of the order. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without causing or threatening serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 62–7434; Filed, July 27, 1962; 8:51 a.m.]

## WATCH MOVEMENTS

### Tariff Commission Reports to the President

JULY 25, 1962.

The U.S. Tariff Commission today submitted to the President its seventh periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic watch industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff

Commission, Eighth and E Streets NW., Washington 25, D.C.

DONN N. BENT,
*Secretary.*

[F.R. Doc. 62-7435; Filed, July 27, 1962; 8:51 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

## CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

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 full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulations, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

*Region I*

J. J. Newberry Co., 108 Merrimack Street, Haverhill, Mass.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

*Region III*

Davis Super Market, Inc., 730 East Pittsburgh Street, Greensburg, Pa.; effective 6-19-62 to 6-18-63 (food store; 102 employees).

Eagle Stores Co., Inc., 114 Baltimore and Annapolis Boulevard, Glen Burnie, Md.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

Glosser Bros., Inc., Johnstown, Pa.; effective 6-10-62 to 6-9-63 (department store; 426 employees).

W. T. Grant Co. (#741), 2921 North Seventh Street, Harrisburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 57 employees).

W. T. Grant Co. (#368), 58 East Main Street, Norristown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

W. T. Grant Co. (#289), 4536 Frankford Avenue, Philadelphia 24, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

W. T. Grant Co. (#747), Lancaster Avenue and Mifflin Boulevard, Reading, Pa.; effective 6-10-62 to 6-9-63 (variety store; 51 employees).

H. L. Green Co., 327 Northampton Street, Easton, Pa.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

H. L. Green Co. (#1007), 2342 North Front Street, Philadelphia 33, Pa.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

H. L. Green Co., 4460 Frankford Avenue, Philadelphia, Pa.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

H. L. Green Co. (#1052), 1015 Market Street, Philadelphia, Pa.; effective 6-10-62 to 6-9-63 (variety store; 96 employees).

H. L. Green Co. (#1114), 610 Market Street, Wilmington, Del.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

Jenny Lee Bakery, 219 Forbes Street, Pittsburgh, Pa.; effective 6-10-62 to 6-9-63 (food store; 18 employees).

S. S. Kresge Co. (#191), 2021 South Broad Street, Philadelphia 48, Pa.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

S. S. Kresge Co. (#297), 6585 Roosevelt Boulevard, Philadelphia 49, Pa.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

S. S. Kresge Co. (#53), 525 Clairton Boulevard, Pittsburgh 36, Pa.; effective 6-19-62 to 6-18-63 (variety store; 27 employees).

S. S. Kresge Co. (#282), 9 North Main Street, Pittston, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

S. S. Kresge Co. (#68), 33 Public Square, Wilkes-Barre, Pa.; effective 6-10-62 to 6-9-63 (variety store; 90 employees).

S. S. Kresge Co. (#67), 321 Pine Street, Williamsport 8, Pa.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

S. S. Kresge Co. (#285), 774 Fairmont Avenue, Baltimore 4, Md.; effective 6-10-62 to 6-9-63 (variety store; 70 employees).

S. S. Kresge Co. (#616), 1550 Havenwood Road, Baltimore 18, Md.; effective 6-10-62 to 6-9-63 (variety store; 40 employees).

S. S. Kresge Co. (#669), 1023 Fairlawn Aveune, Laurel, Md.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

S. H. Kress & Co., 1404 11th Avenue, Altoona, Pa.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

McCrory-McLellan Stores Corp. (#331), Rodney Village Shopping Center, East Dover, Del.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

McCrory-McLellan-Green Co., 215 West Lexington Street, Baltimore 1, Md.; effective 6-10-62 to 6-9-63 (variety store; 60 employees).

McCrory-McLellan-Green Co., 315 West Lexington Street, Baltimore 1, Md.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

McCrory-McLellan-Green Co. (#314), 6311 York Road, Baltimore 12, Md.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

McCrory-McLellan-Green Co. (#21), 110-114 Baltimore Street, Cumberland, Md.; effective 6-10-62 to 6-9-63 (variety store; 63 employees).

McCrory-McLellan-Green Co. (#8), 725-731 Hamilton Street, Allentown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 88 employees).

McCrory-McLellan-Green Co., 1306-1310 11th Avenue, Altoona, Pa.; effective 6-10-62 to 6-9-63 (variety store; 42 employees).

McCrory-McLellan-Green Co. (#151), 109-113 10th Street, Barnesboro, Pa.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

McCrory-McLellan-Green Co., 62-64 Main Street, Bradford, Pa.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

McCrory-McLellan-Green Co. (#55), 48-56 West Pike Street, Canonsburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

McCrory-McLellan-Green Co. (#220), 110-12 West Crawford Avenue, Connellsville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

McCrory-McLellan-Green Co. (#317), 2449-51 East Market Street, East York, Pa.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

McCrory-McLellan-Green Co., 126-30 West High Street, Ebensburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

McCrory-McLellan-Green Co. (#323), 562 West Broad Street, Hazleton, Pa.; effective 6-10-62 to 6-9-63 (variety store; 60 employees).

McCrory-McLellan-Green Co. (#1122), 301 Allegheny Street, Hollidaysburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

McCrory-McLellan-Green Co., 682-84 Philadelphia Street, Indiana, Pa.; effective 6-10-62 to 6-9-63 (variety store; 42 employees).

McCrory-McLellan-Green Co. (#80), 15-17 North Queen Street, Lancaster, Pa.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

McCrory-McLellan-Green Co. (#1066), 59 North Queen Street, Lancaster, Pa.; effective 6-10-62 to 6-9-63 (variety store; 61 employees).

McCrory-McLellan-Green Co., 824-28 Cumberland Street, Lebanon, Pa.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

McCrory-McLellan-Green Co. (#273), 14-16 East Market Street, Lewistown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

McCrory-McLellan-Green Co. (#1015), 5621 Germantown Avenue, Philadelphia, Pa.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

McCrory-McLellan-Green Co., 1006 Market Street, Philadelphia 7, Pa.; effective 6-10-62 to 6-9-63 (variety store; 77 employees).

McCrory-McLellan-Green Co. (#11), 105 East Ohio Street, Pittsburgh 12, Pa.; effective 6-10-62 to 6-9-63 (variety store; 105 employees).

McCrory-McLellan-Green Co., 314-20 Fifth Avenue, Pittsburgh 22, Pa.; effective 6-10-62 to 6-9-63 (variety store; 149 employees).

McCrory-McLellan-Green Co., 3274 North Fifth Street, Muhlenberg Shopping Plaza, Reading, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

McCrory-McLellan-Green Co., 6-12 West Market Street, York, Pa.; effective 6-10-62 to 6-9-63 (variety store; 86 employees).

McCrory-McLellan-Green Co., 24-26 North Washington Street, Easton, Md.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

McCrory-McLellan-Green Co., 217-219 Main Street, Salisbury, Md.; effective 6-20-62 to 6-19-63 (variety store; 17 employees).

McCrory-McLellan-Green Co. (#31), 50-56 West Washington Street, Hagerstown, Md.; effective 6-10-62 to 6-9-63 (variety store; 76 employees).

McCrory-McLellan-Green Co., 8649 Colesville Road, Silver Spring, Md.; effective 6-10-62 to 6-9-63 (variety store; 62 employees).

J. J. Newberry Co. (#204), 131-133 West Front Street, Berwick, Pa.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

J. J. Newberry Co. (#55), 11-13 Main Street, Bradford, Pa.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

J. J. Newberry Co. (#47), 28-34 North Main Street, Carbondale, Pa.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

J. J. Newberry Co. (#9), 18-24 South Main Street, Chambersburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 57 employees).

J. J. Newberry Co. (#14), 5 East Main Street, Ephrata, Pa.; effective 6-10-62 to 6-9-63 (variety store; 47 employees).

J. J. Newberry Co. (#226), 110 East State Street, Kennett Square, Pa.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

J. J. Newberry Co. (#127), 304 Market Street, Lewisburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

J. J. Newberry Co. (#106), Lock Haven, Pa.; effective 6–10–62 to 6–9–63 (variety store; 13 employees).

J. J. Newberry Co., 5–11 South Front Street, Milton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

J. J. Newberry Co. (#13), 19–23 North Second Street, Newport, Pa.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

J. J. Newberry Co. (#384), Oxford, Pa.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

J. J. Newberry Co., 243–245 High Street, Pottstown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

J. J. Newberry Co., 600 Main Street, Stroudsburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

J. J. Newberry Co., 106–110 East Main Street, Elkton, Md.; effective 6–10–62 to 6–9–63 (variety store; 65 employees).

J. J. Newberry Co., 142 Market Street, Pocomoke City, Md.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

Penn Traffic Co., 319–347 Washington Street, Johnstown, Pa.; effective 6–10–62 to 6–9–63 (department store; 984 employees).

Rhea's Inc., 441 Market Street, Pittsburgh 22, Pa.; effective 6–25–62 to 6–24–63 (food store; 166 employees).

F. W. Woolworth Co., 5628 The Alameda, Baltimore 12, Md.; effective 6–20–62 to 6–19–63 (variety store; 27 employees).

F. W. Woolworth Co., 5714 Ritchie Highway, Baltimore 25, Md.; effective 6–20–62 to 6–19–63 (variety store; 32 employees).

F. W. Woolworth Co., Laurel Shopping Center, Armstrong Avenue and Baltimore-Washington Boulevard, Laurel, Md.; effective 6–20–62 to 6–19–63 (variety store; 22 employees).

*Region IV*

McCrory-McLellan-Green Stores (#1121), 452 Third Street, Macon, Ga.; effective 6–10–62 to 6–9–63 (variety store; 89 employees).

Morgan & Lindsey, Inc., 1007 Denny Avenue, Pascagoula, Miss.; effective 7–5–62 to 7–4–63 (variety store; 18 employees).

Neisner Brothers, Inc. (#162), 420 Brevard Ave., Cocoa, Fla.; effective 6–10–62 to 6–9–63 (Variety store; 30 employees).

F. W. Woolworth Co., 207 Yazoo Avenue, Clarksdale, Miss.; effective 7–2–62 to 6–30–63 (variety store; 32 employees).

*Region V*

W. T. Grant Co. (#373), 240 Euclid Avenue, Cleveland, Ohio; effective 7–3–62 to 7–2–63 (variety store; 128 employees).

Klose-Out-Kelly Shoe Dept., G–5106 North Saginaw Street, Flint, Mich.; effective 7–3–62 to 7–2–63 (shoe store; 3 employees).

S. S. Kresge Co., 16 West Main Street, Ashland, Ohio; effective 7–3–62 to 7–2–63 (variety store; 10 employees).

S. S. Kresge Co., 401 Adams Street, Toledo, Ohio; effective 7–3–62 to 7–2–63 (variety store; 62 employees).

McCrory-McLellan Stores Corp. (#125), 238–40 High Street, Hamilton, Ohio; effective 7–3–62 to 7–2–63 (variety store; 15 employees).

J. J. Newberry Co. (#356), 215–221 Genesee Street, Iron River, Mich.; effective 7–3–62 to 7–2–63 (variety store; 13 employees).

*Region VII*

The J. S. Dillon & Sons Stores Co., Inc. (#38), 425 North Summit, Arkansas City, Kans.; effective 6–28–62 to 6–27–63 (food store; 29 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#2), 303 South Second, Dodge City, Kans.; effective 6–28–62 to 6–27–63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#12), 315 West Spruce, Dodge City, Kans.; effective 6–28–62 to 6–27–63 (food store; 22 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#15), 711 North Main, Garden City, Kans.; effective 6–28–62 to 6–27–63 (food store; 42 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#3), 1811 North Main, Great Bend, Kans.; effective 6–28–62 to 6–27–63 (food store; 38 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#20), 1023 North Main, Great Bend, Kans.; effective 6–28–62 to 6–27–63 (food store; 24 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#22), Main Street, Greensburg, Kans.; effective 6–28–62 to 6–27–63 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#16), 111 West Seventh, Hays, Kans.; effective 6–28–62 to 6–27–63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#1), 200 South Main, Hutchinson, Kans.; effective 6–28–62 to 6–27–63 (food store; 31 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#8), 1321 North Main, Hutchinson, Kans.; effective 6–28–62 to 6–27–63 (food store; 54 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#25), 206 West Fifth, Hutchinson, Kans.; effective 6–28–62 to 6–27–63 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#10), 734 East Fourth, Hutchinson, Kans.; effective 6–28–62 to 6–27–63 (food store; 37 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#39), 13th and Washington, Junction City, Kans.; effective 6–28–62 to 6–27–63 (food store; 24 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#9), 423 Main, Larned, Kans.; effective 6–28–62 to 6–27–63 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#23), 202 East Avenue North, Lyons, Kans.; effective 6–28–62 to 6–27–63 (food store; 18 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#17), 201 East Euclid, McPherson, Kans.; effective 6–28–62 to 6–27–63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#40), 512 Poyntz, Manhattan, Kans.; effective 6–28–62 to 6–27–63 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#6), 320 North Main, Newton, Kans.; effective 6–28–62 to 6–27–63 (food store; 37 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#24), 724 North Main, Newton, Kans.; effective 6–28–62 to 6–27–63 (food store; 17 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#21), 124 North Main, Pratt, Kans.; effective 6–28–62 to 6–27–63 (food store; 15 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#14), 419 South Main, Pratt, Kans.; effective 6–28–62 to 6–27–63 (food store; 22 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#11), 118 East Third, St. John, Kans.; effective 6–28–62 to 6–27–63 (food store; 12 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#27), 511 East Iron, Salina, Kans.; effective 6–28–62 to 6–27–63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#41), 1201 West Crawford, Salina, Kans.; effective 6–28–62 to 6–27–63 (food store; 45 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#5), 1502 South Ninth, Salina, Kans.; effective 6–28–62 to 6–27–63 (food store; 52 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#7), 212 Broadway, Sterling, Kans.; effective 6–28–62 to 6–27–63 (food store; 10 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#45), 124 West Harvey, Wellington, Kans.; effective 6–28–62 to 6–27–63 (food store; 13 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#33), 966 Parklane, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 25 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#4), 1401 North Waco, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#31), 1640 South Broadway, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 18 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#30), 1642 West Douglas, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 24 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#26), 1807 East Kellogg, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food stores; 29 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#32), 1900 East Pawnee, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 19 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#18), 2201 East Central, Wichita, Kans.; effective 6–28–2 to 6–27–63 (food store; 17 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#28), 3113 South Seneca, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#36), 3319 Oaklawn Place, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 14 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#42), 4801 East Central, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 25 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#19), 8021 East Kellogg, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 36 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#29), 8829 West Central, Wichita, Kans.; effective 6–28–62 to 6–27–63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#37), 714 Main Street, Winfield, Kans.; effective 6–28–62 to 6–27–63 (food store; 19 employees).

Easter Super Valu, Clear Lake, Iowa; effective 7–2–62 to 7–1–63 (food store; 25 employees).

Easter Super Valu, Colfax, Iowa; effective 7–2–62 to 7–1–63 (food store; 14 employees).

Easter Super Valu, 6605 University, Des Moines, Iowa; effective 7–2–62 to 7–1–63 (food store; 25 employees).

Easter Super Valu, Norwalk, Iowa; effective 7–2–62 to 7–1–63 (food store; 13 employees).

Hested Stores Co., 1619 Stone Street, Falls City, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 13 employees).

Mammel's, Inc. (#8), 601 Wyatt Earp Boulevard, Dodge City, Kans.; effective 7–6–62 to 7–5–63 (food store; 26 employees).

Mammel's, Inc. (#2), 15 West B, Hutchinson, Kans.; effective 7–6–62 to 7–5–63 (food store; 17 employees).

Mammel's, Inc. (#3), Fifth and Monroe, Hutchinson, Kans.; effective 7–6–62 to 7–5–63 (food store; 22 employees).

Mammel's, Inc. (#5), 517 East 4, Hutchinson, Kans.; effective 7–6–62 to 7–5–63 (food store; 21 employees).

Mammel's, Inc. (#7), 2614 North Main, Hutchinson, Kans.; effective 7-6-62 to 7-5-63 (food store; 27 employees).

Mammel's, Inc. (#4), 3010 East Douglas, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 22 employees).

Mammel's, Inc. (#9), 2425 South Hillside, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 15 employees).

Mammel's, Inc. (#12), 4720 South Seneca, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 12 employees).

Mammel's, Inc. (#18), 2747 Boulevard Plaza, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 19 employees).

F. W. Woolworth Co., 109 East Sixth, Fremont, Nebr.; effective 6-25-62 to 6-24-63 (variety store; 52 employees).

*Region VIII*

Bonham's Foods, Inc., 2201 North 10th Street, McAllen, Tex.; effective 7-3-62 to 7-2-63 (food store; 19 employees).

Bonham's Foods, Inc., 905 South Closner, Edinburg, Tex.; effective 7-3-62 to 7-2-63 (food store; 13 employees).

Bonham's Foods, Inc., 3006 South Alameda, Corpus Christi, Tex.; effective 7-3-62 to 7-2-63 (food store; 24 employees).

Bonham's Foods, Inc., 4106 Ayers Street, Corpus Christi, Tex.; effective 7-3-62 to 7-2-63 (food store; 28 employees).

Bonham's Foods, Inc., 3920 South Lexington Boulevard, Corpus Christi, Tex.; effective 7-3-62 to 7-2-63 (food store; 26 employees).

Bonham's Foods, Inc., Washington at Huntington, Beeville, Tex.; effective 7-3-62 to 7-2-63 (food store; 34 employees).

Food Mart (#9), 724 North Sylvania, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 17 employees).

Food Mart (#16), 3720 Lancaster, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 13 employees).

Food Mart (#15), 3722 East Rosedale, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 22 employees).

Food Mart (#11), 6120 Camp Bowie Boulevard, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 19 employees).

Food Mart (#12), 5425 East Lancaster, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#10), 5162 Wichita, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 15 employees).

Food Mart (#1), 5401 Sheridan, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 12 employees).

Food Mart (#3), 8556 Dyer, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#4), 1015 West Third, Pecos, Tex.; effective 7-9-62 to 7-8-63 (food store; 10 employees).

Food Mart (#5), 619 West 10th, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#7), 2709 East County Road, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; eight employees).

Food Mart (#8), 301 Cincinnati, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#20), 2309 Haltom Road, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 13 employees).

Food Mart (#14), 4107 West Rosedale, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 12 employees).

Food Mart (#19), 3551 Alton Road, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 18 employees).

Food Mart (#18), 3016 Vaughn Boulevard, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#16), 5583 Alameda, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 18 employees).

Food Mart (#14), 15 Meta, Midland, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#12), 1355 East Eighth Street, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; 19 employees).

Food Mart (#11), 8824 Highway 80 East, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 10 employees).

Food Mart (#10), 550 North Main, Las Cruces, N. Mex.; effective 7-9-62 to 7-8-63 (food store; 13 employees).

Food Mart (#20), 523-633 42d Street, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#21), 1300 10th Street, Alamogordo, N. Mex.; effective 7-9-62 to 7-8-63 (food store; 27 employees).

Food Mart (#19), 504 East Noble, Midland, Tex.; effective 7-9-62 to 7-8-63 (food store; 23 employees).

Food Mart (#18), 527 Broadway, Truth and Consequences, N. Mex.; effective 7-9-62 to 7-8-63 (food store; 12 employees).

Food Mart (#26), 1003 Avenue D, Cisco, Tex.; effective 7-9-62 to 7-8-63 (food store; nine employees).

Food Mart (#22), 7750 North Loop Road, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 14 employees).

Food Mart (#17), 1000 Chelsea, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 41 employees).

Food Mart (#21), 3821 South West Boulevard, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 16 employees).

Food Mart (#23), 4817 Odessa, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 16 employees).

Food Mart (#24), 303 Main Street, Ranger, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#22), 1608 Hemphill, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 18 employees).

Food Mart (#25), 114 West Olive, Eastland, Tex.; effective 7-9-62 to 7-8-63 (food store; nine employees).

Neisner Brothers, Inc. (#155), 300 Tarpon Inn Village, Freeport, Tex.; effective 7-5-62 to 7-4-63 (variety store; 14 employees).

Terry Farris (#5411), 308 East Main Street, Alice, Tex.; effective 6-10-62 to 6-9-63 (variety store; 11 employees).

Terry Farris (#5407), 1215 East Elizabeth, Brownsville, Tex.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

Terry Farris (#5408), 106 North Shelby, Carthage, Tex.; effective 6-10-62 to 6-9-63 (variety store; three employees).

Terry Farris (#5401), 106 South 12th Street, Edinburg, Tex.; effective 6-10-62 to 6-9-63 (variety store; 12 employees).

Terry Farris (#5419), 124 South 15th Street, McAllen, Tex.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

Terry Farris (#5402), 394 West Hildago Avenue, Raymondville, Tex.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

Terry Farris (#5415), 101 West Sinton, Sinton, Tex.; effective 6-10-62 to 6-9-63 (variety store; six employees).

Terry Farris (#5416), 19 North Main Street, Temple, Tex.; effective 6-10-62 to 6-9-63 (variety store; nine employees).

Sterling's of Jacksonville, Inc., Jacksonville, Ark.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

F. W. Woolworth Co., 132 West Main Street, Grand Prairie, Tex.; effective 7-3-62 to 7-2-63 (variety store; 20 employees).

F. W. Woolworth Co. (#1007), 218 North Mesa, El Paso, Tex.; effective 7-6-62 to 7-5-63 (variety store; 64 employees).

*Region IX*

C. R. Anthony Co., 5050 West Indian School Road, Phoenix, Ariz.; effective 7-6-62 to 7-5-63 (department store; 15 employees).

S. H. Kress and Co., 1117 Fort Street, Honolulu 13, Hawaii; effective 7-5-62 to 7-4-63 (variety store; 142 employees).

*Region X*

Cherokee Food Town, 427 Cherokee Boulevard, Chattanooga, Tenn.; effective 7-1-62 to 6-30-63 (food store; 30 employees).

Colonial Stores, Inc., 4350 Ringgold Road, Chattanooga, Tenn.; effective 6-11-62 to 6-10-63 (food store; 15 employees).

Colonial Stores, Inc., 2805 East 50th Street, Chattanooga, Tenn.; effective 6-11-62 to 6-10-63 (food store; 12 employees).

Colonial Stores, Inc. (#4204), 120-140 Arnett Boulevard, Danville, Va.; effective 6-11-62 to 6-10-63 (food store; 26 employees).

Colonial Stores, Inc. (#4211), 120 Liberty Street, Roanoke, Va.; effective 6-11-62 to 6-10-63 (food store; 13 employees).

Colonial Stores, Inc. (#4305), 514 Wilborn Avenue, South Boston, Va.; effective 6-11-62 to 6-10-63 (food store; 23 employees).

Cooper & Ratcliff, Inc., Bassett, Va.; effective 6-28-62 to 6-27-63 (food store; 22 employees).

Daisy, Pruett's Food Town, Inc., Daisy, Tenn.; effective 7-1-62 to 6-30-63 (food store; 29 employees).

Pruett's Food Town, Inc., 2108 East Third Street, Chattanooga, Tenn.; effective 7-1-62 to 6-30-63 (food store; 48 employees).

Rose's 5-10-25¢ Stores (#144), 7023 Three Chopt Road, Richmond, Va.; effective 7-3-62 to 7-2-63 (variety store; 21 employees).

Rose's 5-10-25¢ Stores, South Boston, Va.; effective 7-2-62 to 7-1-63 (variety store; 32 employees).

NORTH CAROLINA

Rose's 5-10-25¢ Stores, Inc. (#50), 206-208 North Queen Street, Kinston, N.C.; effective 7-2-62 to 7-1-63 (variety store; 30 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. 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 519.9.

Signed at Washington, D.C., this 23d day of July 1962.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 62-7433; Filed, July 27, 1962; 8:51 a.m.]

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